

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2024

DOCKET NUMBER: AR20230008403

APPLICANT REQUESTS THROUGH COUNSEL:

- Removal of a General Officer Memorandum of Record (GOMOR), 15 April 2022, from her Army Military Human Resource Record (AMHRR), or alternatively, removing the language regarding reprisal from the GOMOR.
- A personal appearance before the Board.

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

- DD Form 149 (Application for Correction of Military Record), 30 June 2023
- ACTS Online application, 29 September 2023
- Counsel statement, 29 June 2023
- GOMOR, Commanding General (CG), Headquarters (HQ), 101st Airborne Division, Fort Campbell, 15 April 2022
- Memorandum, CG, HQ, 101st Airborne Division, Fort Campbell, undated (Filing Determination of Administrative Reprimand)
- Memorandum, HQ, 101st Airborne Division, Fort Campbell, undated (Findings and Recommendations of a Board of Inquiry (BOI) Pertaining to (Applicant))
- DA Form 1574 (Report of Proceedings by BOI), 11 January 2023
- Summary of Proceedings, BOI, 11 January 2023
- Good Soldier Book with exhibits "a" through "cc" (71 pages)
- Memorandum, Department of the Army Suitability Evaluation Board (DASEB), dated 18 May 2023 (Resolution of Unfavorable Information for (Applicant), Case Number AR20230005110)

FACTS:

1. The applicant states, through counsel, in effect:

a. The retention of her GOMOR, dated 15 April 2022 would be in error and would be an injustice. On 15 April 2022, Major General (MG) J- P. Mc--- issued a GOMOR to the applicant and subsequently directed that reprimand be filed in her permanent file. This GOMOR reprimanded the applicant for counterproductive leadership and reprisal. MG Mc--- subsequently initiated an elimination action against her. The applicant signed an

acknowledgement of receipt of this action on 9 August 2022. This action was based upon the same grounds as the previous reprimand, which is the subject of this request. The applicant exercised her right to consideration of her case by an administrative separation board. The board hearing took place on 11 January 2022. At the Board of Inquiry, she, through counsel, directly addressed all the underlying allegations summarization of her presentation of evidence at the board follows:

b. The applicant worked with a Religious Affairs Specialist (RAS) who was not, in the applicant's view, up to the standard to be expected of a Soldier and an RAS. The applicant, as the Soldier's leader, took issue with this Soldier's shortcomings and acted to correct this behavior. The applicant found the RAS failed to complete several of the tasks assigned to her. The Soldier became disrespectful by arguing with her, talking back, and generally failing to carry herself with any deportment whatsoever. The applicant sought guidance from senior leaders within the battalion and the Chaplain Corps, but the applicant did not want to permanently damage this Soldier's career. She sought mediation over disciplinary measures. This served to further strain the relationship between them culminating in the RAS making an Equal Opportunity complaint, triggering an Army Regulation (AR) 15-6 investigation.

c. The applicant learned that she should have been clearer about her directions and orders once she realized that she had an antagonist relationship with her RAS. The RAS made false allegations against the applicant, blew everything out of proportion, took facts out of context, and took advantage of a system designed to help other Soldiers.

d. During the BOI, the RAS conceded she requested to have the applicant moved from the battalion building claiming she did not "feel safe" because she felt "uncomfortable". She only assumed the applicant treated her differently because of her racial background without any specific instances of this alleged behavior. Several witnesses testified to the RAS's disrespectful behavior towards the applicant.

e. The applicant, through counsel, directly addressed the legal and factual insufficiency for a claim of "reprisal" during the BOI, arguing that it failed to meet the required elements for a claim.

f. The BOI found the applicant's GOMOR did fail to treat Soldiers with proper dignity and respect and that she engaged in counterproductive leadership, however the BOI found that this conduct did not warrant separation from the service. The BOI found that the applicant did not act in reprisal against the Soldier (RAS) who made a complaint against her. The BOI also found this did not constitute personal misconduct and the GOMOR in her AMHRR did not warrant separation from the service; but she should be retained and transferred or reassigned.

g. Furthermore, counsel states, that if the GOMOR remains in the applicant's file it will stymie her career, undermine the intent of the BOI that she remain in service, have a significant effect on any future promotion, and eventually lead to her separation from the Army. The Board saw that she had potential for future service and recommended she be retained, though she technically met the definition of counterproductive leadership. The Board put significant weight on the testimony surrounding the RAS's unprofessional and improper behavior.

