

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 July 2024

DOCKET NUMBER: AR20240006458

APPLICANT REQUESTS: reversal of the Qualitative Management Program (QMP) decision that resulted in her separation due to receiving a General Officer Memorandum of Reprimand (GOMOR). In effect, removal of the GOMOR.

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant memorandum for Record, 10 June 2024
- Chief Warrant Officer Five (CW5) H\_\_\_ statement, 17 June 2024
- Applicant Sworn Statement, 13 February 2024
- Reinstatement of Instructor Duties, 22 June 2023
- NCO Evaluation Report, June 2022 through June 2023
- University of Maryland College Transcripts
- Senior Parachute Rigger Certification, 29 July 2022
- Logistics Sessions Assessment
- Equal Opportunity Leader Course, 22 November 2022
- Certified Logistics Associate Certificate, 1 March 2024
- OSHA Card, 5 March 2024
- Unit Permanent Change of Station Orders, 1 February 2023
- DA Form 638 (Recommendation for Award), Army Commendation Medal
- Statements of Support from:
  - Colonel (COL) R\_\_\_, 1 February 2023
  - Captain (CPT) Z\_\_\_, 8 February 2023
  - Chief Warrant Officer Three (CW3) T\_\_\_, 8 February 2023
  - Chief Warrant Officer Two (CW2) H\_\_\_, February 2023
  - Warrant Officer Hu\_\_\_, 6 February 2023
  - Warrant Officer Ho\_\_\_, 7 February 2023
  - Sergeant Major (SGM) S\_\_\_, 24 January 2023
  - Master Sergeant (MSG) D\_\_\_, 26 January 2023
  - Sergeants First Class (SFC) A\_\_\_ and F\_\_\_, 8 February 2023
  - SFC B\_\_\_, 9 February 2023
  - Staff Sergeant (SSG) S\_\_\_, 8 February 2023

FACTS:

1. The applicant states she requests the decision to separate her from active duty service under the Qualitative Management Program based on the General Officer Memorandum of Reprimand received (GOMOR) by Major General M\_\_ D\_\_ G be reversed because her performance since receiving the GOMOR proves the reprimand served its purpose and no further administrative action should be taken against her. Since receiving her GOMOR, she has excelled at every job and task given, has dedicated herself to honorable service, has improved herself and the organization, and has proven it is in the Army's best interest to retain her on active duty.

2. In a statement, the applicant states:

a. She requests the reversal of the QMP decision of involuntary separation based on the GOMOR she received from MG M\_\_ D\_\_. Her performance since receiving the GOMOR proves the reprimand served its purpose, she has rehabilitated. She has continued to dedicate herself to honorable military service, and it is in the best interest of the Army to retain her on active duty. Her performance:

(1) Noncommissioned Officer (NCO) Evaluation Reports: she received two evaluations since my incident, and both indicate stellar performance despite her circumstances. Her incident did not hamper her performance.

(2) Her instructor certification was reinstated by the brigade commander, indicating the chain of command's trust in her abilities to continue training and leading Initial Entry Training (IET) students. Since her reinstatement, she has instructed over 400 hours, served as a squad leader for over 400 IET students without incident while instilling Army values, discipline, and integrity into each student. She is dedicated to training the next generation of 92Rs and ensuring the Army can maintain its airborne capabilities.

(3) She has been instrumental in the testing and utilization of Mobile Asset Tracker-Automated Parachute Management (MAT-APM) which is helping modernize aerial delivery, and is improving airborne unit operational readiness across the Army across the DOTMLPF-P. Her efforts with MAT-APM were recognized by Lieutenant General (LTG) C\_\_ D\_\_ at the 17th Airborne Board. Her expertise with MAT-APM helps the Aerial Delivery and Field Services Department utilize and manage the department's MAT-APM program and ensures cohesive strategic messaging during periodic key leader engagements with Army senior leaders. She is committed to improving the aerial delivery and airborne communities, so they remain on the cutting edge.

(4) She successfully completed six (6) credit hours in the Fall and Spring of 2022 and is currently enrolled in the remaining six (6) credit hours to complete her associate

degree in general studies. She strives to be a lifelong learner and take courses through Community College Workforce Alliance to increase my skills for both the military and a future civilian career – she is constantly trying to better herself.

