

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2024

DOCKET NUMBER: AR20230006751

APPLICANT REQUESTS:

a. correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 7 February 2022 as follows:

- block 18 (Remarks) – removal of the remarks referencing her educational debt
- block 28 (Narrative Reason for Separation) – removal of "Unacceptable Authority" and replacement with an unspecified reason

b. a personal appearance hearing before the Board via video/telephone.

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)
- DD Form 214
- Project Management Professional Certificate, 20 November 2022
- Defense Finance and Accounting Service (DFAS) Letter, 20 December 2022

FACTS:

1. The applicant states she would appreciate removal of the remarks referencing her educational debt from her DD Form 214 because payment of the debt has been fulfilled. Additionally, the narrative reason for separation of "Unacceptable Conduct" negatively impacts her employment opportunities and harms her mental stability.

2. The portion of her request pertaining to her narrative reason for separation is being considered by the Army Discharge Review Board. As a result, this portion of her request will not be discussed further in this Record of Proceedings.

3. The applicant signed an Oath of Allegiance – U.S. Military Academy. She indicated that having been appointed a cadet of the United States Military Academy, she greed:

a. To complete the course of instruction at the United States Military Academy.

b. If tendered an appointment as a commissioned officer in one of the armed services upon graduation from the United States Military Academy, to accept such appointment and to serve under such appointment on active duty for at least five consecutive years immediately after such appointment; if my initial appointment hereunder is in a Reserve Component, to accept a commission in a Regular Component if subsequently tendered during the five consecutive years immediately after her initial appointment, and to serve on active duty for the remainder of such period under such appointment.

c. If she voluntarily fails, or because of misconduct fails, to complete the period of active duty she would reimburse the United States in an amount that bears the same ratio to the total cost of advanced education provided her as the unserved portion of active duty bears to the total period of active duty she had agreed to serve:

4. The applicant entered the U.S. Military Academy on 15 June 2015 and graduated on 25 May 2019. She was commissioned as a Regular Army officer in the rank/grade of second lieutenant/O-1 in the Field Artillery Branch on 25 May 2019.

5. She was assigned to 2nd Battalion, 18th Field Artillery Regiment, 75th Field Artillery Brigade (Rear) (Provisional), Fort Sill, OK.

6. The County District Court Probable Cause Affidavit, 31 October 2020, states:

a. On 31 October 2020 at approximately 0202, the applicant was pulled over in Lawton, OK, after being observed failing to maintain her lane three separate times within approximately 200 feet. She was noted to have bloodshot, watery eyes; slurred speech; and an odor of an alcoholic beverage coming from her person. She performed the standardized field sobriety tests, during which she showed clues of intoxication.

b. She was placed under arrest for failure to maintain her lane and driving under the influence (DUI) of alcohol at 0211. At 0225, she was read the Oklahoma Implied Consent Test Request, and responded by verbally stating, "No sir."

c. She was transported to the Police Department where she completed the Officer's Affidavit for refusal to comply with the sobriety test. She was escorted to the city jail and booked for failure to maintain her lane and DUI refusal. She was then transported to the County Detention Center and released into their custody.

7. She was released from custody on or about 1 November 2020 and returned to Fort Sill, OK. On 2 November 2020, her immediate commander initiated an adverse action flag against her for alcohol abuse.

8. The Commanding General, Headquarters, U.S. Army Fires Center of Excellence and Fort Sill, reprimanded her in writing on 10 December 2020 wherein he stated:

On 31 October 2020, at approximately 0202, you were stopped by a Lawton Police officer for failing to maintain your lane. The officer observed your bloodshot and watery eyes, slurred speech, and an odor of alcohol coming from your person. You were administered the Standardized Field Sobriety Test, which you failed to complete satisfactorily. You then refused to provide a breath sample.

You are hereby reprimanded. As a commissioned officer, you are charged with maintaining professionalism and setting the example for your Soldiers to emulate. The ability of a military organization to accomplish its mission depends upon the professionalism of its Soldiers and Leaders. Your decision to drink and drive a vehicle under the influence put yourself and others around you at risk. Your actions demonstrate a complete lack of responsibility, self-discipline, good judgment, and call into question your ability to continue as an Army Leader.

This is an administrative reprimand imposed under the provisions of Army Regulation (AR) 600-37 not as punishment under Article 15, Uniform Code of Military Justice. You are advised that in accordance with AR 600-37, paragraph 3-5b, I am considering whether to direct this reprimand be filed permanently in your Army Military Human Resource Record. Prior to making my filing decision, I will consider any matters you submit in extenuation, mitigation, or rebuttal. You will be provided, by separate cover, a copy of the evidence which forms the basis for this reprimand. You will immediately acknowledge receipt of this reprimand in writing. You will forward any matters you wish me to consider through your chain of command, within seven (7) calendar days, using the format prescribed in AR 600-37, paragraph 3-7.

9. On 11 December 2022, she acknowledged receipt of the general officer memorandum (GOMOR) and elected to submit matters in rebuttal.