2. Counsel for the applicant provided the following documents:

a. GOMOR, 15 April 2022, issued to her by the CG Headquarters (HQ), 101st Airborne Division, which states:

(1). "You are reprimanded for your inexcusable conduct of failing to treat Soldiers with proper dignity and respect in accordance with AR 600-20 and engaging in counterproductive leadership as defined in AR 600-100. An AR 15-6 investigation revealed you created a counterproductive work environment by failing to communicate to your Soldiers and setting unrealistic timelines for them to complete vague tasks. You disrespected and belittled your subordinates in front of others. Your behavior caused your Chain of Command to lose faith in your ability to care for Headquarters and Headquarters Battalion Soldiers in an unbiased manner. Additionally, on 23 November 2021. You reprimed against a Soldier who made a complaint against you by requesting a formal meeting with the 101st Airborne Division Chaplain Command Team to discuss how the Soldier would not serve their next Chaplain well. You also stated that the Soldier should not be retained in the Chaplaincy Branch.

(2) As a Commissioned Officer. You are charged with the responsibility of setting the example for subordinates to emulate. Clearly, your actions fell below the standards expected of a Commissioned Officer in the United States Army. There is no excuse for your irresponsible and improper behavior, and further incidents of this nature may result in more serious action being taken against you. I trust that your future duty performance will reflect the degree of professionalism expected of every Commissioned Officer assigned to this command.

(3) This is an administrative reprimand imposed under the provisions of AR 600-37 and 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 AMHRR. Prior to making my filing decision, I will consider any matters you submit in extenuation, mitigation, or rebuttal".

b. Memorandum for the Staff Judge Advocate: Subject: Filing Determination of Administrative Reprimand, undated, reflects that the CG directed that the applicant's reprimand be placed permanently in her AMHRR.

c. Memorandum for Commander: Subject: Findings and Recommendations of a BOI Pertaining to [Applicant], undated, states on 11 January 2023, a BOI convened and made the following findings and recommendations:

(1) "The officer did between on or about 1 May 2021 and on or about 30 November 2021, failed to treat Soldiers with proper dignity and respect in accordance with AR 600-20, and engaging in counterproductive leadership as defined in AR 600-100. This conduct does not constitute conduct unbecoming an officer. This conduct does not warrant separation from the service.

(2) The officer did not on 23 November 2021, reprisal against a Soldier who made a complaint against you by requesting a formal meeting with the 101st Airborne Division Chaplain Command Team to discuss how the Soldier would not serve their next Chaplain well. Stating that the Soldier should not be retained in the Chaplaincy Branch. This conduct does not constitute personal misconduct. This conduct does not constitute conduct unbecoming an officer. This conduct does not warrant separation from the service.

(3) On 15 April 2022, [applicant] received a GOMOR signed by MG Mc--- for this counterproductive leadership and reprisal, which was subsequently filed in your AMHRR. This conduct does not warrant separation from the service. In view of these findings and careful consideration of the evidence before us, the board recommends that [applicant] should not be separated from service and should be retained and transferred or reassigned.

(4) The BOI recommended the Officer be retained. and approved this recommendation."

d. A Good Soldier's Book containing 71 pages of exhibits a through cc, containing copies of:

- a character witness list
- 16 character letters from Soldiers and Officers who know her
- two Army Commendation Medal Certificates, 2009 and 2019
- Army Certificate of Appreciation
- A Reserve Officer Training Corps Appreciation Plaque
- Service School Academic Evaluation Reports
- Ordained Ministry Certification
- Civilian and Military Diplomas

- Officer Evaluation Reports
- Additional military documents
- color photographs

3. A review of the applicant's service records shows:

a. The applicant was appointed as a second lieutenant in the Washington Army National Guard (WAARNG) on 18 August 2006. Her NGB Form 22 (Report of Separation and Record of Service) reflects on 22 August 2011, she submitted her resignation and was honorably discharged from the WAARNG.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects on 5 September 2016, she was ordered to active duty in the U.S Army Reserve to complete her Chaplain Officer Basic Course and was honorably released from active duty training on 3 December 2016.

c. DA Form 71 (Oath of Office – Military Personnel) reflects on 12 December 2016, she was appointed as a captain in the Regular Army Chaplain Corps.

