

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE:

DOCKET NUMBER: AR20230008960

APPLICANT REQUESTS: through counsel:

- removal of the general officer memorandum of reprimand (GOMOR), 1 April 2011, from her Army Military Human Resource Record (AMHRR)
- a personal appearance hearing before the Board

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)
- Counsel's Supplemental Statement of (Applicant), 21 March 2023, with evidentiary documents labeled and organized as tabs
  - Tab A – GOMOR Packet –
    - Third Army/U.S. Army Central (ARCENT) Memorandum (GOMOR), 1 April 2011, with auxiliary documents
    - Applicant's Memorandum (Response to General Officer Letter of Reprimand, (Applicant)), 17 April 2011, with supporting documents
  - Tab B – Department of the Army Suitability Evaluation Board (DASEB) Record of Proceedings, 12 August 2012, with associated documents
  - Tab C – Army Regulation 15-6 (Procedures for Investigating Officers and Boards of Officers) Investigation, 1 April 2011, with associated documents
  - Tab D – Declaration of (Applicant), undated
  - Tab E – Report of Interview and Polygraph Examination of (Applicant), 28 June 2011

FACTS:

1. The applicant defers to counsel.

2. Counsel states the applicant requests removal of the GOMOR, 1 April 2011, from her Official Military Personnel File (OMPF) and any other appropriate relief that is equitable and just.

a. On 1 April 2011, the applicant received a GOMOR for conduct unbecoming an officer and disrespect towards a superior commissioned officer. Specifically, the GOMOR accused her of violating Article 133, Uniform Code of Military Justice (UCMJ), by making statements to subordinates regarding Colonel (COL) M\_\_\_\_ C\_\_\_\_'s medical condition and threatening members of the Civil-Military Operations Center (CMOC) staff with audits by the Internal Revenue Service (IRS). The GOMOR also accused her of violating Article 89, UCMJ, for being disrespectful towards a superior commissioned officer by discussing COL C\_\_\_\_'s physical and mental health issues with members of ARCENT and CMOC staff and making derogatory statements about COL C\_\_\_\_ to members of the CMOC staff. She submitted a rebuttal on 17 April 2011, wherein she denied engaging in the misconduct alleged in the GOMOR (see tab A).

b. The applicant filed a request to remove the GOMOR via a DASEB filing dated 17 April 2012 and was denied (see tab B). Largely as a result of this adverse action, she was transferred to the Retired Reserve effective 12 January 2013. She is entitled to the requested relief for the following reasons:

(1) The Army Regulation 15-6 investigation and resulting GOMOR were initiated against her in acts of reprisal by COL C\_\_\_\_; and

(2) The Army Regulation 15-6 investigation and resulting GOMOR were flawed in both process and conclusion, as the allegations made against her are untrue and not supported by the evidence.

c. On 12 February 2011, COL C\_\_\_\_ invited a civilian female to live with her in her room at Camp Arifjan, Kuwait. The applicant raised this issue to COL W\_\_\_\_ K\_\_\_\_ on 15 February 2011, and to COL S\_\_\_\_ K\_\_\_\_ and COL W\_\_\_\_ H\_\_\_\_ shortly thereafter on 23 February 2011. Following her efforts to raise this issue with leadership, COL C\_\_\_\_ made her own allegations against the applicant, namely that she was wrongfully talking to others about COL C\_\_\_\_'s medical conditions and that the applicant had threatened her with an IRS audit.

d. Department of Defense Directive 7050.06 (Military Whistleblower Protection) provides military members the freedom to make protected communications and would be free of any threat or action taken against them as a result of an unfavorable personnel action. Based on the timeline of events, it is indisputable that the adverse action taken against the applicant occurred after she raised issue of COL C\_\_\_\_'s behavior to her chain of command.

e. With regard to the alleged violations of the UCMJ:

(1) The applicant acknowledges she did make statements to others, including subordinates, regarding COL C\_\_\_\_'s medical condition. However, the statements were discussions made out of genuine concern for COL C\_\_\_\_. She discussed COL C\_\_\_\_'s medical condition only to the extent necessary to check her own perception of COL C\_\_\_\_'s behavior and to bring her concerns to the attention of the chain of command to ensure COL C\_\_\_\_ received the help she needed. Moreover, COL C\_\_\_\_ discussed her own medical conditions with the entire CMOC Team. In fact, the evidence indicates COL C\_\_\_\_ even sent email messages to the CMOC containing details of her medical issues. The GOMOR's insinuation that she engaged in inappropriate behavior by discussing the same medical conditions that COL C\_\_\_\_ freely shared with the CMOC Team is illogical and ridiculous. If COL C\_\_\_\_ found it appropriate to share her medical history with others, then she gave up any expectation of privacy with respect to those issues. Given the totality of the circumstances, neither the content of her statements nor the manner in which she raised her concerns about COL C\_\_\_\_ were of a nature that constitutes conduct unbecoming an officer and gentlewoman.

(2) The applicant has consistently denied that she ever threatened anyone with audits by the IRS. As she noted in her GOMOR rebuttal, COL C\_\_\_\_ is the only person who ever alleged that she threatened to have her audited. COL C\_\_\_\_ never counseled or reprimanded her for this alleged threat and only raised the allegation when it benefited her to do so, which, as discussed above, was done as an act of reprisal. Moreover, the applicant did not have the authority to audit anyone and the only evidence that she made these threats is based on hearsay from others. The allegation is not true and there is no evidence to support its inclusion in the GOMOR.

(3) The two alleged violations of Article 89 consisting of disrespecting a superior commissioned officer by discussing COL C\_\_\_\_'s physical and mental health issues and making derogatory statements about COL C\_\_\_\_ to members of the CMOC staff are repetitions of the same underlying allegations and are simply re-packaging. The applicant insists she did not act disrespectfully and her actions were misinterpreted.

f. As a final consideration, the applicant obtained and provided the results of a polygraph examination conducted on 28 June 2011. During the administration of this polygraph examination, she was asked the following questions (see tab E):

(1) "Did you tell any CMOC team members that you could have them audited?"

(2) "Did you tell any CMOC team members that you had the power to have them audited?"

(3) "Did you tell any CMOC team members that you have used the IRS to get back at people in the past?"

g. The applicant answered "no" to all three questions and the examiner determined there was "no deception indicated" in her answers. Her polygraph results provide significant corroborating evidence of her ongoing denial that she ever threatened to use the IRS in retaliation against any of her team members. Her polygraph examination results are also evidence of her overall truthfulness because if she was truthful as to her denial that she threatened to audit any of her members, it can reasonably be inferred that she is also telling the truth with respect to the other allegations that have been made against her.

3. Following prior enlisted service in the Army National Guard, the applicant was appointed as a Reserve commissioned officer in the Vermont Army National Guard in the rank/grade of second lieutenant/O-1 effective 11 August 1996.
4. The Office of the Adjutant General, State of Vermont, memorandum (Notification of Eligibility for Retired Pay at Age 60), 28 March 2002, notified the applicant that having completed the required years of service, she was eligible for retired pay upon application at age 60.
5. Adjutant General's Office, State of Vermont, Orders 057-009, 26 February 2007, honorably separated her from the Army National Guard and transferred the applicant to the U.S. Army Reserve Control Group (Individual Ready Reserve) effective 11 January 2007.
6. The applicant was promoted to the rank/grade of lieutenant colonel/O-5 effective 30 June 2009.
7. Headquarters, Army Support Activity, Joint Base McGuire-Dix-Lakehurst, Fort Dix, NJ, Orders DX-260-0009, 17 September 2010, ordered the applicant to deploy in a temporary change of station status in support of Operation Iraqi Freedom, Arifjan, Kuwait, with assignment to Headquarters, 352d Civil Affairs Detachment 25, proceeding on or about 20 September 2010.
8. The applicant became the subject of an Army Regulation 15-6 investigation on 1 March 2011. An investigating officer (IO) was appointed on 1 March 2011 to investigate the facts and circumstances surrounding the allegations of disrespect, insubordination, and unauthorized disclosure of medical information made against the applicant by COL C\_\_\_\_\_ (both of CMOC Team, ARCENT). The IO was directed to address the following questions at a minimum:

a. Whether there has been a violation of Article 133, UCMJ, Conduct Unbecoming an Officer on the part of the applicant.

