

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20230012685

APPLICANT REQUESTS: removal of the General Officer Memorandum of Reprimand (GOMOR), 12 February 2023, from his Army Military Human Resource Record (AMHRR).

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum (Response Memorandum under Army Regulation 15-6, Paragraph 5-4, for (Applicant), Addressing Referral of Findings and Recommendations, dated 3 November 2022), 12 December 2022
- GOMOR, 12 February 2023 with enclosures (92 pages)
- Email Correspondence to Florida Army National Guard (FLARNG) Chief of Staff (COS), 25 July 2023

FACTS:

1. The applicant states:

a. He underwent an Army Regulation 15-6 investigation in the fall of 2022. He hired an attorney to assist in preparing his rebuttal and was granted an extension until 12 December 2022. He submitted his appeal and did not hear from the COS until January 2023, when he was provided the GOMOR. He informed the COS since he had 24.7 years of service that he would elect to be released from active duty (REFRAD) and forego retirement in lieu of having the GOMOR placed in his permanent file. The COS agreed to keep the GOMOR filed locally since the reason for the GOMOR was to prevent him from making lieutenant colonel (LTC). However, after he was released from his Active Guard Reserve (AGR) position the GOMOR was filed in his permanent file.

b. He believes this is an in justice for the following reasons:

(1) The punishment seemed to be predetermined prior to him submitting his rebuttal, because the original GOMOR was dated 1 December 2022, and his extension was granted until 12 December 2022. Which also demonstrates that his rebuttal was potentially not fully considered.

(2) After speaking to the COS he signed the GOMOR. The copy in his AMHRR does not contain his signature and has a memorandum stating he refused to sign. He served 24.7 years without any disciplinary actions. All of his evaluations were impeccable and he graduated the Intermediate Level Education/ Advanced Operations Course in the top percentage of his class.

2. The applicant provided:

a. His memorandum (Response Memorandum under Army Regulation 15-6, Paragraph 5-4, for (Applicant), Addressing Referral of Findings and Recommendations, dated 3 November 2022), 12 December 2022, wherein he submitted matters of rebuttal to the Army Regulation 15-6 Findings and Recommendations.

(1) The Investigating Officer (IO) conducted his assigned duties insufficiently and there were conflicts of interest in the investigation due to relationships the IO had with some of the complainants. The IO failed to ask basic follow up questions of individuals and failed to interview several key witnesses and a critical witness, Master Sergeant (MSG) B_____ during investigation.

(2) This was the first concern of misconduct throughout his career. He possessed integrity and willfully admitted to some of the substantiated allegations. He understood that he exercised poor judgment and discernment as a Field Grade Officer and leader. He fell short of known standards and was committed to re-evaluating his conduct.

(3) The substantiated allegations and findings discovered from the seven months he served as the Officer in Charge (OIC) of the chemical, biological, radiological, nuclear & high-yield explosives enhanced response force package (CERFP) were not reflective of his years of meritorious service, overall character, and leadership ability. He listed several successfully assignments and course completions since his commissioning on 4 May 2009. Throughout the investigation he never hesitated to answer questions truthfully and forthrightly. He immediately admitted to allegations that were true and never attempted to conceal or cover his wrongdoings.

(4) After taking the position as OIC of CERFP, he started using electronic cigarettes as a stress reliever and understand it was poor judgment to use e-cigarettes in the CERFP building. He did use the device in his office and never blew smoke in anyone's face. He has since stopped smoking in any form and currently treated with a mental health counselor as an appropriate way to address stress and anxiety.

(5) It is a customary practice in the FLARNG and Army for units to coordinate morale, welfare, and recreation events that included alcohol beverages and food at the

conclusion of major training events. When the IO and certain witnesses characterized this style of event as an aberration, that simply flies in the face of common custom throughout the uniformed services. Any objective reader recognizes the petty nature of the complaints made concerning this event. This event was not unique in nature, proper approval was obtained, proper supervision was in place, and safety and risk mitigation were conducted.

