

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 February 2025

DOCKET NUMBER: AR20230013463

APPLICANT REQUESTS: Removal of an General Officer Memorandum of Reprimand (GOMOR) 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)
- Request for Removal of Unfavorable Information
- GOMOR
- Findings and Recommendations Army Regulation 15-6
- Summary of Applicant's Sworn Statement
- Applicant's Personal Statement
- Good Soldier Book

FACTS:

1. The applicant defers to his counsel.

2. The applicant's counsel states, on behalf of the applicant:

a. The GOMOR reprimanded the applicant for "poor judgement with [his] personal and financial affairs between January 2020 and January 2022." It alleged he engaged in two relationships that created "a perception of being beyond a casual friendship" and that he "accumulated a substantial debt, and co-signed for a substantial loan for Ms. S-S-, which is cause for concern and caution for an individual with a high level security clearance and potential access to sensitive information."

b. Allegations of extramarital affairs had been fully investigated and not only found to not meet the required burden, but were stated to have "no corroborating documentation or physical evidence." The situation said to "cause concern" regarding his security clearance is easily explained through review of his financial situation and debt. Therefore, retention of his GOMOR in his file would be in error and would be an injustice.

c. A fair and neutral investigating officer (IO), appointed pursuant to Army Regulation 15-6, found no corroborating documentation or physical evidence the applicant engaged in extramarital sexual conduct. On 27 February 2022, Colonel (COL) R- M- appointed an IO pursuant to Army Regulation 15-6 to determine the facts and circumstances surrounding allegations of extramarital sexual conduct by the applicant. The IO learned that the allegation of adultery stemmed from a date when his then spouse, whom he was separated from at the time, arrived at his home to find another female in his home wearing only underwear and a t-shirt. The applicant was not home, at the time.

d. The IO then learned that the woman, in his home, was a long-time friend who had been a recent victim of domestic violence. He allowed her to stay, at his home, while fleeing her abuser on her way to South Carolina. He was away on a Morale, Welfare, and Recreation trip with his unit that day. He was not home with her, did not stay the night with her, and did not engage in any sexual contact with her whatsoever. The IO, in his findings and recommendations memorandum, found "no corroborating documentation or physical evidence has been found that proves the applicant engaged in extramarital sexual conduct."

e. Army Regulation 15-6 requires the findings of an investigation be supported by a preponderance of the evidence. The IO specifically noted that the evidence supporting the allegations against the applicant was not supported by such evidence. Brigadier General (BG) P- S- filed this GOMOR, after reviewing only this unfound investigation. There was no other evidence to support his allegation other than the applicant's spouse's statement. He was not present, when the other woman was at his home, and he had an entirely reasonable explanation for her presence. Importantly, his statement was never rebutted or challenged, and they have no reason to believe he was being untruthful. The IO, whose job it was to make credibility decision, during his investigation, did not question the applicant's credibility. Therefore, this allegation was not supported by a preponderance of the evidence and, in accordance with Army Regulation 600-37 (Unfavorable Information), should be removed from his AMHRR.

f. Regarding the carefully chosen and wildly general language of the GOMOR, it is entirely improper to file adverse information for "creating a perception of being beyond a casual friendship." This is not a violation of the Uniform Code of Military Justice (UCMJ). This criminalizes behavior based upon the highly biased views of a spouse in the midst of separation/divorce proceedings. One of the individuals names as having a relationship "beyond a casual friendship" with the applicant was Ms. A- H-. The applicant has two children in common with Ms. A. H-. He often meets with her to pick up and drop off his children. There is not evidence at all to support even the suggestion that more has occurred between them, during his marriage to Mrs. R-. The other individual, as discussed above, was a victim of domestic violation who was staying at the applicant's home, while fleeing her abuser. The applicant was out of town, while she

was staying, at his home. This filing is clearly the result of an angry spouse, not the applicant's conduct. This GOMOR was filed in error. This GOMOR is an unfair stain on his service record, assuming him of unfounded allegations. This GOMOR was filed unjustly. Therefore, they respectfully request the Board remove the GOMOR from his AMHRR.

