

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 November 2023

DOCKET NUMBER: AR20100013829

APPLICANT REQUESTS: in effect, reconsideration of her previous request for removal of the general officer memorandum of reprimand (GOMOR), 11 January 2010, from her Army Military Human Resource Record (AMHRR).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Self-authored Memorandum (Request Deletion of Administrative Memorandum of Reprimand on the Basis of "Unjust"), 26 April 2021
- three DA Forms 2823 (Sworn Statement), 20 October 2009 to 22 October 2009
- three DA Forms 67-10-1 (Company Grade Plate (O1-O3; WO1-CW2) Officer Evaluation Report (OER)) covering the periods 2 August 2018 through 21 August 2020
- U.S. Army Human Resources Command Orders B-08-905484, 19 August 2019
- Standard Form 50 (Notification of Personnel Action), 23 October 2022

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20100013829 on 20 December 2010.

2. The applicant states she was a newly direct-commissioned Reserve officer in 2010 who attended the Basic Officer Leadership Course II (BOLC II) at Fort Benning, GA. She attended BOLC II in a student capacity under the directive of senior officer and noncommissioned officer (NCO) cadre. An investigation occurred regarding cadre and student interactions. It was discovered that out of eight female students, four female students were inappropriately texted directly by cadre within her platoon during BOLC II, resulting in a GOMOR being added to her military records. She feels it was unjust and requests removal of the GOMOR from her record. In January 2019, her request for transfer of the GOMOR to the restricted folder of her AMHRR was approved by the Department of the Army Suitability Evaluation Board (DASEB) and the action was

completed. She is now requesting removal of the GOMOR from her AMHRR in its entirety.

a. Of the eight female students, four female students were inappropriately texted directly by cadre. Of the four female students, two were African American Reservists, to include her and her roommate. The other two were Caucasian Active Component females. The outcome of the investigation found that 50 percent of the female students within her platoon were contacted by cadre in charge of their platoon throughout BOLC II. The female students visited the cadre's home, reported consuming alcohol, joined the cadre in the hot tub, and stayed at the cadre's home for approximately 45 minutes before leaving the cadre's home. Of the four female students, she and Second Lieutenant (2LT) L____ N. F____, an African American Reservist, were reprimanded. The two Caucasian Active Component females, 2LT A____ P____ and 2LT S____ E. H____, were not reprimanded even though they reported going to the cadre's home and consuming alcohol. 2LT J____ C. S____ reported several additional female students were solicited by the same two cadre during commanding general's tenure. She wasn't alone in being targeted by cadre. Any selected female students arriving to BOLC under the command to begin their Army career were already a target for harassment. Each of them remained silent and stayed cordial. Being silent and nice does not mean she was comfortable; it just means she did not know how to handle the situation at the time without making her short period there uncomfortable.

b. She went to Applebee's with her roommate to celebrate passing land navigation. When they were finishing up their lunch, the cadre texted 2LT F____ to ask if she passed. She said, "Yes." He asked, "What are you guys doing?" and they stated they were finishing up at Applebee's. The cadre asked them to wait there because he was passing by Applebee's on his way home and wanted to swing by to say congratulations. They did not contact the cadre nor did they invite the cadre. As a student or even as an employee, she would have obliged out of respect if someone in her chain of command requested anything that was not harmful or illegal. The cadre did not sit at their table or eat with them because they were already finished and paid their bill.

c. In the parking lot of Applebee's, they asked if there were a nearby mall to purchase running shoes. The cadre recommended a mall and told them to follow him and he would show them where. She has reflected on this incident for 4,015 days – on how naïve she was – and she would have politely said, "Thanks for the offer, if you could just give us directions that would be great" if she had it to over.

