

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20230014692

APPLICANT REQUESTS: expungement of her pre-service juvenile court records from her Army Military Human Resource Record (AMHRR).

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)
- State Attorney's Office Fourth Judicial Circuit of Florida Juvenile Diversion Disposition Notice, 6 May 2008 (three copies)
- U.S. Army Recruiting Command Form 1037 (Probation Officer and/or Court Records Report), 4 March 2013
- Office of the Sheriff, Clay County, Florida – Juvenile Notice to Appear, 18 January 2008, with allied documents, 6 March 2013 (two copies)
- Department of Juvenile Justice Face Sheet, undated

FACTS:

1. The applicant states she desires to have her juvenile court pre-service documents expunged from her AMHRR.
2. A review of her records in the Interactive Personnel Electronic Records Management System (iPERMS) revealed the juvenile court documents described above and labeled as "Documents from Court Agencies Covering Waiverable [sic] Offenses" are filed in the service folder of her AMHRR.
 - a. Court documents show she was arrested for the offense of petit theft (second degree) from a Sears store on or about 18 January 2008. The State Attorney's Office Fourth Judicial Circuit of Florida Juvenile Diversion Disposition Notice, 6 May 2008, successfully terminated her case from Juvenile Diversion on 6 May 2008.
 - b. The U.S. Army Recruiting Command Form 1037, 4 March 2013, completed in order to enlist in military service shows she was tried for petit theft committed on 8 January 2008 under the State Attorney's Office Fourth Judicial Circuit of Florida

Juvenile Diversion Program on 7 February 2008. The charges were dropped when she completed the program.

3. She enlisted in the Regular Army on 21 May 2013 for a period of 4 years and 21 weeks beginning in the rank/grade of private two/E-2.

4. She was promoted to the rank/grade of sergeant first class/E-7 effective 1 February 2023.

5. She is currently assigned to the U.S. Army Cadet Command in a sergeant first class position effective 20 June 2024.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The applicant's contentions, her military records, and regulatory guidance were carefully considered. According to AR 600-8-104, Appendix B (Documents Authorized for Filing in the AMHRR and/or iPERMS), Table B-1 (Authorized Documents), lists all forms and documents approved by the Department of the Army for filing in the AMHRR and/or iPERMS. Documents from court agencies concerning waivable offenses are filed in the service folder. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created, unless there is sufficient evidence that shows a material error or injustice. The Board did not find an error or an injustice, and the applicant does not provide evidence of an error or an injustice or a convincing argument to remove these documents. Therefore, the Board determined relief is not warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

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

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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 considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
2. Army Regulation 601-210 (Active and Reserve Components Enlistment Program), effective 12 March 2013 and in effect at the time of the applicant's enlistment,

prescribed eligibility criteria governing the enlistment of persons, with or without prior service, into the Regular Army, Army Reserve, and Army National Guard. Chapter 4 (Waivable and Nonwaivable Enlistment Criteria) contained wavier and nonwaiver enlistment criteria and prescribed procedures to initiate and process a request for waiver to meet basic enlistment qualifications.

3. Army Regulation 600-37 (Unfavorable Information), effective 20 January 1987 and in effect at the time of the applicant's enlistment, set 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 official personnel files.

4. Army Regulation 600-8-104 (Army Military Human Resource Records Management), effective 2 August 2012 and in effect at the time of the applicant's enlistment, prescribed Army policy for the creation, utilization, administration, maintenance, and disposition of the AMHRR. 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.

a. Paragraph 3-5 stated only documents pertaining to a Soldier's military career and listed in appendix B will be filed in the AMHRR. No more than one copy of a document will be uploaded into the AMHRR, although that document may be viewed in different folders within the record. Proponents of each form or document contained in the AMHRR will make recommendations to the official records custodian through the Army Soldier Records Branch, U.S. Army Human Resources Command. The official records custodian is the final authority for the disposition of documents in folders contained within the AMHRR.

b. Appendix B (Documents Authorized for Filing in the AMHRR and/or iPERMS), Table B-1 (Authorized Documents), listed all forms and documents approved by the Department of the Army for filing in the AMHRR and/or iPERMS. Documents from court agencies concerning waivable offenses are filed in the service folder.

//NOTHING FOLLOWS//