(5) She volunteered to plan, organize, and lead six (6) major community outreach events to help the U.S. Army overcome recruiting challenges, particularly in the 92R Military Occupation Specialty - she dedicated to making the Army better and making sure it has a next generation of Soldier.

b. She has enclosed substantiating documents, endorsements, and letters of recommendation from her chain of command endorsing her retention on active duty. Review of these documents will demonstrate the GOMOR served its purpose, her performance never faltered, and it is in the best interest of the U.S. Army to retain her talents.

3. The general officer who imposed the GOMOR wrote to the ABCMR and indicated that "The only way for this Soldier (in a critically short MOS) can be retained in the Army is through the removal of the GOMAR from her file (she will not stay in the Army simply by moving it to her restricted fiche). She (the imposing general officer) was the issuing authority and supports removal of the GOMAR as it has served its intended purpose.

4. Review of the applicant's service records shows:

a. She enlisted in the Regular Army on 24 September 2008 and holds military occupational specialty 92R, Parachute Rigger.

b. She has served through multiple reenlistments in a variety of stateside or overseas assignments and she was promoted to sergeant/E-5 in November 2014 and to staff sergeant/E-6 in April 2019.

c. On 7 December 2016, while holding the rank of SGT/E-5, she accepted nonjudicial punishment under Article 15 of the Uniform Code of Military Justice (USMJ) for the following misconduct:

- making a false official statement with intent to deceive that she did not go to Texas at all
- without authority, failing to go at the time prescribed to her appointed place of duty, duty watch at the rigger shed
- without authority, failing to go at the time prescribed to her appointed place of duty, remedial PT
- disobeying a lawful order from an NCO to go to remedial PT"
- failing to obey an order by wrongfully traveling further than 250 miles from Eglin AFB, FL, without an approved leave DA Form 31

d. The imposing officer punished her with forfeiture of pay, extra duty, and restriction. The imposing officer also directed the Article 15 be filed in the restricted portion of her Army Military Human Resources Record (AMHRR). The applicant elected not to appeal.

e. On 28 January 2022, while holding the rank of SSG, she was reprimanded for misconduct - driving under the influence of alcohol. This reprimand is based upon the [City] [State] Police Department Case Number [Number], dated 18 December 2021. The GOMOR states:

(1) On 18 December 2021, a [City] police officer observed her strike a parked police vehicle on E. Cary Street. The officer initiated a traffic stop and when he approached your vehicle, he detected a strong odor of alcohol coming from her person. She did not seem aware that she had just hit the vehicle a block back. She was unsteady on her feet. She failed several field sobriety tests and a subsequent chemical testing of her breath at the Police Department determined her Breath Alcohol Content to be .12%.

(2) This command has consistently emphasized the dangers of driving while under the influence of alcohol. As a noncommissioned officer, she is well aware of her duty to set a good example for subordinates to emulate, to live the Army Values, and to represent the United States Army with honor at all times. She has failed in this duty. Her actions raise serious doubt about her character and potential for continued service. The Soldiers deserve far better from their leaders.

(3) This is an administrative reprimand imposed under the provisions of Army Regulation (AR) 600-37 (Unfavorable Information) and not as punishment under Article 15, Uniform Code of Military Justice. She (the imposing general officer) currently intends to file this reprimand permanently' in her AMHRR. Before making this decision, however. She will consider any matters the applicant chooses to submit to in extenuation, mitigation, or rebuttal. Any such matters must be provided to the military justice section of the Office of the Staff Judge Advocate within seven calendar days of her receipt of this reprimand.

f. The applicant acknowledged receipt of the GOMOR but elected not to submit any matters on her behalf. Her chain of command at the company, battalion, and brigade level all recommended the GOMOR be permanently filed in the AMHRR.

g. On 10 March 2022, the imposing general officer reviewed the enclosed reprimand issued to the applicant, dated 20 January 2022. She also reviewed the evidence supporting the reprimand and the recommendations of her chain of command. Based upon her review of the aforementioned materials, the imposing general officer

directed that the subject reprimand be filed permanently in the applicant's AMHR, along with all supporting documents.

h. During June 2022, the applicant received an "Extended Annual" NCO Evaluation Report covering the rating period 10 May 2021 through 9 June 2022. In Part IV Performance Evaluation, Professionalism, Attributes, and Competencies)

- sub-section a (APFT Pass/Fail/Profile): the rater listed the applicant's height and weight, with NO next to Within Standards, and the comment "Failed to meet body composition standards....."
- sub- section e (Intellect), the rater placed an "X" in the Did Not Meet Standards Block and commented "received disciplinary action for poor judgment while operating a motor vehicle."