d. The GOMOR states another student heard her say the name "J____" while talking to someone else and he assumed she was referring to the cadre. She was not aware of anyone's first name. If anyone heard her say "J____," her husband's name at that time was J____ A. A____. She has called her ex-husband "J____" since they were in junior high school. She spoke a lot about her husband during that time, because he

was competing in a body building competition while he was in Korea. She found it cruel that an assumption became a false narrative deemed appropriate to indicate in the GOMOR. She is not sure how to disprove an overhead conversation. All she can provide is her previous marriage certificate with her ex-husband's name reflecting "J_____."

e. Direct-commissioned officers are not required to attend BOLC. She and her Reserve unit at the time did not practice land navigation during drill weekends, so she accepted when offered to be given remedial training by a captain (CPT). Although this was not addressed in the GOMOR and she contemplated removing this paragraph, she must answer why she did not report anything. The night she left the barracks was not to take a physical fitness test as assumed by one of the students, it was because the male, African American officer in charge told her to meet him near the van and he would run through the fundamentals on navigation after counseling her for not passing the first time. They arrived at the site and he parked the car near the woods. He turned off the car and asked her if she had ever given oral sex before. Holding her compass in her hand, she silently sat there and listened to him ramble. She stayed polite, smiled, and remained cordial. In that moment she was more afraid to show signs that she felt uncomfortable to end up making him uncomfortable. She stayed nice and smiling because she did not want to make her short time uncomfortable or have the CPT think she would report him. The CPT eventually took her back to the barracks after doing a quick crash course on identifying terrain features on the map based on where they were and that was their last interaction.

f. The intent of her request is not to point blame, but instead clarify misrepresented information and to request fair and equal treatment that was afforded to the two Active Component Caucasian females in her platoon. She is requesting removal of the GOMOR from AMHRR in its entirety. This event from 11 years ago is not a reflection of her character or her ability to lead others. Because of her experience, she is a strong advocate for sexual harassment/assault response for men and women. She believes the military 11 years ago is a different military today. She requests removal of the GOMOR from her AMHRR so she may have peace, begin healing, and move forward.

3. Following prior enlisted service in the U.S. Army Reserve, she was appointed as a Reserve commissioned officer of the Army on 23 February 2009.

4. Her record contains a Fort Benning Form 1059 (BOLC II Evaluation Report) showing she attended BOLC II at Fort Benning, GA, from 7 September 2009 through 22 October 2009.

5. Three sworn statements from 2LT S_____ and 2LT H_____, 20 October 2009 to 22 October 2009, state, in effect, they were aware of the improper relationship between NCOs and commissioned officers while enrolled in BOLC II. They received a series a

text messages from NCO cadre members about their daily activities and recalled visiting the cadre's home, reported consuming alcohol, joined the cadre in the hot tub, and being invited to a barbecue at NCO off-post housing.

6. On 2 November 2009, she became the subject of an Army Regulation 15-6 (Procedures for Administrative Investigations and Boards of Officers) investigation into allegations of improper relationships between her, her roommate, and two NCO cadre members. The investigation determined that improper relationships occurred between the four members while enrolled in BOLC II.

7. On 11 January 2010, she received a GOMOR for engaging in an inappropriate relationship with enlisted cadre members while attending BOLC II.

a. On 13 January she acknowledged receipt of the GOMOR.

b. On 22 January 2010, she elected to submit a rebuttal to the GOMOR wherein she requested locally filing the GOMOR rather than filing in her Official Military Personnel File (OMPF).

c. On 11 February 2010, the imposing officer directed filing the GOMOR in her OMPF. The Army Regulation 15-6 report of investigation was filed in the restricted folder of her OMPF.