g. There were no security issues regarding his financial issues. As part of this GOMOR, BG S- alleged: "You have also accumulated a substantial debt, and co-signed for a substantial loan for Ms. S- S-, which is cause for concern and caution with an individual with a high-level security clearance and potential access to sensitive information." Although he acknowledges he owes money on student loans, much of this debt is related to student loans for himself and his children, for which he co-signed.

h. When adjudicating potential financial issues for security clearances, "Security Executive Agent Directive 4, Guideline F: Financial Considerations" provides the following guidance:

The Concern. Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be causes or exacerbated by, and thus, can be a possible indicator or, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also concern insofar as it may result from criminal activity, including espionage.

Conditions that could raise a security concern and may be disqualifying include (a) inability to satisfy debts; (b) unwillingness to satisfy debts regardless of ability to do so; (c) a history of not meeting financial obligations; (d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust; (e) consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or non-payment, or other negative financial indicators; (f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required; (g) unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth,

or money transfer that are inconsistent with known legal sources of income; (h) borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts; and (i) concealing gambling losses, family conflict, or other problems caused by gambling.

Conditions that could mitigate security concerns include: (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgement; (b) the conditions that resulted in the financial problems were largely beyond the person's control (e.g. loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft) and the individual acted responsibly under the circumstances; (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; (e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt, which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue; (f) the affluence resulted from a legal source of income; and (g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

i. Of the above-listed factors that "could raise a security concern," none of these apply to the applicant. Thus, there is no apparent security risk. There is no evidence that he is under any financial distress, and he is current on all financial obligations. However, there appears to be concern about the debt associated with student loans. Most officers in the United States Army that did not attend the United States Military Academy or did not receive a Reserve Officer Training Corps scholarship will have some or even a substantial student loan debt, during their military service relating to obtaining their undergraduate or graduate degree. However, this should not compromise them from receiving a security clearance solely because they have a debt. As stated in his personal statement, he came from a very poor upbringing with limited means; and he needed to fund his own education through student loans. He should not be punished for furthering himself through education, and he had not demonstrated any indications of financial distress or disloyalty to the United States. Further, it appears he is taking advantage of available student loan programs that will ease payments and ultimately result in his student loans being forgiven; namely the Public Service Loan Forgiveness Program. Put simply, he has a plan and he has everything under control.

j. Here there is no security issues regarding his financial issues and he did not violate the UCMJ. The IO did raise potential concerns and recommended he receive counseling from leadership. However, the applicant has provided a personal statement indicating his background and reasons for his loans and debt, which should satisfy any concerns regarding his ability to make payments and his loyalty to the United States. Therefore, it is entirely erroneous to file this GOMOR permanently in his AMHRR. Further, it is entirely unjust to file this GOMOR for unfounded allegations and mild concerns that could have been alleviated through a simple conversation and counseling sessions. Therefore, they respectfully request the Board remove this GOMOR from the applicant's AMHRR.

3. The applicant provides the following documents:

a. Findings and Recommendations for Army Regulation 15-6, 7 March 2022, states in pertinent part, no corroborating documentation or physical evidence has been found that proves the applicant engaged in extramarital sexual conduct. His current financial situation warrants command attention. The IO recommended he be counseled on his current marriage/family situation to ensure no future allegations are made; he be counseled on his current financial situation to ensure he is able to meet his obligations; and he be counseled on his security clearance paperwork, to ensure his current marriage/family/financial situation is accurately recorded.

b. Summary of his sworn statement to the IO, 2 March 2022, which is a summary of the applicant's statement regarding the allegations investigated by the IO. The entire statement is available for the Board's review.

c. Personal Statement in Response to GOMOR, 3 June 2022, states, in effect:

(1) Before making a filing decision, he wanted to provide the BG with additional information on his background and his experience serving in the Army. He would respectfully request the BG consider his case holistically and carefully review his matters in defense, extenuation, and mitigation. For these reason, as as contained in his legal rebuttal, he would respectfully request the BG rescind this GOMOR, or, alternatively, file it locally.

