

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 July 2025

DOCKET NUMBER: AR20240006744

APPLICANT REQUESTS: removal of title:

- from the criminal records database, specifically fraternization and conduct unbecoming an officer and gentlemen to match the original Army Review Boards Directive (ARBA) 2017 directive
- appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record) (online)
- Signature Pages
- Self-Authored Letter
- Polygraph
- Criminal Investigation Division (CID) Report, Law enforcement Report, Commander's Inquiry
- Army Review Boards Agency (ARBA) Letter

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states on 15 March 2017, the Assistant Secretary FCB__, Deputy Assistant Secretary of the Army (Review Boards) directed clearing of her file of derogatory information associated with the BG JAS case. While the General Officer Memorandum of Reprimand (GOMOR) and other associated documents were removed in 2017, the title was never removed. The letter states: "I have reviewed the findings, conclusions, and Board member recommendations. I find there is sufficient evidence to grant relief. Therefore, under the authority of Title 10, United States Code, section 1552, I direct that all Department of the Army Records of the individual concerned be corrected by removing the general officer memorandum of reprimand, dated 29 May 2012, and all associated documents from her Official Military Personnel File (OMPF).

Request necessary administrative action be taken to affect the correction of records as indicated no later than 17 July 2017. Further, request that the individual concerned and counsel, if any, as well as any Members of Congress who have shown interest be advised of the correction and that the Army Board for Correction of Military Records be furnished a copy of the correspondence.”

a. After showing proof that the applicant was titled for fraternization 2 years prior to the BG admitting guilt to coercion and inappropriate conduct with junior female officers. The Under Secretary found the action against me unjust and directed removal of the document from my file so I as a victim, did not have to continue to be persecuted as an assailant in this matter. After multiple years of reliving this story through countless explanation, she is respectfully requesting removal of the title from the criminal records database to match the original 2017 directive.

b. To satisfy the 2017 directive of the Under Secretary of the Army Review Boards Agency (ARBA) to remove all derogatory information from her file. When she spoke to Ms. B__ in 2018 she assured the applicant that the injustice was cleared from her record to include titling. All records were removed except the title for fraternization.

c. Her self-authored letter, 24 April 2024 shows she was deemed in good standing. All administrative remedies were exhausted prior to notification of resulting in ARBA's directed removal of all derogatory information associated with the CID report form her officer record. She was a victim in the highly publicized BG JS__ case. She was accused of fraternization and conduct unbecoming an officer and gentlemen. During the investigation, CID agents questioned my informal tone in email correspondence as potential fraternization with JS__. To thwart their accusations, she submitted to a polygraph that showed the investigators that she was truthful that her relationship with BG S__ never involved physical contact of any sort. She recounts her having served with BG JS__ on different occasions.

d. Over the past 10 years, she has struggled with how her loyalty to a General Officer, whom she greatly respected, allowed her to succumb to his demands and subvert her military values. Since the incident, she was selected for promotion to Lieutenant Colonel and Colonel and served as a Battalion Commander and now Brigade Commander both successfully and honorably.

3. The applicant provides, and her service records show:

- She entered active duty on 15 May 1998 for training. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was released from active duty on 14 September 1998 and transferred to the U. S. Army Reserve (USAR). She completed 4 months net active service.