(6) The applicant learned after assuming duties as the OIC for CERFP on 15 April, that there was a lack of personnel assigned to CERFP filling the sections. An agreement was made prior to his arrival for upcoming training support. Thus, he did not change the training and assumed that all vehicles were appropriately dispatched. Unfortunately, he was unaware of the dispatching of vehicles, or he would have made that correction immediately.

(7) There were only two personnel that ever needed a Secret Internet Protocol Router Network (SIPR) token or did any reporting on a SIPR computer in CERFP. He never authorized anyone or provided his SIPR token to anyone. Each person on his staff had an active clearance and a need to be in the SIPR room.

(8) The applicant admits to asking Second Lieutenant (2LT) K____ if he wanted to have a drink, but it was at the end of the duty day and there was no drinking in the office. 2LT K____ declined and stated he did not drink and went home. The applicant has never consumed alcohol on duty or in his office. The previous commander told the applicant he was having issues getting qualified personnel to fully man the sections.

(9) He never authorized anyone to report to CERFP without orders. There were several training events scheduled and planned to occur when he arrived. Rosters provided from supporting units kept changing within days of the training and roughly half of the personnel scheduled to attend June courses at did not show. These failures forced them to look for other courses around the state and country to ensure sections were trained and properly manned. Lastly, the text message provided to the IO had the applicant's name handwritten on it but predates his arrival to the unit. The message is not from him, and he did know the recipient of the text at the time.

(10) He never pressured 2LT K____ to approve an authorization to Hawaii.

(11) When he arrived at the unit operating tempo was high and he was certain changes needed to be made to ensure CERFP was compliant with directed guidance and regulations. He admits and understands counseling could and should have been more thorough and timelier, however, some counseling was completed.

(12) MSG B____ did not return directly to Camp Blanding following the training event. The applicant was told MSG B____ had an issue with his phone and remained in

Pinellas Park. MSG B_____ said he parked the boat at MacDill Air Force Base and was using another privately owned vehicle he had at his home of record to get around. The applicant had no reason to believe the General Services Administration (GSA) truck and CERFP boat were parked anywhere else.

(13) The allegation of a hostile work environment is baseless. He asserts these are biased vindictive allegations made by a complaining noncommissioned officer aimed purely at destroying his record because she did not personally approve of his leadership style.

(14) The findings of the IO are not legally sufficient and should not form the basis of "adverse information."

(A) Army Regulation 15-6 defines adverse information on page 58 of that document. Adverse information is any substantiated adverse finding or conclusion from an officially documented investigation or inquiry or any other credible information of an adverse nature. To be credible, the information must be resolved and supported by a preponderance of the evidence. To be adverse, the information must be derogatory, unfavorable, or of a nature that reflects clearly unacceptable conduct, integrity, or judgment on the part of the individual.

(B) The IO's findings are not credible. The IO failed to interview critical witnesses whose statements would have either refuted or provided context to the allegations. The IO failed to follow up with witnesses who stated positive comments concerning the applicant and their direct observations of the incidents mentioned in the report. The allegations in this investigation does not meet the 15-6 requirement of "resolved" when at least one critical witness, MSG B_____, was not interviewed.

(C) The IO failed to resolve conflicts in the evidence he did collect.

(D) The IO failed to interview witnesses who had pertinent information to the case.

(E) The IO failed to interview or seek information from impartial witnesses outside of the organization.

(F) The IO failed to follow-up on any additional information provided by witnesses.

(G) The IO failed to ask follow-up questions of witnesses who made wild claims or made grossly inaccurate statements.

(H) The IO did not collect and consider all the credible, relevant evidence. He failed to "thoroughly and impartially ascertain and consider the evidence on all sides of each issue."