b. Whether the actions of the applicant constitute a violation of Article 89, UCMJ, Disrespect Toward a Superior Commissioned Officer.

c. Whether the applicant violated Article 90, UCMJ, Willfully Disobeying Superior Commissioned Officer.

d. Whether the applicant violated Article 107, UCMJ, False Official Statement, regarding the mental health conditions of COL C\_\_\_\_\_.

e. Whether anyone violated the federal Health Insurance Portability and Accountability Act (HIPAA) statute (Title 42, U.S. Code, section 1177), Unauthorized Disclosure of Medical information.

f. If during the course of your investigation, you uncover other facts you believe are relevant to this investigation, including other allegations of misconduct, you will notify your legal advisor and he will advise you as to whether to expand the scope of the investigation.

9. The Third Army/ARCENT memorandum (Army Regulation 15-6 Investigation – Expansion of Scope), 11 March 2011, expanded the IO's scope of investigation to address the following questions:

a. Whether COL C\_\_\_\_\_ violated the ARCENT off-post or non-tactical vehicle policies when she went off post to pick up her civilian female friend from the Kuwait City International Airport in a Government vehicle in violation of Article 92, UCMJ.

b. Whether COL C\_\_\_\_\_ violated the Area Support Group-Kuwait housing policy when she allowed her female friend to stay in her Government quarters for several weeks in violation of Article 92, UCMJ.

c. Whether COL C\_\_\_\_\_ violated Article 133, UCMJ, Conduct Unbecoming an Officer, when she allowed her civilian female friend to stay in her official quarters for several weeks.

10. The DA Form 1574 (Report of Proceedings by IO/Board of Officers), 14 March 2011, shows the IO completed the investigation and determined the following (see attachment for further details with auxiliary documents) (only findings related to the applicant are noted):

a. Findings (in part).

(1) Whether there has been violation of Article 133, UCMJ, Conduct Unbecoming an Officer, on the part of the applicant. The IO noted this was substantiated. It is evident the applicant has displayed conduct unbecoming an officer throughout her deployment at Third Army. She has consistently disrupted the mission and lowered the morale of her team members by her actions. One cannot think of any more blatant and callous abuse of a Government position than what the applicant has displayed. Not only did she use her position at the IRS (as an experienced IRS revenue agent and senior level manager) to intimidate her fellow workers, but she also went further to threaten them with retaliation and IRS audits. This is totally contrary to what Government service and the IRS is all about. Government Ethics rules strictly prohibit Government employees from using their official position (in whatever capacity) for personal gain. The applicant has violated that rule by her constant threats while assigned to the CMOC.

(2) Whether the actions of the applicant constitute a violation of Article 89, UCMJ, Disrespect Toward a Superior Commissioned Officer. The IO noted this was substantiated. In accordance with Article 89, UCMJ, any person who behaves with disrespect toward his superior commissioned officer shall be punished as a court-martial may direct. In every statement obtained, it is evident that the applicant displayed "disrespectful behavior" that detracts from the respect due to the authority of COL C\_\_\_\_, a superior commissioned officer.

(3) Whether the applicant violated Article 90, UCMJ, Willfully Disobeying a Superior Commissioned Officer. The IO noted this was unsubstantiated. Throughout the investigation, he found that no one has observed the applicant directly or indirectly disobeying COL C\_\_\_\_. In her statements, COL C\_\_\_\_ admits that the alleged order was verbal. A timeline could not be established. That assertion was not corroborated by any of the witnesses interviewed. Irrespective of the alleged order, COL C\_\_\_\_ continued to inject her medical health issues into the workplace by texting and emailing subordinates, including the applicant, details of her medical treatments. Based on the fact that the order was not a written order and lacks corroboration, COL C\_\_\_\_'s assertion is suspect – especially given the current rift that has developed between the two – and is therefore not credible. Per his interview with witnesses, he found the elements of this charge lacking.