d. On 12 August 2019, Orders 224-8001 assigned her to Headquarters and Headquarters Battalion (HHBn), 101st Airborne Division in the duty of Battalion Chaplain, with a reporting date of 10 January 2020.

e. On 28 October 2021, the Commanding Officer, HHBn, appointed an Investigating Officer (IO) to conduct an administrative investigation to determine if the applicant bullied, harassed, and engaged in counterproductive leadership behavior towards sergeant (SGT) ECC___; whether or not the applicant engaged in behaviors that discriminated against SGT ECC___ based on race, religion, gender, or sexual orientation; and provided specific instructions as to the matters and questions relevant to this investigation.

f. On 30 November 2021, the Commanding Officer, HHBn, expanded the scope of the investigation to include whether or not the applicant engaged in additional misconduct, to include whether or not the applicant engaged in reprisal against SGT ECC___, and whether or not the applicant engaged in any wrongful acts with the intent to influence or impede the outcome of the investigation.

g. An email, 23 November 2021 from the applicant to two Chaplains, states, "Gentlemen, I am requesting a formal meeting to discuss ongoing toxic patters here with SGT ECC...I am concerned here with the repeated patterns of toxicity that SGT ECC displays and i strongly believe her next Chaplain will not be served well. I am recommending she not be retained in the chaplaincy branch...Do you recommend this meeting occurs after the investigation or before?"

h. In an email from LTC MAC, dated 23 November 2021 to the applicant, it states "I believe the subject [SGT ECC] of an investigation should not be recommending the removal of their alleged victim from their MOS. This appears to be contrary of the 'retaliation and reprisal' policy and counseling that both [applicant] and SGT ECC received".

i. Memorandum: Subject: Expansion of the Scope of Investigation to Include \ Findings of Other Misconduct, dated 30 November 2021, states, in pertinent part, "in addition to investigation the ...allegations, if during the course of your investigation, you uncover evidence of any other misconduct committed by [applicant], I am expanding the scope of your investigation to make a finding as to whether [applicant] engaged in reprisal against SGT ECC and whether [applicant] engaged in any wrongful acts with the intent to influence or impede the outcome of this investigation".

j. On 9 December 2021, the IO forwarded his findings (DA Form 1674) by memorandum to the CG, 101st Division Artillery. This memorandum shows the IO:

(1) Found that the evidence:

- did not substantiate the allegation of discrimination and bullying by applicant towards SGT ECC____
- collected, showed multiple witness statements affirming the applicant being an ineffective leader that engaged in counterproductive leadership towards her chaplain assistant
- did not find any substantial evidence that the applicant discriminated against SGT ECC____ based on race, religion, gender, or sexual orientation
- showed the applicant violated her signed retaliation and reprisal prevention plan
- indicated that during the 17 October 2021 chapel incident she demonstrated underproductive leadership because of her inability to maintain her temper with erratic behavior, as described by witnesses and the applicant herself admitted she should have handled the incident differently
- showed the applicant further demonstrated counterproductive leadership by forcefully demanding her subordinate to share her personal feelings to the point her subordinate was visibly disturbed, constituting abusive authority

(2) Recommended:

- the applicant be relieved as the Battalion Chaplain for fostering a toxic work environment for not only SGT ECC___ but all her previous Chaplain assistants
- that the command leadership continued to foster an organization where it encourages subordinates to seek help when dealing with toxic leadership
- the applicant continue not to have communications with SGT ECC___
- the command take appropriate punitive or adverse administrative action against the applicant as deemed necessary

k. On 14 December 2021, the Equal Opportunity (EO) Advisor, 101st Division Artillery Brigade, provided a review to the Brigade Commander of the formal harassment/bullying complaint filed by SGT ECC___. In his memorandum, the EO advisor:

- did not concur with the IO's findings to unsubstantiate the allegations of harassment/bullying
- opined that the SGT ECC___ (complainant) did not knowingly submit false statements
- opined the alleged offender (Applicant) did not understand the impact versus the intent of her words and actions; there were distinct cultural norms that the alleged offender inheritably displayed with her actions and leadership abilities and these do not align with Army culture and infringe on the EO program
- opined the allegations investigated met the reasonable person standard of being defined as harassment and bullying
- recommended the complainant be granted her request to remain outside the sphere of influence of the alleged offender
- recommended the alleged offender be held accountable for her actions of harassment/bullying; the alleged offender has potential for professional growth and continued grooming
- recommended both parties receive conflict resolution and effective communication training

l. On 2 February 2022, the applicant responded in writing to the AR 15-16 investigation, requesting the CG disapprove several of the findings made by the IO. She requested the CG disapprove two findings and one recommendation of the IO AR 15-6 Investigation report. Specifically, in her memorandum to the CG she requested disapproval of:

- certain statements the IO relied on should be given little to no weight
- the evidence proves that several of the interviewees were influenced with a tainted and prejudiced perspective of her (and) influenced by the complainant
- she did not foster a toxic work environment as defined in AR 600-100 for any of her chaplain assistants

- the finding that her actions during the 17 October 2021 chapel incident demonstrated counterproductive leadership because of her inability to maintain her temper and erratic behavior
- the finding that she demonstrated counterproductive leadership by forcibly demanding her subordinate share personal feelings
- the recommendation that she be relieved as the Battalion Chaplain for fostering a toxic work environment not only for SGT ECC___ but for all her previous Chaplain assistants
- the findings and recommendations that the applicant bullied, harassed, and engaged in counterproductive leadership behavior toward SGT ECC___ based on her race, religion, gender, or sexual orientation

m. In an email, dated 24 February 2022, the Commanding Officer, HHBn concurred with the IO's recommendation to relieve [applicant] for her conduct (in particular, retaliation). He disagreed with the IO's findings that there was not an EO component based on her statement to him and the way she treated her subordinate (bullying)". He recommended the applicant receive a rehabilitative transfer to another unit.

n. In a memorandum, subject: Recommendation for Disposition of EO and AR 15-6 Investigation into [Applicant], dated 2 March 2022, states, the Brigade Commander concurred with the findings that the applicant engaged in counterproductive leadership and reprisal. He also agreed with the IO that there is insufficient evidence to find that applicant engaged in behavior that constitutes an EO violation, including bullying, harassment, and discrimination, and that there was insufficient evidence to find that she intended to influence the investigation. Based on her actions, he believed that the applicant is not suited for her current position as the HHBn Chaplain and he recommends she be relieved for cause, moved from her current position and be issued a GOMOR.

o. On 15 April 2022, following a review of the AR 15-6 Investigation, consideration of matters from the applicant, and consideration of a written legal review of the Office of the Staff Judge Advocate, the CG, approved the findings of the IO and:

- determined that the substantiated findings against the applicant, that she violated her Commander's Retaliation and Reprisal Prevention Plan and the findings did meet the definition of adverse information for purposes of Title 10, USC Section 615 and AR 15-6
- determined that the findings against the applicant, that she demonstrated counterproductive leadership did not meet the definition of adverse information for purposes of Title 10, USC Section 615 and Army Regulation 15-6

p. On 15 April 2022, she was reprimanded by the CG, 101st Airborne Division. The GOMOR reads, in part:

(1) You are reprimanded for your inexcusable conduct of failing to treat Soldiers with proper dignity and respect in accordance with AR 600-20 and engaging in counterproductive leadership as defined in Army Regulation 600-100. An Army Regulation 15-6 investigation revealed you created a counterproductive work environment by failing to communicate to your Soldiers and setting unrealistic timelines for them to complete vague tasks. You disrespected and belittled your subordinates in front of others. Your behavior caused your Chain of Command to lose faith in your ability to care for HHBn in an unbiased manner. Additionally, on 23 November 2021, you reprimanded against a Soldier who made a complaint against you by requesting a formal meeting with the 101st Airborne Division Chaplain Command Team to discuss how the Soldier would not serve their next Chaplain well. You also stated that the Soldier should not be retained in the Chaplaincy Branch.

(2) As a Commissioned Officer, you are charged with the responsibility of setting the example for subordinates to emulate. Clearly your actions fell below the standards expected of a Commissioned Officer in the United States Army. There is no excuse for your irresponsible and improper behavior, and further incidents of this nature may result in more serious action being taken against you. I trust that your future duty performance will reflect the degree of professionalism expected of every commissioned officer assigned to this command.