10. Her memorandum (Rebuttal to GOMOR, (Applicant)), 18 December 2022, requests consideration of her rebuttal matters and filing the administrative reprimand locally and not in her Army Military Human Resource Record (AMHRR). She sincerely apologized and accepted full responsibility and ownership for violating the Army Values. She stated, in part:

a. The current status of her civilian legal action to correct this issue include being accepted into the Diversion Program in which charges were not filed against her. Additionally, she has enrolled in the Army's Substance Use Disorder Clinical Care Program and completed Alcohol and Drug Abuse Prevention Training to correct her

mistake and understand how she can prevent such an event from happening again or to someone else she knows.

b. Throughout her time in the unit, she has genuinely enjoyed her work and performing her duties as an Army leader. Despite the challenges the Army presents, she wants absolutely nothing more than to be a part of the solution and to continue to cultivate a culture around trust and honesty.

c. In her years at the U.S. Military Academy and during my time in the 75th Brigade, the Army has taught her how to lead and serve as an officer in the Army. She is grateful to wear the uniform and to serve others.

d. If she is permitted to continue serving, her short-term goals are to deploy, support, and defend in any capacity. She will continue growing as a field artillery officer and work on pursuing her master's degree in psychology. The Army has given her priceless opportunities and she hopes to give back by continuing to serve. She will keep striving for excellence and ensure that this mistake never happens again.

e. She understands that her mistake has brought discredit upon herself, her unit and the U.S. Army who entrusted her with such a great responsibility. She is indescribably embarrassed to have placed herself in this situation and truly regrets that she failed to maintain the standards set before her. Nonetheless, she has chosen to use the situation as a learning opportunity, one that will hopefully help someone else going through a difficult time or has been through a similar experience. She is committed to conducting herself professionally, grow from this mistake, and become a better version of herself and as an officer.

11. On 23 December 2020, counsel submitted on letter on her behalf wherein he stated the applicant was arrested on 31 October 2020 for operating a motor vehicle while under the influence of alcohol. She was released the next day on Sunday, 1 November 2020, from the County Detention Center.

a. The applicant qualified for the Diversion Program with her arrest for DUI of alcohol. She has no criminal history. She caused no injuries or damages, and she posed no issues for law enforcement. As a result, the County District Attorney's Office offered to divert her case from prosecution. This means that no criminal charges are to be filed provided that she completes a drug and alcohol assessment from the local outreach program. The applicant successfully completed this assessment and said assessment has been provided to the County District Attorney's Office. The District Attorney's Office and the entire court system wants to ensure that they are not offering the diversion to a person who is having significant issues with alcohol or drugs. The applicant is not on probation; however, she would be subject to having this charge of

DUI of alcohol filed in Comanche County should she be arrested for any other offence within the next 6 months.

b. He would hope the applicant's lapse in good judgment would not overly impact her military career. She has his support as well as the support of the District Attorney's Office and the county court system in seeing that this was an isolated incident. Hopefully, she can use this incident as a learning experience for herself and others.

12. On 29 January 2021 after carefully considering the circumstances of the misconduct; the recommendations made by the applicant's chain of command; and all matters submitted by the applicant in defense, extenuation, or mitigation; the commanding general directed permanently filing the GOMOR in the applicant's AMHRR. He further directed forwarding all enclosures with the reprimand for filing as appropriate.

13. On 7 February 2022, she was honorably discharged by reason of unacceptable conduct under the provisions of Army Regulation 600-8-24. She completed 2 years, 8 months, and 13 days of net active service. Block 18 (Remarks) of her DD Form 214 states, in part:

MEMBER HAS NOT COMPLETED FIRST FULL TERM OF SERVICE//OFFICER IS A WEST POINT RECIPIENT AND IS SUBJECT TO RECOUPMENT PER AR [ARMY REGULATION] 600-8-24 PARA[GRAPH] 1-16 AND TITLE 10 UNITED STATES CODE SECTION 2005. TOTAL AMOUNT EXPENDED ON OFFICER EDUCATION IS \$239,917. THIS AMOUNT SHOULD BE PRORATED AND THE OFFICER REQUIRED TO REIMBURSE THE GOVERNMENT FOR THE COST OF HIS/HER EDUCATION NOT SATISFIED BY ACTIVE DUTY. RECOUPMENT OF \$109,770.24.

14 The DFAS letter, 20 December 2022, informed her that her debt has been paid in full, with no outstanding balance due. The debt was due to Tuition Assistance received that had not been fulfilled. DFAS records indicate that her account was placed in a paid in full status on 12/05/2022.

BOARD DISCUSSION:

1. The applicant's request for a personal appearance hearing was carefully considered. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.
2. After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted.

The applicant's contentions, her military records, and regulatory guidance were carefully considered. The evidence shows the applicant entered into an agreement with the USMA wherein she agreed that she if because of misconduct fails, to complete the period of active duty, she would reimburse the United States in an amount that bears the same ratio to the total cost of advanced education provided her as the unserved portion of active duty bears to the total period of active duty she had agreed to serve. She was discharged due to unacceptable conduct and owed the amount of money extended on her education. The DD Form 214 provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Although the applicant may have satisfied her debt after her separation, there are no provisions for removing valid entries from the DD Form 214 based on post-service favorable actions (e.g., satisfaction of debt).

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the Army Board for Correction of Military Records (ABCMR). The ABCMR will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of evidence. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management. It establishes standardized policy for preparation of the DD Form 214. The DD Form 214 provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge.

a. The detailed instructions for block 18 state to use this block for Headquarters, Department of the Army, mandatory requirements when a separate block is not available or for conditional entries. To determine if an officer has completed his or her commitment, refer to the initial active duty order, as appropriate, for the number of years the officer is ordered to active duty. Compare the active duty service obligation to the net service in block 12c (Net Active Service This Period). If block 12c is less than the officer's commitment, enter "HAS NOT."

b. There are no provisions for removing valid entries based on post-service favorable actions (e.g., satisfaction of debt).

//NOTHING FOLLOWS//