6. In June 2022, the applicant was notified via her battalion/company commander that her records would be considered by the QMP board in October 2022. She was given an opportunity to submit matters of mitigation to the president of the QMP board no later than 2 October 2022. The QMP board convened on 12 October 2022 during the Fiscal Year 2022 SGM/CSM Evaluation Board.

7. In early January 2023, the applicant received notification from Headquarters, Department of the Army of her involuntary separation because the QMP board denied her continued active-duty service and she was given a separation date of 1 Jul 2023. She has since submitted 4 extensions on active duty, the last of which retained her through 1 October 2024.

8. On 17 November 2023, the Department of the Army Suitability Evaluation Board (DASEB) deliberated on the petition to transfer the GOMOR and all related documents from the performance portion to the restricted portion of the AMHRR under the authority of Army Regulation (AR) 600-37 (Unfavorable Information). After careful consideration, the DASEB voted to approve transfer of the GOMOR, dated 20 January 2022, and all related documents, in that the intended purpose was served and it would be in the best interest of the Army. This action is neither retroactive, nor does it constitute a basis for promotion reconsideration. Accordingly, the DASEB requested the aforementioned be transferred from the performance portion of the AMHRR to the restricted portion. It is further requested that a copy of this memorandum, the enclosed record of proceedings, and the enclosed appeal correspondence be placed in the Soldier's restricted file.

9. On 26 March 2024, in response to the appellant's request for removal of the contested GOMOR and all associated from her AMHRR, the DASEB stated the evidence presented does not clearly and convincingly establish that the document under consideration is untrue or unjust. Therefore, by unanimous vote, the DASEB determined the overall merits of this case do not warrant the requested relief. The

DASEB directed the decision memorandum filed in the applicant's AMHRR, and the appeal documentation will be filed in the restricted section of the appellant's AMHRR.

10. On 29 August 2023, by memorandum, SUBJECT: Reconsideration of the Qualitative Management Program (QMP) Decision and Retention on Active Duty of [Applicant], the U.S. Army Human Resources Command informed the applicant that:

a. She may seek reconsideration of a QMP decision and request retention on active duty when the underlying basis triggering QMP selection is subsequently removed from your file or when there was a material error in her AMHRR that was reviewed by the board. Her request for reconsideration does not meet the criteria set forth in AR 635-200, Active Duty Enlisted Administrative Separations, paragraph 16-11 and is, therefore, returned without further action. As a result of the delay in responding to her original requests for reconsideration, her separation date from the Army is extended to 1 November 2023.

b. If she decides to seek removal of the general officer memorandum of reprimand (GOMOR) from her record, she may petition to do so by applying to the DASEB in accordance with existing procedures outlined in chapter 7, AR 600-37, Unfavorable Information. Additionally, AR 15-185, ABCMR, establishes the ABCMR to correct errors in or remove injustices from Army military records.

11. On 16 February 2024, following multiple requests from the applicant to extend on active duty, the Director of Military Personnel Management (DMPM), Army G-1, has disapproved her request to permanently retain her on active duty. However, the DMPM has approved an ETP for an additional 180-days beyond her involuntary separation date under the QMP. Her term of service date has been adjusted to 1 October 2024.

12. The applicant provides multiple character reference letters and/or letters of support from various individuals, together with awards and various diplomas/certificate, in support of her retention (all documents are available to the Board).

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The evidence shows the applicant was reprimanded for misconduct - driving under the influence of alcohol, following a police stop that resulted in the applicant failing several field sobriety tests and chemical testing of her breath at the Police Department. After reviewing the evidence supporting the reprimand, and the recommendations of the chain of command, the imposing general officer directed the

reprimand be filed in the performance portion of the applicant's AMHRR. Once a GOMOR is properly filed in the AMHRR, it is presumed to be administratively correct and filed pursuant to an objective decision by competent authority.

b. The applicant petitioned the DASEB contending that the GOMOR had served its intended purpose. She also provided a memorandum from the original imposing general officer supporting its transfer or removal. The DSAEB did not find convincing evidence that the GOMOR was untrue or unjust. However, the DASEB determined that the applicant provided sufficient evidence to show the GOMOR has served its intended purpose and that it is in the best interest of the Army to transfer it. As a result, the GOMOR was transferred to the restricted portion of the applicant's AMHRR.

c. Board members agreed that the quality of a Soldier's service is affected by conduct that is of a nature to bring discredit upon the Army or prejudicial to good order and discipline. The applicant is an NCO in a position of trust and authority. Among the purposes of filing unfavorable information is protection, not just for the Soldier's interests but for the Army's as well. Here, the applicant violated that trust. The applicant was later considered by the QMP and not selected for retention. The document that drove her consideration and selection by the QMP was the GOMOR.