(3) This is an administrative reprimand imposed under the provisions of Army Regulation 600-37 and not as punishment under Article 15, Uniform Code of Military Justice.

q. On 15 April 2022, the CG, 101st Airborne Division, delegated authority to relieve for cause to the Brigade Commander, 101st Airborne Division.

r. On 27 April 2022, the applicant was issued a memorandum for the Notice of Intent to Relieve. This document notified her that her command was considering taking action to relieve her from her position as the Headquarters and Headquarters Battalion, 101st Airborne Division (Air Assault) Chaplain, based on a formal EO complaint. She had 10 days to provide a response before making a final determination. On the same day, she acknowledged the reprimand and that she has the opportunity to respond in extenuation, mitigation, or rebuttal and entitled to seek legal advice. She elected to submit written matters with 14 calendar days.

s. On 3 May 2022, the applicant responded by memorandum rebutting the CG, 101st Airborne Division GOMOR, requesting that the administrative reprimand be filed locally. Her rebuttal reads, in part:

(1) She was humbled by the AR 15-6 investigation and the resulting letter of reprimand. She knew her behavior was a major distraction for many individuals

throughout the entire chain of command and she was abundantly remorseful for that. The incidents of disrespect, counterproductive leadership, unrealistic demands, reprisal, and failure to set a proper example for subordinates not only fail to meet Army standards, but also her own personal vision of servant leadership.

(2) With regard to the email she sent on 23 November 2021, she acknowledged that it was a complete overreaction on her part and wrong. She was already feeling extremely wounded by the EO investigation and had a strong emotional response.

t. On 3 May 2022, she responded by memorandum to the CG, 101st Airborne Division, Notice of Intent to Relieve. Her response memorandum was effectively a copy of her GOMOR response, acknowledging responsibility for her actions, and committing to being an exemplary commissioned leader.

u. On an unspecified date, the CG, 101st Airborne Division, directed the GOMOR be permanently placed in her AMHRR.

v. On 28 August 2022, she acknowledged the filing determination by the CG, 101st Airborne Division.

w. On 11 January 2023, a Board of Inquiry convened and made findings and recommendations to the Commander, CG, 101st Airborne Division. The CG, 101st Airborne Division, approved the findings of the BOI and provided the Commander, Army Human Resources Command the findings and recommendations of the BOI. His memorandum reads, in part:

(1) The applicant, did between on or about 1 May 2021 and on or about 30 November 2021, fail to treat Soldier with proper dignity and respect in accordance with AR 600-20, and engaged in counterproductive leadership as defined in AR 600-100. This conduct did not constitute conduct unbecoming an officer. This conduct did not warrant separation from the service.

(2) The officer did not on 23 November 2021, reprise against a Soldier who made a complaint against her by requesting a formal meeting with the 101st Airborne Division Chaplain Command Team to discuss how the Soldier would not serve their next Chaplain well; stating that the Soldier should not be retained in the Chaplaincy Branch. This conduct does not constitute personal misconduct, it did not constitute conduct unbecoming an officer, and it did not warrant separation from the service.

(3) On 15 April 2022, the applicant received a GOMOR signed by the CG, 101st Airborne Division for this counterproductive leadership and reprisal which was subsequently filed in her AMHRR. This conduct did not warrant separation from the service. In view of these findings and careful consideration of the evidence, the Board

recommended she should not be separated from service and should be retrained and transferred or reassigned.

4. On 9 May 2023, and in Department of the Army, Suitability Evaluation Board (DASEB) Record of Proceedings Docket Number AR20230005110, determined the applicant's appeal to remove her GOMOR should be filed in the restricted portion of her AMHRR and the GOMOR should be filed in her AMHRR.

5. On 18 May 2023, the President, DASEB, provided Army Human Resources Command the Board's decision, noting the Board denied transfer or amendment of the GOMOR, dated 15 April 2022.

BOARD DISCUSSION:

1. 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.

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence shows an AR 15-6 investigation revealed the applicant created a counterproductive work environment by failing to communicate to her Soldiers and setting unrealistic timelines for them to complete vague tasks. She disrespected and belittled her subordinates in front of others, reprimanded against a Soldier who made a complaint against her by requesting a formal meeting with the 101st Airborne Division Chaplain Command Team to discuss how the Soldier would not serve their next Chaplain well, and stated that the Soldier should not be retained in the Chaplaincy Branch. As a result, she was issued a GOMOR that was directed to be filed in her permanent file.