(15) He concluded the rebuttal by stating the report of investigation must be withdrawn, or alternatively revised to remove the grossly inaccurate allegations and resolve this matter with the appropriate nonpunitive letter of counseling. Furthermore, his record of sustained superior performance, numerous character letters from servicemembers including those on combat tours, unblemished record of achievement when viewed properly against the accusations of support staff that do not rise to the level of serious misconduct strongly support a non-punitive resolution to this matter.

b. Email correspondence to the FLARNG COS, on 25 July 2023. The COS responded on 29 August 2023, stating "the LOR (GOMOR) placed in your file by mistake, and not at my direction. I am working to have it removed. It will get done."

3. The applicant's service record show:

a. Following prior enlisted service in the Alabama Army National Guard, the Regular Army, and the FLARNG the applicant was appointed as a commissioned officer in the FLARNG in the rank/grade of second lieutenant/O-1 effective 4 May 2009.

b. The FLARNG, memorandum (Notification of Eligibility for Retired Pay for Non-Regular Service (20 Years)), 19 December 2018, notified him that he completed the required qualifying years of service for retired pay upon application at age 60 in accordance with statutory guidance.

c. The applicant was serving in a FLARNG AGR position in the rank of rank/grade of major/O-4 when he became the subject of an Army Regulation 15-6 investigation. An IO was appointed on 30 August 2022 to investigate the facts and circumstances surrounding allegation the applicant's:

- bringing his children to work during summer break
- playing computer games during the day while his children are there
- misusing government equipment by taking his children for joy rides in the CERF-P Kodiak on Kingsley Lake
- not reporting to duty station for work
- additionally, if such conduct occurred, determine whether it was intentional or the result of negligence

d. On 3 November 2022, the IO completed the investigation and determined:

(1) Allegation 1 – The applicant brought his children to work during the summer break. This allegation was substantiated. However, most witnesses indicated this was a single incident of a few consecutive days. No witnesses indicated that the children were disruptive, and they spent most of the day seated outside the applicant's office entertaining themselves with games on their electronic devices. The IO does not believe this issue is grounds for action given that many Soldiers and employees are known to bring children to work on occasion due to conflicts in childcare schedules, etc. and that this was not a recurring issue.

(2) Allegation 2 – The applicant participated in computer games during the workday with his children. This issue was unsubstantiated. No witnesses came forward with any information indicating the applicant played computer or electronic games with his children while on duty in the workplace.

(3) Allegation 3 – The applicant misused government equipment by taking his children for joy rides in the CERFP Kodiak boat on Kingsley Lake. This issue was substantiated. The applicant admits to using the Kodiak boats to take his children for a ride on Kingsley Lake on 7 July 2022. Further discussion indicated this was in conjunction with a family day activity, however, no other families attended. Most witnesses interviewed indicated no knowledge of a family day and the ones that did know of it, stated they were told in passing the afternoon before. The applicant produced a memorandum notifying the staff of the family day dated 31 June 2022, however, no interviewees had any knowledge of the memorandum. It is the IO's opinion that the memo was created after the fact to justify the use of the boat. When asked if the family day, specifically the use of the boats, was approved through channels by the next higher authority, the applicant stated he had not pushed the request up. Additionally, When asked if a risk assessment had been produced and briefed, the applicant said one had been created but it only resided digitally on MSG B____'s laptop that was recently reimaged and could not be produced. Subsequently, it is reported that the applicant's children operated the CERFP Polaris Rangers in the CERFP Warehouse compound on multiple days during the week they accompanied him to work. This would seem to negate the family day justification for family members as occupants in an operating government vehicle or boat. Upon re-interview of the applicant, he admitted that he operated the all-terrain vehicles with his children as occupants. This information was not mentioned by the applicant during the initial interview, though it would seem appropriate to do so. This leads the IO to a) question his judgement and character as a Field Grade Officer of the United States Army, and b) draws doubts about the truthfulness, or at a minimum, the completeness, of his statements.

(4) Allegation 4 – The applicant does not report to duty station for work. This issue was unsubstantiated. All witnesses indicated that the applicant - (and MSG B____) were routinely away from the CERFP headquarters, but no one could validate that they were not working from an alternate location. It is important to note that the

timeframe of the complaints stems from around the time that the applicant was initially reporting to CERFP but had not been completely relieved of Administrative Officer duties with the 53rd Brigade Engineer Battalion (BEB). It is both plausible and possible that the applicant was working from the BEB offices when not at the CERFP location. There is no evidence to indicate otherwise.