(2) After careful contemplation, he joined the U. S. Army on 8 January 2020, as a result of prayer and being directed by God to serve and support the men and women of the armed services; he felt specifically drawn to the Army and their family members. During the time of his cousin's service, he mentioned to the applicant that he never saw a Chaplain or had anyone he could go to in order to talk about things on his mind. The applicant saw this as a calling. He did not take the opportunity lightly to serve because it is not just a swearing by oath, but by the direction and leading of his Sovereign God.

(3) Before he joined the Army, he grew up in the inner-city projects - low-income housing- of Atlanta, Georgia in a single parent home. Being poor, they moved constantly, and the word stability was a foreign concept to him, until he reached adulthood. As he grew up, they were evicted, homeless, and often went through winters with no heat. In high school, his mother decided to take his two younger sisters and move to an apartment. She left his older sister and the applicant to pay a mortgage, bills, and figure out how to find money for food to eat. At the time, he was 16 years old and a student-athlete, and his older sister was only 19 years old. Further, he did not meet his father until he was 20 years old. Despite his father not being in the applicant's life, the applicant made the active decision to seek him and cultivate a relationship with him. He wanted a father-son relationship, but he also knew he needed his father in order to grow into an adult.

(4) In his neighborhood, they had three choices as young men: sell drugs, be a pimp, and/or be a thief. There was no emphasis, in his community, on education and it was not promoted. He wanted a better life, and he knew one was out there. As he matriculated through middle and high school, he remembers his teachers telling all of them: "having an education is the only way to have better." He chose to pursue education because he did not desire to be a statistic and he wanted better for himself. He also enjoyed learning and applying what he learned to his life. He also had a desire to share what he learned with others. He still remembers hearing the following quote from Elin Nordegren: "Education is one thing that no one can take away from you." After hearing that quote and what he was hearing from teachers and commercials, he chose to pursue education to invest in himself for the better. As he started his own family, he knew his and their education was key. He would share with his children, and still does, the importance of a solid education in order to have knowledge. He always wanted his children to see him as an example. He wanted them to know that no matter what happens in life, keep God first, pursue education and knowledge, know and see their father is there to support and encourage them, and always help those in need of help. Everything he has, the people he meets, the connections he gains are not only for him, but to pave the road for his children, his family, so they do not have to struggle and deal with the hardships he has encountered throughout his life. He knows that his efforts towards education have been extremely rewarding, and he is extremely grateful.

(5) Regarding his alleged debt, his student loan debts were not gained haphazardly or without consideration. He has one bachelor's degree, three master's degrees, and is am resuming his Ph.D. studies this summer. His educational pursuits and accomplishments are a direct result of his desire to invest in himself, pour the same opportunities into his children, and share with other the knowledge he attains. He also signed for multiple parent plus loans for his son, in order for him to pursue his education. None of the applicant's student loans are in default nor have they ever been in default. He has been in public/government service for years, prior to the Army. When it was offered, he decided to utilize the public service student loan forgiveness program

to help him, as he meets the requirements to have his student loans forgiven. His payment plan does not and had not caused him to over-extend his financial ability. Once he completes the program, his debts should be forgiven. He has four automobile loans. One automobile loan was attained to provide R- A- a reliable vehicle for her and her two sons. That automobile loan has been paid for up to one year by R- and will be paid off, no later than June 2023. Another automobile loan was attained to provide F- R- with reliable transportation. All of his automobile payments are current and do not cause financial strain. He takes his financial responsibilities important not only as a leader, but as a man. He thanks the BG for his concern, but the applicant is responsibly handling his personal affairs and finances so the BG does not have anything to worry about.

(6) Moving forward in the U.S. Army, he is looking to serve those he serves with; to be a conduit of dignity, compassion, respect, and God's love first and foremost. Further, he will remain cognizant of his duties as a Chaplain and an officer in the U.S. Army and he will serve as a paragon of excellence and ensures the BG his actions will always be beyond reproach. He hopes to be a great asset to the Army in his words, thoughts, and deeds. He wants to serve his God, while serving his country. The Army affords him the opportunity to do what he loves the most, serve God and serve people. He is hoping to support his children and his family as well with the opportunities afforded via healthcare, GI Bill, and so forth.