(4) Whether the applicant violated Article 107, UCMJ, False Official Statement, regarding the mental health conditions of COL C\_\_\_\_. The IO noted this was unsubstantiated. Throughout the investigation, he found nowhere that the applicant intended to deceive, sign any false record, return, or other official documents.

(5) Whether anyone violated the Federal HIPAA statute (Title 42, U.S. Code, section 1177), Unauthorized Disclosure of Medical Information. The IO noted this was unsubstantiated. Throughout the investigation, he found that no one violated the

Federal HIPAA statute. The information/comments that were made by the applicant were not privileged statements, but rather statements made in her presence while escorting COL C\_\_\_\_\_ on several appointments or disclosed to her by COL C\_\_\_\_\_.

b. Recommendations.

(1) The applicant's immediate release from active duty and return to her Reserve unit.

(2) Issuance of a GOMOR to the applicant for violating Articles 133 and 89, Conduct Unbecoming an Officer and Disrespect Toward a Superior Commissioned Officer.

(3) Issuance of a letter of concern to the IRS based on the applicant's numerous threats against members of her section.

c. On 1 April 2011, the Commander, Third Army/ARCENT, approved the IO's findings and recommendations.

11. The applicant was issued a GOMOR by the Commanding General, Third Army/ARCENT, on 1 April 2011, wherein he stated:

You are hereby reprimanded for conduct unbecoming an officer and disrespect toward a superior commissioned officer. You violated Article 133, Uniform Code of Military Justice (UCMJ), Conduct Unbecoming an Officer and Gentleman, by making statements to subordinates regarding COL M\_\_\_\_\_ C\_\_\_\_\_ 's medical condition and threatening members of the CMOC staff with audits from the Internal Revenue Service. You also violated Article 89, UCMJ, Disrespect Toward a Superior Commissioned Officer, by discussing COL C\_\_\_\_\_ 's physical and mental health issues with members of the ARCENT and CMOC staff and making derogatory statements regarding COL C\_\_\_\_\_ to members of the CMOC staff.

Your conduct is disgraceful. Your flagrant disregard for the Uniform Code of Military Justice, Army Regulations, and the customs of the service demonstrate a lack of responsibility and judgment, and constitute a serious departure from the standards of the Army. You have violated a position of trust and confidence and have embarrassed yourself and the Army. In the future, you will conduct yourself in accordance with the high standards and mature judgment expected of an officer in the United States Army.

This reprimand is imposed as an administrative measure and not as punishment under the provisions of Article 15, Uniform Code of Military Justice. I am

considering filing this memorandum in your Official Military Personnel File. You may review the packet that formed the basis of this reprimand and have the right to submit matters in rebuttal, extenuation, and mitigation. IAW [In accordance with] AR [Army Regulation] 600-37 [Unfavorable Information], paragraph 3-6, reply by endorsement to the matters contained herein within seven calendar days of receipt of this memorandum.

12. The applicant acknowledged receipt of the GOMOR on 2 April 2011. Her memorandum for Commander, Third Army/ARCENT (Response to General Officer Letter of Reprimand, (Applicant)), 17 April 2011, requests reconsideration and withdrawal of the reprimand or, alternatively, placement in her local file. She believes the reprimand is based on information that is false in parts or simply inaccurate and misleading. While she admits that she discussed COL C\_\_\_\_'s medical condition with members of the CMOC Team, it was out of a genuine concern for COL C\_\_\_\_'s health and well-being. She claims she never threatened any person with IRS audits and was never disrespectful to COL C\_\_\_\_.

13. After carefully considering the matters submitted in rebuttal, the Commanding General, Third Army/ARCENT, directed filing the GOMOR and allied documents in the applicant's AMHRR on 27 April 2011.