(5) Additional Findings:

(A) Finding 1 – The applicant routinely vaped in the office. This issue was substantiated. Multiple witnesses attested to the applicant's habit of vaping in the workplace, indoors. Several witnesses indicated that the applicant would blow the vape smoke in faces of coworkers when near them. The applicant admitted to vaping indoors.

(B) Finding 2 – The applicant and MSG B_____ sponsored an alcohol team building event at which underage persons were present. This issue was substantiated. On 14 May 2022, upon conclusion of the training, the applicant and MSG B_____ purchased alcohol and hosted an impromptu celebratory event at the CERFP Warehouse. The roster of attendees, show at least one underage individual was present. There is no evidence the underage Soldier consumed alcohol. The purchased alcohol was transported in CERFP GSA vehicles to the event with unconsumed alcohol left in CERFP purchased coolers for several weeks afterward. The applicant stated he received permission to host this MWR event, and that everyone was briefed a two-drink limit. He acknowledged that most, though not all, participants were staying in the barracks near the CERFP Warehouse.

(C) Finding 3 – The applicant authorized the improper use of CERFP GSA vehicles and boats to support the 53rd BEB Annual Training (AT). This issue was substantiated. Multiple personnel interviewed indicated that the CERFP GSA Fleet was utilized by the 53rd BEB without prior coordination and without proper dispatching. In addition to using the GSA vehicles to support AT and range operations, the 53rd BEB also utilized the state of Florida purchased boats and operated them on Kingsley Lake. The stated purpose was that the BEB had Waterborne Survival task on its mission essential task list. If boats were required to complete a mission essential task, then the units modified table of organization and equipment would provide boats for use and training. The IO does not believe there was a legitimate need to utilize CERFP Boats by the BEB. The applicant admits to using the CERFP trucks during the BEB AT stating he was conducting business on behalf of both entities during that time. The use of the boats was justified by stating the BEB personnel were training on CERFP procedures, however, not all participants were assigned to the CERFP mission. The BEB Commander was not tracking any CERFP training by BEB Soldiers during AT.

(D) Finding 4 – The applicant authorized the improper use of SIPR tokens. This issue was substantiated. One witness stated the applicant pressured him to provide his

SIPR token and personal identification number (PIN) to another individual to complete work on the SIPR network. When questioned, the applicant advised that individual that he often authorized this due to a shortage of SIPR Tokens at the BEB. The IO questioned former full-time support (FTS) members of the 53rd BEB and was informed that sharing of SIPR Tokens and PINs was common practice, though the individual refused to provide specific names. The applicant denies this allegation. Based on responses to other questions, hesitancy to provide complete information, combined with the current BEB FTS responses., the IO believes the applicant has in the past, disregarded SIPR Protocols.

(E) Finding 5 – The applicant consumed alcoholic beverages while on duty in the duty location. This issue was substantiated. 2LT K____ advised that the applicant called him into the office at approximately 1500 and offered him an alcoholic drink. 2LT K____, a Chaplain in training, informed the applicant that he did not drink and refused his offer. No other individuals witnessed or were offered drinks by the applicant. The applicant denies this allegation. As previously stated, the applicant attempts to deflect these issues on to others, blaming the previous commander for issues at CERFP, combined with his lack of complete answers and the fact that the accuser had this entry in a dated and documented journal of concerns leads the IO to believe the validity of this claim.

(F) Finding 6 – Soldiers were routinely told to report to CERFP duty without approved active duty for operational support orders. This issue was substantiated. Several interviewees indicated that Soldiers would show up to CERFP as directed by MSG B____ with only a day or less notice to the FTS administrative staff. A screenshot indicates that the applicant informed his admin staff of a Soldier due to report the following day and requesting them to publish the Soldiers orders, after normal duty hours. The applicant denies ever ordering a Soldier to report without orders and indicates that on one instance when a Soldier did, he instructed the Soldier to return home. The preponderance of evidence indicates this was a more than isolated occurrence and as the OIC, the applicant should have been more in tune with the orders process and adhered to published guidelines.