(7) For these reasons, he respectfully requests the BG rescind, or alternatively, file the GOMOR locally. He is financially responsible, but he is concerned that a permanently filed GOMOR will lead to a separation action, which will financially impact his ability to support his family.

d. Good Soldier Book, which includes character reference letters, awards and decoration, letters of appreciation and achievement, civilian certificate of ordination, military and civilian diplomas, and his Officer Evaluation Reports. The good Soldier book is available for the Board's review.

4. The applicant's service record contains the following documents:

a. DA Form 71 (Oath of Office - Military Personnel) shows he took the oath of office as a Reserve Commissioned Officer on 15 November 2019.

b. GOMOR, 9 May 2022, wherein he was reprimanded for poor judgment with his personal and financial affairs between January 2020 and January 2022. The applicant acknowledged receipt of the GOMOR on 24 May 2022. On 9 August 2022, the GOMOR was placed permanently in his AMHRR. The entire GOMOR, Army Regulation 15-6 investigation, and the applicant's rebuttal are available for the Board's review.

c. Letter from the Army Review Boards Agency, 4 April 2023, states the Department of the Army Ad Hoc Review Board has reviewed the Probationary Officer Elimination Case on the applicant. The Deputy Assistant Secretary of the Army (Review Boards) has determined the applicant will be involuntarily eliminated from the U.S. Army with an honorable characterization of service. This elimination is based on misconduct and moral or professional dereliction.

d. Orders 123-0903, published by Headquarters, U.S. Army Cyber Center of Excellence and Fort Gordon, 3 May 2023, honorable discharge him from the Army effective 8 May 2023.

e. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) is not available for the Board's review.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board through counsel carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records, the Board found insufficient justification to remove the General Officer Memorandum of Reprimand (GOMOR) from the applicant's Army Military Human Resource Record (AMHRR). The Board noted, the GOMOR, was issued for poor judgment in personal and financial affairs, was appropriately filed based on the totality of circumstances and remains a valid reflection of the applicant's conduct during the period in question.

2. Although, the Army Regulation 15-6 investigation did not substantiate allegations of extramarital sexual conduct, the GOMOR was not solely predicated on those allegations. Additionally, the reprimand addressed concerns regarding the applicant's financial decisions, including substantial debt accumulation and co-signing a loan for a non-family member, which raised legitimate concerns for an individual holding a high-level security clearance. The Board acknowledged the applicant's explanation and mitigating factors, including his background and efforts to manage his financial obligations. However, the perception of impropriety and the judgment exercised during this period reasonably warranted administrative action. The Board determined the GOMOR was issued by a General Officer in accordance with AR 600-37 and was permanently filed following proper procedures. The Board agreed its retention in the AMHRR is neither erroneous nor unjust and serves the interest of maintaining accountability and integrity within the officer corps. Therefore, the request for removal is denied.

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.

X //SIGNED//

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 600-20 (Army Command Policy) 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 SHARP Program.

a. Chapter 7 provides that commanders are responsible for the success of the SHARP Program, including prevention, annual training activities, compliance with required response actions when acts of sexual harassment or sexual assault are reported, and victim support. Commanders are responsible for creating climates that

encourage individuals to intervene to correct misconduct and behavior that could lead to sexual harassment and sexual assault at the earliest opportunity and to trust their chain of command to take appropriate action when reports of sexual harassment and sexual assault are made.

b. Paragraph 7-4 (Program Eligibility) states the SHARP Program provides assistance to Department of the Army civilians and their family members 18 years of age and older when they are stationed or performing duties outside the continental United States and eligible for treatment in the military treatment facility at military installations or facilities outside the continental United States. However, SHARP professionals can assist all Department of the Army civilians with identifying appropriate civilian sexual assault resources.

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

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

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

c. Paragraph 7-2 (Policies and Standards) states once an official document has been properly filed in the AMHRR, it is presumed to be administratively correct and to have been filed pursuant to an objective decision by competent authority. Thereafter,

the burden of proof rests with the individual concerned to provide evidence of a clear and convincing nature that the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the AMHRR.

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

//NOTHING FOLLOWS//