b. This GOMOR reprimanded her for counterproductive leadership and reprisal. The imposing officer also initiated an elimination action against the applicant. She exercised her right to consideration of her case by a BOI. The BOI determined the GOMOR did not warrant separation. The purpose of the BOI was to give the applicant a fair and impartial hearing to determine if she should be retained in the Army. The BOI recommendations were limited to either retention or elimination and the BOI findings had no bearing on whether she was guilty of the violations that led to her being reprimanded. Retention by a BOI does not insulate an officer from consideration of the underlying derogatory information.

c. However, the Board also noted that the applicant expressed remorse and took responsibility for her actions. Additionally, the BOI recommended her retention in the Army and the DASEB found sufficient evidence to transfer the GOMOR to the restricted section of her OMPF. Given the applicant’s performance, potential, and the harsh nature of this GOMOR, and given the applicant’s persuasive argument, the Board determined as matter of justice, this GOMOR should be remove.

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 is 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 removing the General Officer Memorandum of Record (GOMOR), 15 April 2022, from her Army Military Human Resource Record.

A rectangular area containing several lines of text that has been completely redacted with black boxes. The redaction covers approximately three lines of text.

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 ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. Paragraph 2-11 states applicants do not have a right to a formal hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 600-37 (Unfavorable Information) sets forth policies and procedures to ensure the best interests of both the Army and Soldiers are served by authorizing unfavorable information to be placed in, transferred within, or removed from an individual's AMHRR.

a. 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. A memorandum of reprimand may be filed in a Soldier's OMPF 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 OMPF, the recipient's submissions are to be attached. Once filed in the OMPF, the reprimand and associated documents are permanent unless removed in accordance with chapter 7 (Appeals).

c. Paragraph 7-2 (Policies and Standards) provides that once an official document has been properly filed in the OMPF, 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 OMPF.

d. Only letters of reprimand, admonition, or censure may be the subject of an appeal for transfer to the restricted folder of the OMPF. Such documents may be appealed on the basis of proof that their intended purpose has been served and that their transfer would be in the best interest of the Army. The burden of proof rests with the recipient to provide substantial evidence that these conditions have been met.

3. Army Regulation 600-20 (Army Command Policy), currently in effect (24 July 2020), prescribes the policies and responsibilities of command, which include the Army Ready and Resilient Campaign Plan, military discipline and conduct, the Army Military Equal

Opportunity Program, the Army Harassment Prevention and Response Program, and the Army Sexual Harassment/Assault Response and Prevention Program.

a. Paragraph 2-18 Relief for cause. When a higher ranking commander loses confidence in a subordinate commander's ability to command due to misconduct, poor judgement, the subordinate's inability to complete assigned duties, or for other similar reasons, the higher ranking commander has the authority to relieve the subordinate commander. Relief is normally preceded with formal counseling by the commander or supervisor unless such action is not deemed appropriate or practical under the circumstances. Although any commander may temporarily suspend a subordinate from command, final action to relieve an officer from any command position will not be taken until after written approval is obtained from the first General officer in the chain of command of the officer being relieved. Any action purporting to finally relieve an officer from any command position prior to the required written approval will be considered for all purposes as a temporary suspension from assigned duties, rather than a final relief from command for cause.

b. Paragraph 4-19. The Army Harassment Prevention and Response Program (hazing, bullying, and discriminatory harassment). The Army is a values-based organization where everyone is expected to do what is right by treating all persons as they should be treated-with dignity and respect. Army personnel, especially those entrusted with the mantle of leadership, will lead by example and do what is right to prevent abusive treatment of others. Harassment includes but is not limited to hazing, bullying, discriminatory harassment, and other acts of misconduct.

4. Army Regulation 15-6 (Procedures for Investigating Officers and Boards of Officers) establishes procedures for investigations and boards of officers not specifically authorized by any other directive. The investigating officer or board of officers has the following responsibilities:

a. Make findings – a finding is a clear and concise statement of a fact that can be readily deduced from evidence in the record. It is directly established by evidence in the record or is a conclusion of fact by the investigating officer or board. Negative findings (for example, that the evidence does not establish a fact) are often appropriate. The number and nature of the findings required depend on the purpose of the investigation or board and on the instructions of the appointing authority. The investigating officer or board will normally not exceed the scope of findings indicated by the appointing authority. The findings will be necessary and sufficient to support each recommendation. The standard of proof for a finding is that it must be supported by a greater weight of evidence than supports a contrary conclusion, that is, evidence which, after considering all evidence presented, points to a particular conclusion as being more credible and probable than any other conclusion. The weight of the evidence is not determined by the number of witnesses or volume of exhibits, but by considering all the

evidence and evaluating such factors as the witness's demeanor, opportunity for knowledge, information possessed, ability to recall and relate events, and other indications of veracity.