14. A review of the applicant's AMHRR revealed the GOMOR and allied documents are filed in the performance folder.

15. The applicant was honorably released from active duty by reason of completion of required active service on 8 October 2011 and transferred to the control of her Reserve Component unit. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she completed 1 year, 2 months, and 4 days of net active service during this period.

a. Item 12f (Foreign Service) shows she completed 7 months and 19 days.

b. Item 18 (Remarks) contains the following entries, in part:

- SERVICE IN KUWAIT 20100921-20110509 [21 SEPTEMBER 2010 THROUGH 9 MAY 2011]
- ORDERED TO ACTIVE DUTY IN SUPPORT OF OPERATION IRAQI FREEDOM/NEW DAWN IAW [IN ACCORDANCE WITH] 10 USC 12302 [TITLE 10, U.S. CODE, SECTION 12302]

16. The applicant petitioned the DASEB for removal of the GOMOR, 1 April 2011, from her AMHRR. On 16 August 2012 in Docket Number AR20120011922, the DASEB, by



unanimous vote, determined the overall merits of the case did not warrant removal of the GOMOR.

17. The Headquarters, 352d Civil Affairs Command, memorandum from the Commanding General (Notification of Involuntary Administrative Separation Action), 13 September 2012, notified the applicant of his intent to initiate action to separate her from the U.S. Army Reserve. He cited her specific acts of disrespect toward a superior commissioned officer and conduct unbecoming an officer and gentlewoman. She was given 30 days from receipt of this memorandum to acknowledge receipt in writing and make an election on the Election of Options form that was provided.

18. Although the applicant's acknowledgement of receipt of the memorandum is not available for review, her records contain the Headquarters, 352d Civil Affairs Command, memorandum (Election of Options Pursuant to the Provisions of Army Regulation 135-175 (Separation of Officers) – (Applicant)), 13 November 2012, showing she elected to transfer to the Retired Reserve in lieu of involuntary separation after consultation with counsel.

19. The Headquarters, 352d Civil Affairs Command, memorandum from the Commanding General (Transfer to the Retired Reserve in Lieu of Administrative Separation Action (Applicant)), 28 November 2012, recommended approval of her request to transfer to the Retired Reserve.

20. The Headquarters, U.S. Army Civil Affairs and Psychological Operations Command (Airborne), memorandum from the Commanding General for the Commander, U.S. Army Reserve Command (Transfer to Retired Reserve in Lieu of Elimination – (Applicant)), 6 December 2012, recommended the applicant's transfer to the Retired Reserve and review of her case by the Army Grade Determination Review Board (AGDRB).

21. Headquarters, U.S. Army Reserve Command, Orders 12-348-00044, 13 December 2012, released the applicant from her current assignment by reason of completion of 20 or more years of qualifying service for retired pay at age 60 and assigned her to the Retired Reserve effective 12 January 2013. Her final retirement grade would be determined upon review by the AGDRB.

22. There is no evidence showing the applicant's case was sent to the AGDRB for review and determination.

23. The applicant will reach age 60 in 2024.

24. Counsel provided the following evidence in addition to those documents discussed above:

a. Tab D contains the applicant's declaration wherein she notes, in part, her deployment timeline and issues and concerns while assigned to the CMOC and her relationship with COL C\_\_\_\_\_ (see attachment for further details).

b. Tab E contains a Report of Interview and Polygraph Examination, 28 June 2011, to determine her truthfulness regarding allegations that she threatened members with IRS audits. The polygraph examiner utilized three questions regarding IRS audits and determined her answers resulted in no deception and that she may reasonably be excluded as a suspect.