- She was appointed a Reserve commissioned officer in the grade of second lieutenant/2LT on 12 May 2001.
- The Criminal Investigation Division (CID) Investigation, 18 April 2012 shows the applicant was under investigation for fraternization, making a false statement, violation of no contact order and indecent acts. The information in this report is based upon an allegation or preliminary investigation and may be changed prior to the completion of the investigation.
- The polygraph, undated shows the applicant was not being deceptive when answering the relevant questions.
- The GOMOR, 29 May 2012 shows as an officer in the U. S. Army, the applicant created and sent sexually explicit photos and a video of herself to a married General Officer (GO) in the U. S. Army. Further the applicant had numerous inappropriate and illicit conversations with this same GO. She knew this was abhorrently wrong, yet she deliberately acted in this manner repeatedly and over the course of more than a year. Her complete disregard for differences in rank and rules against fraternization displayed a lack of character and integrity. Her actions were of a nature to bring discredit upon the Armed forces and were prejudicial to good order and discipline. She was reprimanded for conduct unbecoming an officer and a gentleman and fraternization in violation of the Uniform Code of Military Justice (UCMJ). The GOMOR was filed in her Official Military Personnel File (OMPF), 13 July 2012.
- The Department of the Army Suitability Evaluation Board (DASEB) (AR20140012294), 25 September 2014 shows the evidence presented does not provide substantial evidence that the document in question has served its intended purpose or is untrue or unjust, and that its transfer or removal would be in the best interest of the Army. Therefore, by unanimous vote, the DASEB determined the overall merits of this case do not warrant removal or transfer of the contested document.
- The ARBA letter, 16 October 2014 shows the DASEB voted to deny removal or transfer of the GOMOR, dated 29 March 2012.
- The DASEB (AR20150012602), 3 December 2015 shows the evidence presented does not establish clearly and convincingly that the document under consideration is untrue or unjust and that the presumption of regularity should be applied. Therefore, by unanimous vote, the Department of the Army Suitability Evaluation Board (DASEB) determined the overall merits of this case do not warrant removal of the GOMOR.
- Order Number: 002762393, 5 May 20215 shows the applicant was awarded the Legion of Merit.
- The ARBA letter, 11 January 2016 shows after careful reconsideration, the DASEB voted to approve transfer of the GOMOR, dated 29 March 2012, and all allied documents; in that the intended purpose has been served, and it would be in the best interest of the Army. Accordingly, request the aforementioned be

transferred from the performance portion of the Army Military Human Resource Record (AMHRR) to the restricted portion.

- The ARBA letter, 11 January 2016 shows partial relief was granted by the DASEB.
- U. S. Army Human Resources Command (HRC) letter (AR20170001786), 18 April 2017 shows applicant's record was corrected as directed by the Army Board for Correction of Military Records, Docket Number AR20170001786, approved 15 March 2017. The GOMOR and dated 29 May 2012, and all allied documents were removed from the applicant's Official Military Personnel File.
- The ARBA letter to applicant, 30 March 2025 shows ARBA had received the CID report, and her application was placed on hold for 10 days to allow her the opportunity to submit comments on the enclosed CID report. No reply as of 9 April 2025.
- Applicant is Regular Army.

BOARD DISCUSSION:

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 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.

The Board concluded that relief is not warranted because there was sufficient probable cause both at the time of the CID investigation and now to title the applicant with the offense of fraternization. The Board noted that the applicant admits to the conduct underlying the titling decision; her contentions are that the titling is unjust because she was a victim of a superior officer's manipulation. While the Board acknowledges the responsibility held by the senior official in an inappropriate relationship, it found that does not negate the applicant's culpability for her own conduct.

The Board considered the applicant's contentions that she has had a positive career since the misconduct and that she passed a polygraph exam. While both are true, neither changes that probable cause exists to support the titling by CID. The polygraph addressed only the question of whether the applicant engaged in an inappropriate physical relationship, which was not the basis of the CID titling determination.

Furthermore, the Board acknowledges the prior decision to remove the GOMOR from the applicant's record. The determination to do so was based on there being "sufficient evidence" for the removal. This does not equate to a lack of probable cause either at the time of the offense or now. The GOMOR may have been properly removed due to considerations of injustice, not a lack of evidence for the conduct itself. Ultimately, the Board determined that no evidence has been presented to negate the existence of probable cause that the applicant committed the offense of fraternization and should remain titled.