8. On 20 December 2010 in ABCMR Docket Number AR20100013829, the Board denied the applicant's request for removal of the Army Regulation 15-6 report of investigation and GOMOR from her OMPF. The board determined:

a. The applicant's contention that the GOMOR was unjust because it was based on perceptions of rumors was noted and appeared to lack merit. Not only did the investigating officer believe the preponderance of the evidence showed she had committed the offenses for which she was accused, she was also unable to convince the imposing officer of her innocence on appeal.

b. The available evidence clearly showed the applicant's conduct at the time was not the conduct expected of a commissioned officer with the amount of service and experience she had as a prior NCO before being commissioned.

c. The GOMOR was properly imposed in compliance with the applicable regulations and was properly filed in her OMPF. Likewise, the Army Regulation 15-6 report of investigation was properly filed in the restricted folder of her OMPF.

d. The evidence presented did not demonstrate the existence of probable error or injustice.

9. On 16 January 2019 in Docket Number AR20180014554, the DASEB granted partial relief of her request for removal of the GOMOR from her AMHRR. As a result, the GOMOR was transferred to the restricted folder of her AMHRR.

10. U.S. Army Human Resources Command Orders B-08-905484, 19 August 2019, promoted her to the rank of major effective 29 July 2019; and

11. Her OERs covering the periods 2 August 2018 through 21 August 2020 show her senior rater rated her potential compared with officers senior rated in the same grade as "Highly Qualified."

12. The Standard Form 50 (Notification of Personnel Action), 23 October 2022, shows she was employed as a Human Resources Specialist in the Office of the Secretary of the Army.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was warranted. The Board carefully considered the applicant's contentions, military records, and regulatory guidance. The Board considered the circumstances which led to the GOMAR and found the evidence presented sufficient to determine the existence of a probable error or injustice and a recommendation for relief is warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by removal of the General Officer Memorandum of Reprimand and all related documents from the Army Military Human Resource Record.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Army Regulation 600-37 (Unfavorable Information), 10 April 2018, sets forth policies and procedures to authorize placement of unfavorable information about Army members in individual official personnel files; ensured that unfavorable information that is unsubstantiated, irrelevant, untimely, or incomplete is not filed in individual official personnel files; and ensured that the best interests of both the Army and the Soldier are served by authorizing unfavorable information to be placed in and, when appropriate, removed from official personnel files.

a. Chapter 3 (Unfavorable Information in Official Personnel Files) states an administrative memorandum of reprimand may be issued by an individual's commander, by superiors in the chain of command, and by any general officer or officer exercising general court-martial jurisdiction over the Soldier. The memorandum must be referred to the recipient and the referral must include and list applicable portions of investigations, reports, or other documents that serve as a basis for the reprimand. Statements or other evidence furnished by the recipient must be reviewed and considered before a filing determination is made.

b. Paragraph 3-5 (Filing of Nonpunitive Administrative Memoranda of Reprimand, Admonition, or Censure) states nonpunitive administrative letters of reprimand, admonition, or censure in official personnel files, such as a memorandum of reprimand, may be filed in a Soldier's AMHRR only upon the order of a general officer-level authority and is to be filed in the performance folder. The direction for filing is to be contained in an endorsement or addendum to the memorandum. If the reprimand is to be filed in the AMHRR, the recipient's submissions are to be attached. Once filed in the AMHRR, the reprimand and associated documents are permanent unless removed in accordance with chapter 7 (Appeals).

c. Paragraph 7-2 (Policies and Standards) states once an official document has been properly filed in the AMHRR, it is presumed to be administratively correct and to have been filed pursuant to an objective decision by competent authority. Thereafter, the burden of proof rests with the individual concerned to provide evidence of a clear and convincing nature that the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the AMHRR.

2. Army Regulation 600-8-104 (Army Military Human Resource Records Management), 7 May 2014, prescribes policies governing the Army Military Human Resource Records Management Program. The AMHRR includes, but is not limited to, the OMPF, finance-related documents, and non-service related documents deemed necessary to store by the Army.

a. Paragraph 3-6 states that once a document is properly filed in the AMHRR, the document will not be removed from the record unless directed by the ABCMR or other authorized agency.

b. Appendix B shows letters/memorandums of reprimand, censure, and admonition are filed in the performance folder unless directed otherwise by the DASEB.

//NOTHING FOLLOWS//