

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 August 2025

DOCKET NUMBER: AR20240004415

APPLICANT REQUESTS: to remove his name from titling action, pursuant to a prior Army Board for Correction of Military Records (ABCMR) case, Docket Number AR20210010653, which granted him full relief to remove his name from the Criminal Investigation Division (CID) report of investigation as directed.

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

- Request for Reconsideration
- Report of Investigation (ROI)
- Letters from CID
- Email communication

FACTS:

1. The applicant states, in pertinent part:

- He received a letter from CID partially denying the requested directive of the ABCMR to remove his name from a CID ROI
- This is a crime he did not commit that has negatively impacted his life for over a decade
- In the recent letter he received, a copy of the ROI without relevant information was enclosed
- There was no credible information to support the partial denial
- He wholeheartedly disagrees with the decision to partially deny the request
- His name was removed from the title/subject block
- His name is still listed on the report
- He is requesting the Board's assistance to have CID fully remove his name from any documents or archives related to this false allegation

2. The applicant provides and his service record shows:

- On 21 September 2000, he enlisted in the Regular Army
- On 23 March 2022, the ABCMR made a favorable decision in Docket Number AR20210010653 stating, the Board recommends that all Department of the Army

records be corrected to show amendment of the CID ROI and all associated documents to remove the applicant's name from the "title" and/or "subject" blocks and any other residual and/or affiliated titling actions

- On 24 January 2023, he underwent an Informal Physical Evaluation Board Proceedings and the Board found him unfit for duty and recommended he be placed on the temporary disability retired list
- On 6 July 2023, he was honorably retired due to disability, combat related
- On 7 November 2023, an ROI shows the subject/suspects unknown; the offense is abusive sexual contact; the applicant's name is printed throughout the remainder of the report
- On 28 November 2023, the applicant received a letter from CID which states the partial denial is made on behalf of the Director Department of the Army CID
- On 22 January 2024, the applicant sent an email requesting CID to comply with the request of the ABCMR directive and to fully remove his name
- On 22 January 2024, the applicant received an email from CID stating they complied with the directive to remove his name from the title block and the FBI National Crime Information Center
- On 16 July 2024, he underwent an Informal PEB Proceeding and was recommended to be placed on the permanent disability retired list

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, a minority of the Board found that relief was not warranted, while a majority of the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows on 23 March 2022, the ABCMR made a favorable decision in Docket Number AR20210010653 stating, the Board recommends that all Department of the Army records be corrected to show amendment of the CID ROI and all associated documents to remove the applicant's name from the "title" and/or "subject" blocks. The applicant received an email from a USACID representative stating the applicant's name was removed from the title/subject title blocks of the ROI and was advised to contact the ABCMR for further action. Therefore, the Board determined relief was appropriate to remove the applicant's name from (ROI) 00613-2013-CID023-035788-6C as promulgated in the decision rendered in ABCMR Docket Number AR20210010653.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by removing the applicant's name from (ROI) 00613-2013-CID023-035788-6C.

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.

REFERENCE:

Department of Defense (DoD) Instruction 5505.07 (Titling and Indexing by DoD Law Enforcement Activities), 8 August 2023, establishes policy, assigns responsibilities, and prescribes uniform standard procedures for titling persons, corporations, and other legal entities in DoD law enforcement activity (LEA) reports and indexing them in the Defense Central Index of Investigations (DCII).

a. Public Law 106-398, section 552, and Public Law 116-283, section 545, codified as a note in Title 10, U.S. Code, section 1552, establish procedures for DoD personnel through which:

(1) covered persons titled in DoD LEA reports or indexed in the DCII may request a review of the titling or indexing decision; and

(2) covered persons titled in DoD LEA reports or indexed in the DCII may request their information be corrected in, expunged, or otherwise removed from DoD LEA reports, DCII, and related records systems, databases, or repositories maintained by, or on behalf of, DoD LEAs.

b. DoD LEAs will title subjects of criminal investigations in DoD LEA reports and index them in the DCII as soon as there is credible information that they committed a criminal offense. When there is an investigative operations security concern, indexing the subject in the DCII may be delayed until the conclusion of the investigation.

c. Titling and indexing are administrative procedures and will not imply any degree of guilt or innocence. Judicial or adverse administrative actions will not be taken based solely on the existence of a DoD LEA titling or indexing record.

d. Once the subject of a criminal investigation is indexed in the DCII, the information will remain in the DCII, even if they are found not guilty, unless the DoD LEA head or designated expungement official grants expungement in accordance with section 3.

e. Basis for Correction or Expungement. A covered person who was titled in a DoD LEA report or indexed in the DCII may submit a written request to the responsible DoD LEA head or designated expungement officials to review the inclusion of their information in the DoD LEA report; DCII; and other related records systems, databases, or repositories in accordance with Public Law 116-283, section 545.

f. Considerations.

(1) When reviewing a covered person's titling and indexing review request, the expungement official will consider the investigation information and direct that the

covered person's information be corrected, expunged, or otherwise removed from the DoD LEA report, DCII, and any other record maintained in connection with the DoD LEA report when:

(a) probable cause did not or does not exist to believe that the offense for which the covered person was titled and indexed occurred, or insufficient evidence existed or exists to determine whether such offense occurred;

(b) probable cause did not or does not exist to believe that the covered person committed the offense for which they were titled and indexed, or insufficient evidence existed or exists to determine whether they committed such offense; and

(c) such other circumstances as the DoD LEA head or expungement official determines would be in the interest of justice, which may not be inconsistent with the circumstances and basis in paragraphs 3.2.a.(1) and (2).

(2) In accordance with Public Law 116-283, section 545, when determining whether such circumstances or basis applies to a covered person when correcting, expunging, or removing the information, the DoD LEA head or designated expungement official will also consider:

(a) the extent or lack of corroborating evidence against the covered person with respect to the offense;

(b) whether adverse administrative, disciplinary, judicial, or other such action was initiated against the covered person for the offense; and

(c) the type, nature, and outcome of any adverse administrative, disciplinary, judicial, or other such action taken against the covered person for the offense.

//NOTHING FOLLOWS//