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. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.
 - a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
 - b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 600-8-24 (Officer Transfers and Discharges) provides for officer transfers from active duty to the Reserve component and discharge functions for all officers on active duty for 30 days or more.

a. Paragraph 1-22 provides, in pertinent part, that an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, or the final revocation of a security clearly for reasons that do not involve acts of misconduct.

b. Paragraph 1-22 provides, in pertinent part, that an officer will normally receive a general discharge when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Additionally, paragraph 1-22 provides, in pertinent part, that a discharge under other than honorable conditions is an administrative separation from the service under conditions other than honorable. An officer will normally receive a discharge under other than honorable conditions when they resign for the good of the service, are dropped from the rolls of the Army, or are involuntarily separated due to misconduct, moral or professional dereliction, or for the final revocation of a security clearance as a result of an act or acts of misconduct, including misconduct for which punishment was imposed.

d. Chapter 4 (Eliminations) states an officer is permitted to serve in the Army because of the special trust and confidence the President and the nation have placed in the officer's patriotism, valor, fidelity, and competence. An officer is expected to display responsibility commensurate to this special trust and confidence and to act with the highest integrity at all times. However, an officer who will not or cannot maintain those standards will be separated.

e. Chapter 4 provided the tasks, rules, and steps for eliminating officers in the Active Army for substandard performance of duty, misconduct, moral or professional dereliction, and in the interests of national security. Paragraph 4-2a (Reason for Elimination) states while not all inclusive, when one of the several listed or similar conditions exist, elimination action may be or will be initiated for Substandard performance of duty.

(1) A downward trend in overall performance resulting in an unacceptable record of efficiency, or a consistent record of mediocre service.

(2) Failure to keep pace or to progress with contemporaries, as demonstrated by a low record of efficiency when compared with other officers of the same grade and competitive category.

(3) Failure to exercise necessary leadership or command expected of an officer of their grade.

(4) Failure of an officer to absorb technical proficiency required for grade and competitive category.

(5) Failure to properly perform assignments commensurate with an officer's grade and experience.

(6) Apathy, defective attitudes, or other characteristic disorders to include inability or unwillingness to expend effort.

(7) Failure to respond to alcohol or drug problem rehabilitation efforts in a reasonable length of time. (See AR 600–85 for further explanation.) Elimination action will be initiated. Care should be taken to avoid the inclusion of limited use evidence, as defined in AR 600–85, chapter 6.

(8) Failure to conform to prescribed standards of dress, personal appearance, or military deportment.

(9) Failure to achieve satisfactory progress after enrollment in the Army weight control program or failure to maintain the weight/body fat standards established under the provisions of AR 600–9 after removal from an established weight control program. Elimination action will be initiated.

(10) Failure of a course at a service school for academic reasons by a probationary or non-probationary RA officer. For failure by an RC officer, see paragraph 2–33.

(11) Failure of a probationary officer to resign under paragraph 3–9 when their commander determines the best interest of the Government, and the individual can be served by the officer's discharge.

(12) The discovery of other conditions concerning a probationary officer that, had they been known at the time of appointment, would have precluded appointment.

(13) The discovery of any other condition concerning a probationary officer that indicates the officer's retention in the Army would not be in the best interest of the United States.

(14) Probationary RA commissioned and warrant officers entering AD who are confirmed Human Immunodeficiency Virus (HIV) positive within 180 calendar days of their original appointment or probationary USAR, ARNG commission and warrant officers who report for initial entry training in an AD (other than ADT) status and are

confirmed HIV positive within 180 calendar days of reporting to AD will be processed for elimination.

(15) Failure to establish an adequate Family Care Plan in accordance with AR 600-20, paragraph 5-5.

f. Paragraph 4-5 (Separation date) states an officer approved for involuntary separation by the Secretary of the Army or his designee, or whose request for resignation or discharge in lieu of elimination is approved for misconduct, moral, or professional dereliction, or in the interest of national security will be separated according.

4. Army Regulation 600-8-104 (Army Military Human Resource Records Management) prescribes Army policy for the creation, utilization, administration, maintenance, and disposition of the Army Military Human Resource Record (AMHRR). The military personnel records jacket, military personnel file, and career management information file are no longer authorized for use by any component. This does not eliminate the need for documents to be filed locally. Examples include, but are not limited to, local training records DA Form 705 (Army Physical Fitness Test Scorecard, weapons qualification record, and administrative documents, such as general counseling documents.