(G) Finding 7 – The applicant pressured the CERFP budget officer to approve unnecessary travel. This was substantiated. The applicant requested travel to Hawaii to observe CERFP operations in that state. The same opportunity was available in nearby states within the same timeframe. The applicant pestered 2LT K____ to approve his Defense Transportation System for travel. 2LT K____ received advice from higher headquarters to disapprove. Once disapproved, 2LT K____ received derogatory remarks from MSG B____ stating "he should watch his back". The applicant denies this claim. Acknowledging this claim is subjective on the part of the accuser, it is true that the applicant attempted to go to Hawaii utilizing government funds and the accuser sought higher level support to deny the travel. The remark from MSG B____ is deeply concerning.

(H) Finding 8 – Failure to provide work expectations to personnel in new positions. This was substantiated. After assuming responsibility for CERFP, the applicant made drastic personnel moves and changes. Staff Sergeant W____ stated his duties changed three times since the applicant took over and never received any formal job duty counseling. Other Soldiers provided similar statements. The applicant states that formal counseling's were completed when Soldiers changed duty positions, however, neither he nor MSG B____ could provide any signed copies. Like the family day risk assessment, these were lost when MSG B____ laptop was reimaged.

(I) Finding 9 – MSG B____ kept CERFP GSA truck and boat at his home of record with the applicant's knowledge. This was substantiated with caveat. Following a training event in May, MSG B____ did not immediately report back to CERFP offices for approximately a week. It was stated that his personal cell phone had been damaged, and he needed to wait for a repair/replacement. During this time, his personal vehicle was observed at CERFP offices, and the GSA truck and boat dispatched to him were not at CERFP. The applicant states he was aware that MSG B____, with his GSA Truck and boat, remained in Pinellas Park after the conclusion of the exercise, but denies knowledge if he kept these vehicles at his home of record. It is important to note that the event had concluded and DTS authorizations only covered the exercise dates.

(J) Finding 10 – The applicant promotes a hostile work environment. This was substantiated. Several Soldiers provided statements indicating the hostile work environment created after the applicant assumed control of CERFP. Most attribute these conditions to MSG B____, however as the OIC, it is the applicant's responsibility to ensure the safety and security of the work environment. MSG B____ was known to make derogatory comments about the FTS in their presence and to others outside the organization. The applicant spoke derisively about the FTS via text with officers outside CERFP and included that conversation in a screen capture texted to a FTS member requesting assistance. These comments, when combined with multiple job moves created undue tension in the workplace.

(6) The IO made the following recommendations for the applicant:

- receive re-training on SIPR network access procedures and safeguard protocols
- receive re-training on DTS Approver roles and responsibilities
- receive re-training on GSA use, operations, and ethics
- should be removed from CERFP OIC duties
- consideration should be made to his continued AGR Service
- determine his fitness to remain in the service

e. On 4 November 2022, the COS approved the findings and recommendations, and initiated the following actions:

- remove the applicant as the OIC
- requested the applicant be issued a GOMOR
- requested the withdrawal of the applicant's federal recognition
- requested the initiation of the applicant's REFRAD from AGR

f. The Commanding General, FLARNG, reprimanded the applicant in writing on 12 January 2023, wherein he stated:

This General Officer Memorandum of Reprimand (GOMOR) is delivered to you in accordance with reference 1 a, above. Reference 1 b, attached, documents your serious misbehavior and failure as a leader in the Florida Army National Guard. As a Commissioned Officer your job is to lead Soldiers. You are expected to ensure that they are trained and ready to fight our nation's wars, bring them home, and then to help prepare them for future responsibilities serving our country.