(1) A majority of the Board noted that a GOMOR is primarily used as a tool for teaching proper standards of conduct and performance. Despite her mistake, the applicant has continued to "Soldier" on and rebounded in an outstanding manner by improving herself personally and professionally. Since receipt of the GOMOR, she has revealed a progressively noteworthy advancement, both in achievements and maturity: she accepted responsibility for her own actions, completed several training courses and/or certifications, and received good performance evaluation reports and awards. Additionally, her attitude, which is normally recognized as a major ingredient in the success or achievement of an individual, is that of a Soldier who, despite the set-back, has Soldiered on with a strong desire to serve and grow. Furthermore, the applicant provides several letters of recommendation from superior commissioned and non-commissioned officers, including the imposing general officer, strongly endorsing approval for removal of the GOMOR from her records. Therefore, the Board determined that in the interest of justice and equity, removal of the GOMOR is appropriate and warranted.

(2) The member in the minority determined that the applicant has not proven this GOMOR to be either untrue or unjust. She was in fact reprimanded for DUI with a BAC of .12%. Commanders take appropriate actions when there is reasonable belief of DUI of alcohol or drugs. Therefore, the GOMOR is not untrue. Additionally, the filing of the GOMOR was not unjust: The applicant, as a SSG had the duty to abide by the Army's Regulations and policies. She violated a basic safety concept that she and every leader preach every day. She not only endangered herself by she also endangered

others and set a poor example for Soldiers. She did not provide evidence to show the GOMOR was improperly filed or that it was an injustice or that she should not be held liable for not following the Army's drinking and driving policy.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by removing the General Officer Memorandum of Reprimand, dated 28 January 2022 from the applicant's Army Military Human Resources Record.

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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 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. Title 10, U.S. Code (USC) §1169 for Regular Army Soldiers, and 10 USC §12313(a) for Reserve Component Soldiers) grants the Secretary of the Army (or his/her designee) the authority to involuntarily separate Army personnel.

a. Army QMP (Qualitative Management Program) Boards are governed by Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 16-11 and Military Personnel (MILPER) messages that are published for each specific board.

b. The QMP was established to ensure Regular Army and U.S. Army Reserve Active Guard/Reserve (USAR AGR) NCOs in the rank of SSG through CSM serve in a manner consistent with good order and discipline, and that those serving in positions of authority to perform in an exemplary manner, it is appropriate to have policy designed to enhance the quality of the force. Such policy stresses the importance of the U.S. Army NCO Corps by ensuring only NCOs who consistently maintain high standards of performance, efficiency, morality, and professionalism are permitted to continue to serve on active duty. An NCO who is subsequently reduced below the rank of SSG remains eligible for denial of continued active service under this program when the basis for referral occurs as a SSG or higher rank.

c. The QMP board convenes under the construct of a Memorandum of Instruction (MOI) which outlines the board mission. The MOI provides guidelines to the board members to consider files of Soldiers identified for consideration. The board takes a holistic look at each Soldier's record and uses discriminators such as imposition of a field commander's bar to reenlistment, inability to meet physical fitness standards, and failure to comply with requirements of the Army Body Composition Program. They will also review any matters of mitigation or extenuation the Soldier supplies for consideration. The QMP is designed to deny NCOs continued service on qualitative grounds and is not intended to, nor does it relieve commanders of their responsibility to take appropriate action against NCOs who clearly, in the best interest of the Army, do not meet retention standards for continued service.

d. All NCOs in the rank of SSG through CSM who meet one or more of the following criteria: U.S. Army Human Resources Command (HRC) receives material from one of

the following categories for permanent filing in the Performance or Restricted folder of the NCO's Army Military Human Resource Record (AMHRR) (this material must be based on performance or conduct in the Soldier's current grade):

(1) Memorandum of Reprimand from a General Officer (Letters of Reprimand) or Memorandum of Reprimand directed for filing in the AMHRR by a general officer.