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 ABCMR or another 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.

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 7-3c (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 Department of the Army Suitability Evaluation Board to justify the request.

6. Title 10, USC, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

7. Army Regulation 37-104-4 (Military Pay and Allowances Policy) states, only the Director, DFAS-IN may make settlement actions affecting the military pay accounts of Soldiers as a result of correction of records by the ABCMR per provisions of AR 15-185.

8. AR 350-1 (Army Training and Leader Development), currently in effect, prescribes policies and procedures for developing and conducting Army training and leader development. Chapter 3 (The Army Institutional Training and Education System), paragraph 3-45 (U.S. Army War College) outlines the requirements for War College attendance.

a. The U.S. Army War College (USAWC) is the Army's center for strategic thought. The USAWC's mission is to educate and develop leaders for service at the strategic level while advancing knowledge in the global application of Land power. Toward this

end, the USAWC conducts a resident education program (REP) and a distance education program (DEP).

b. The website (<https://www.armywarcollege.edu/programs/policies.cfm>) details enrollment requirements:

(1) The USAWC requires students to submit verification of a baccalaureate degree from a regionally accredited institution; USAWC is a Master's granting institution.

(2) Military students are selected to attend the USAWC by their respective Services. Selected students are considered to hold considerable potential for promotion and future service in positions of increasing responsibility. Officers are eligible for attendance after being promoted to O-5, through their 25th year of service. Applicants must have completed the Command and General Staff College, or equivalent, and should possess a baccalaureate degree. The USAWC does not accept individual applications into its Senior Service College programs except through special exceptions. Students are centrally selected by their component, thus USAWC receives its list of students by component, rather than receiving and processing individual applications.

(3) Senior Service College is voluntary for all Troop Program Unit (TPU), Individual Ready Reserve (IRR), Individual Mobilization Augmentee (IMA) officers, and Active Guard Reserve (AGR) officers. Within the USAR, the Chief, Army Reserve (CAR) convenes a board annually in October that selects and ranks by competitive category qualified officers in the AGR program, TPU program, and IMA program. The board lists selected officers as either a primary or an alternate in an Order of Merit List (OML) for either the resident program or distance education program. The CAR is the approving authority for the board's recommendation.

(4) Department of the Army Civilians who wish to attend the program must apply according to the standards in AR 350-1. Other services should contact their appropriate personnel office to determine eligibility and admission procedures. Civilian employees of other federal agencies wanting to enroll need to do so through their component's chain of command.

9. Army Regulation (AR) 600-8-104 (Army Military Human Resource Records (AMHRR) Management) prescribes the policies governing the Official Military Personnel File, the Military Personnel Records Jacket (MPRJ), states:

a. That the performance section is used for filing performance, commendatory, and disciplinary data. Once placed in the AMHRR, the document becomes a permanent part of that file. The document will not be removed from or moved to another part of the file (AMHRR) unless directed by the proper authorities listed in the regulation.

b. The AMHRR is a permanent record remaining under Army control for 62 years from a Soldier's final separation date to include retirement, separation, and death. Only documents pertaining to a Soldier's military career and listed in this regulation will be filed in the AMHRR. No more than one copy of a document will be uploaded into the AMHRR. The document will not be removed from or moved to another part of the AMHRR unless directed by certain agencies, to include this Board.

10. 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. The intent of this regulation is to ensure that unfavorable information that is unsubstantiated, irrelevant, untimely, or incomplete is not filed in individual official personnel files; and, to ensure that the best interests of both the Army and the Soldiers are served by authorizing unfavorable information to be placed in and, when appropriate, removed from official personnel files.

a. Chapter 1 stipulates 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. Chapter 7 states a memorandum of reprimand may be filed in a Soldier's OMPF only upon the order of a general officer-level authority General Court-Martial Convening Authority and is to be filed in the performance section. 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 of AR 600-37.

c. Paragraph 7-2 (Policies and Standards) provides 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 the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the OMPF.

11. Title 10, USC, section 1552 states The Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

//NOTHING FOLLOWS//