Reference 1 (b), by a preponderance of the evidence, the following allegations were substantiated: 1) You brought your children to work during their summer break; 2) You misused government equipment by taking your children for joy rides in the CERF-P Kodiak boat on Kingsley Lake; 3) That you routinely vape in your office; 4) That you authorized the improper use of CERF-P GSA vehicles and boats to support the 53rd BEB AT; 5) That you authorized the improper use of SIPR tokens; 6) That you consumed alcoholic beverages while on duty in the duty location; 7) That you routinely told Soldiers to report to CERF-P for duty without approved ADOS orders; 8) That you pressured the CERF-P budget officer to approve unnecessary travel; 9) That you failed to provide work expectations to personnel in new positions; 10) That you allowed your MSG to kept a CERF-P truck and boat at his HOR; and 11) That you promoted a hostile work environment. Under these circumstances, your behavior was to the prejudice of good order and discipline in the armed forces and yourself.

You are hereby reprimanded! Your conduct is inexcusable. This course of conduct seriously compromised the Army values and your standing as an Officer in the FLARNG. I have carefully weighed the gravity, frequency, and extensiveness of your misconduct. Accordingly, it is my determination that this GOMOR, filed in accordance with AR 600-37, Chapter 3, is the appropriate redress for your actions, and not action pursuant to the Florida Code of Military Justice (FCMJ). It is my intention to impose this GOMOR and

that it should be permanently filed in your Army Military Human Resource Record (AMHRR).

Per AR 600-37, paragraph 3-7, this GOMOR is forwarded to you for acknowledgement and submission of any rebuttal comments or documents for my review. If you desire to submit a rebuttal it must be submitted to me no later than close of business 30 December 2022. I will carefully consider any matters you elect to submit prior to making a final determination on imposition and filing of this GOMOR.

Following my review, should my decision on permanent filing in your AMHRR remain unchanged, this GOMOR and any supporting documentation will be permanently filed. If you do not desire to respond, you are to acknowledge receipt of this GOMOR by signing and returning this GOMOR indicating your decision to not furnish further information or documents. If you do neither, a statement will be attached to this GOMOR indicating that you were given this notice of intent to impose a GOMOR but that you refused to acknowledge its receipt.

The GOMOR is being imposed as an administrative measure and not as punishment under Article 15, FCMJ.

g. On 12 January 2023, the Commanding General completed:

(1) A Refusal of Acknowledgement noting pursuant to Army Regulation 600-37, Chapter 3-7, the applicant was presented with unfavorable information and has refused to acknowledge by signature, and the GOMOR and attached unfavorable information may now be directed for filing under Army Regulation, Chapter 3-5.

(2) A second document noting "I have received and carefully considered your response to the GOMOR dated 12 January 2023. I have decided that the GOMOR should be permanently filed in the performance portion of your AMHRR pursuant to Army Regulation 600-37, Chapter 3-5."

h. Order 117469048, 24 May 23 shows the applicant was ordered separated and transferred to the USAR Retired Reserve effective 1 June 23. His NGB Form 22 (National Guard Report of Separation and Record of Service), confirms he was separated from the FLARNG in the rank of major effective 31 May 2023 and transferred to the Retired Reserve with his narrative reason of separation as resignation. He completed 19 years, 4 months, and 19 days of net service during this period and 24 years, 5 months, and 28 days of total service for retired pay.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation showing all due process was properly offered the applicant and the lack of documentary evidence to corroborate the facts outlined in the applicant's statement, the Board concluded there was insufficient evidence of an error or injustice warranting removal of the applicant's GOMOR from his official military record.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

//SIGNED//

X

CHAIRPERSON

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 15-6 (Procedures for Administrative Investigations and Boards of Officers) 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.

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) 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.

d. 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 a copy of the new evidence or information to the DASEB to justify the request.

3. 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. 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 Army Board for Correction of Military Records or other authorized agency.

b. Appendix B (Documents Required for Filing in the AMHRR and/or Interactive Personnel Electronic Records Management System) shows memorandums of reprimand, censure, and admonition are filed in accordance with Army Regulation 600-37.

//NOTHING FOLLOWS//