(2) Conviction by Court-Martial or punishment under Article 15, UCMJ.

(3) DA Form 2166-9-2, NCO Evaluation Report (SSG-1SG/MSG); Relief for Cause NCOER.

(4) DA Form 2166-9-3, NCO Evaluation Report (CSM/SGM); Relief for Cause NCOER.

(5) Academic Evaluation Report (DA Form 1059) indicating Noncommissioned Officer Education System (NCOES) course failure a second time.

(6) DA 2627 Record of proceedings under Article 15, UCMJ (DA 2627-2).

(7) The Deputy Chief of Staff G-1, or designee, approves a request from commanders with general court-martial convening authority, or their designees, or the Commander HRC, or designee, for referral of an NCO to a QMP screening board.

3. MILPER Number: 22-347, Procedures for the Fiscal Year 2023 (FY23) Qualitative Management Program (QMP), issued on 19 September 2022, states: The purpose of this message is to provide guidance and procedures in support of the QMP. QMP boards will be held in conjunction with the FY23 Headquarters Department of the Army (HQDA) NCO evaluation boards and will consider Regular Army (RA) and U.S. Army Reserve Active Guard Reserve (USAR AGR) Soldiers in the rank of Staff Sergeant (SSG) thru Command Sergeant Major (CSM) for possible involuntary separation. The QMP board process starts upon the permanent filing of material in the Performance or Restricted folder of an NCO's Army Military Human Resource Record (AMHRR). These NCOs will be considered for denial of continued service when U.S. Army Human Resources Command (HRC) receives material from one of the following categories for permanent filing:

- General Officer Memorandum of Reprimand (GOMOR). This includes memorandums of reprimand issued by a general officer and those directed for filing in the AMHRR by a general officer.
- Conviction by court-martial or punishment under Article 15, Uniform Code of Military Justice (UCMJ).
- Relief for Cause Noncommissioned Officer Evaluation Report (NCOER).

- Academic Evaluation Report (DA Form 1059) indicating Noncommissioned Officer Professional Development System (NCOPDS) course failure a second time.

4. Army Regulation 190-5 (Motor Vehicle Traffic Supervision), 22 May 2006, establishes policy, responsibilities, and procedures for motor vehicle traffic supervision on military installations in the continental United States and overseas areas. This includes but is not limited to the following: (1) granting, suspending, or revoking the privilege to operate a privately owned vehicle; (2) registration of privately owned vehicles; (3) administration of vehicle registration and driver performance records; (4) driver improvement programs; (5) police traffic supervision; and (6) off-installation traffic activities. Paragraph 2-7 (Army Administrative Actions against Intoxicated Drivers) states Army commanders will take appropriate action against intoxicated drivers. These actions may include the following:

a. A written reprimand, administrative in nature, will be issued to active duty Soldiers in the cases described below. Any general officer, and any officer frocked to the grade of brigadier general, may issue this reprimand. Filing of the reprimand will be in accordance with the provisions of Army Regulation 600-37. Conditions include:

(1) conviction by courts-martial or civilian court or imposition of nonjudicial punishment for an offense of drunk or impaired driving either on or off the installation.

(2) refusal to take or failure to complete a lawfully requested test to measure alcohol or drug content of the blood, breath, or urine, either on or off the installation, when there is reasonable belief of DUI of alcohol or drugs.

(3) driving or being in physical control of a motor vehicle on post when the blood alcohol content is 0.08 percent or higher, irrespective of other charges, or on off post when the blood alcohol content is in violation of the law of the State involved; or

(4) driving, or being in physical control of a motor vehicle, either on or off the installation, when lawfully conducted chemical tests reflect the presence of illegal drugs.

b. Review by the commander of the service records of active duty Soldiers apprehended for offenses described in paragraph a above is required to determine if any of the following actions should be taken: (1) administrative reduction per Army Regulation 600-8-19 (Enlisted Promotions and Demotions), (2) bar to reenlistment per Army Regulation 601-280 (Army Retention Program), or (3) administrative separation per Army Regulation 635-200 (Active Duty Enlisted Administrative Separations).

5. 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 7-3(c) states an officer who directed the filing in the AMHRR of an administrative memorandum of reprimand, admonition, or censure, 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.

6. 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. Paragraph 3-6 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 another authorized agency.

//NOTHING FOLLOWS//