#### 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.

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. Counsel's contentions, the applicant's military records, and regulatory guidance were carefully considered.

a. The evidence shows the applicant became the subject of an AR 15-6 investigation into allegations of disrespect, insubordination, and unauthorized disclosure of medical information. The investigation found the allegations of conduct unbecoming an officer and disrespect toward a superior commissioned officer, were substantiated. As a result, the applicant was issued a GOMOR for conduct unbecoming an officer and disrespect toward a superior commissioned officer. The applicant acknowledged receipt of the GOMOR and requested its withdrawal as she believed the reprimand is based on information that is false in parts or simply inaccurate and misleading. After carefully considering the matters submitted in rebuttal, the imposing GO directed filing the GOMOR and allied documents in the applicant's AMHRR.

b. Following receipt of the GOMOR, the applicant's chain of command informed the applicant of the intent to initiate action to separate her from the USAR citing her specific acts of disrespect toward a superior commissioned officer and conduct unbecoming an officer. The applicant elected to transfer to the Retired Reserve in lieu of involuntary separation after consultation with counsel. Accordingly, she was issued orders assigning her to the Retired Reserve effective 12 January 2013.

c. The Board reviewed but did not agree with the applicant's argument that some of the allegations made against the applicant were not entirely true and/or supported by the evidence. Additionally, although a polygraph reflected her truthfulness as to her

denial that she threatened to audit any of her members, this had no relationship on the reasons for the GOMOR. The Board determined the GOMOR is neither untrue nor unjust, or that its existence in the applicant's service record is inequitable.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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.

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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 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 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 the 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 15-6 (Procedures for Administrative Investigations and Boards of Officers), 1 April 2016, establishes procedures for conducting preliminary inquiries, administrative investigations, and boards of officers when such procedures are not established by other regulations or directives. Paragraph 5-2 states IOs may use whatever method they deem most efficient and effective for acquiring information. Although witnesses may be called to present formal testimony, information may also be obtained by personal interview, correspondence, telephone inquiry, or other informal means.

3. Army Regulation 600-37 (Unfavorable Information), 10 April 2018, 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 3-5 (Filing of Nonpunitive Administrative Memoranda of Reprimand, Admonition, or Censure) states:

(1) Authority to issue and direct the filing of such memoranda in an officer's local file is restricted to:

(a) the recipient's immediate commander or a higher-level commander in the chain of command (if such commander is senior in grade or date of rank to the recipient);

(b) the designated rater, intermediate rater, or senior rater, under the officer evaluation reporting system; or

(c) the general officer (to include one frocked to the rank of brigadier general) who is senior to the recipient, or an officer who exercises general court-martial jurisdiction over the recipient.

(2) A memorandum, regardless of the issuing authority, may be filed in the AMHRR, and managed by the U.S. Army Human Resources Command or the proper State Adjutant General (for Army National Guard personnel) upon the order of a general officer (to include one frocked to the rank of brigadier general). The general officer directing filing must exercise general court-martial convening authority over the recipient, be the designee or delegate of the individual exercising general court-martial convening authority over the recipient, be a filing authority from the recipient's losing command pursuant to paragraph (f)(1) below, or be the chief of any designated special branch pursuant to Title 10, U.S. Code, section 3064, acting pursuant to their statutory authority over members of their respective special branches. Memoranda filed in the AMHRR will be filed in the performance folder.

d. Paragraph 7-2 (Policies and Standards) states 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.

e. Paragraph 7-3c (Filing Authority to Redress Actions) states an officer who directed filing an administrative memorandum of reprimand, admonition, or censure in the AMHRR may request its revision, alteration, or removal, if evidence or information indicates the basis for the adverse action was untrue or unjust, in whole or in part. An officer who directed such a filing must provide the DASEB a copy of the new evidence or information to justify the request.

4. Army Regulation 600-8-104 (Army Military Human Resource Records Management), 7 April 2014, prescribes Army policy for the creation, utilization, administration, maintenance, and disposition of the AMHRR. 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 (Authority for Filing or Removing Documents in the AMHRR Folders) provides 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 (Documents Required for Filing in the AMHRR and/or Interactive Personnel Electronic Records Management System) states memoranda of reprimand, censure, and admonition are filed in accordance with Army Regulation 600-37.

//NOTHING FOLLOWS//