b. Make recommendations – the nature and extent of recommendations required also depend on the purpose of the investigation or board and on the instructions of the appointing authority. Each recommendation, even a negative one (for example, that no further action be taken) must be consistent with the findings. Investigating officers and boards will make their recommendations according to their understanding of the rules, regulations, policies, and customs of the service, guided by their concept of fairness both to the Government and to individuals.

c. Investigations or boards may be formal or informal. In an informal investigation or board, a report will be written unless the appointing authority has authorized an oral report. Written reports of informal investigations will use DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers); however, its use is not required unless specifically directed by the appointing authority. Every report, oral or written, on DA Form 1574 or not, will include findings and, unless the instructions of the appointing authority indicate otherwise, recommendations.

d. Paragraph 2-8. Approval Authority. Upon receipt of a completed investigation or board containing the legal review, the approval authority will conduct a final review of the IO's or board's findings and recommendations and the legal review. The approval authority may approve, disapprove, modify, or add to the findings and recommendations, consistent with the evidence included in the report of proceedings. The approval authority may also concur in or disagree with recommendations that cannot be implemented at his or her level. The approval authority may take action different than that recommended with regard to a respondent or another individual unless the specific regulation or directive under which the investigation or board was appointed provides otherwise.

5. Army Regulation 600-8-104 (Army Military Human Resource Records Management) prescribes Army policy for the creation, utilization, administration, maintenance, and disposition of the AMHRR. Table B-1 states a memorandum of reprimand is filed in the performance folder of the AMHRR unless directed otherwise by an appropriate authority.

6. Army Regulation 600-100 (Army Profession and Leadership Policy), currently in effect, Establishes Army Profession and leadership policy by defining key terms and responsibilities associated with the Army Profession and appropriate leadership practices and methods for Soldiers and Army Civilians. This includes assigning responsibilities and definitions among the Army Profession and leadership policy proponent, the Assistant Secretary of the Army (Manpower and Reserve Affairs).

a. Paragraph 1-11. Core leader competencies, "toxic" leadership, and destructive leadership styles. To produce an Army of trusted professionals in cohesive teams who adapt and win in a complex world, the Army has identified core leader competencies that pertain to all levels of leadership, both military and civilian. Core leader competencies are related leader behaviors that lead to successful performance, are common throughout the organization, and are consistent with the organizational mission and the Army Ethic. Core leader competencies support the executive core competencies that Army Civilians are expected to master as they advance in their careers.

b. All Army leaders are responsible for demonstrating consistently, including online, the following core leader competencies that are described in detail in ADRP 6–22: leads others, extends influence beyond the chain of command, leads by example, communicates, creates a positive environment/ fosters de corps, prepares self, develops others, gets results, stewards the profession, and builds trust.

c. Army professionals are required to uphold the Army Ethic and model the core leader competencies described above. They must remain vigilant to guard against counterproductive leadership behaviors from themselves as well as in the units with which they serve. Counterproductive leadership can take different forms, from incompetence to abusiveness, all of which have detrimental impacts on individuals, the unit, and the accomplishment of the mission. Counterproductive leadership behaviors can span a range of behaviors to include bullying, distorting information, refusing to listen to subordinates, abusing authority, retaliating, blaming others, poor self-control (loses temper), withholding encouragement, dishonesty, unfairness, unjustness, showing little or no respect, talking down to others, behaving erratically, and taking credit for others' work. One such type of counterproductive leadership is toxic leadership, which is defined as a combination of self-centered attitudes, motivations, and behaviors that have adverse effects on subordinates, the organization, and mission performance. To be classified as toxic, the counterproductive behaviors must be recurrent and have a deleterious impact on the organization's performance or the welfare of subordinates. An exacerbating factor may be if the behaviors demonstrate selfish reasons such as elevating one's own status, grabbing power, or otherwise obtaining personal gain. Counter-productive leadership behaviors prevent the establishment of a positive organizational climate, preclude other leaders from fulfilling their requirements, and may prevent the unit from achieving its mission. They will lead to investigations and, potentially, removal from position or other punitive actions.

//NOTHING FOLLOWS//