

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240006974

APPLICANT REQUESTS: transfer of the memorandum of reprimand, 11 December 2016, from the performance folder of her Army Military Human Resource Record (AMHRR) to the restricted folder.

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

- Memorandum for President, Department of the Army Suitability Evaluation Board (DASEB) (Request for Removal of Letter of Reprimand (Applicant))
- Memorandum for Applicant, (Memorandum of Reprimand)
- Applicant's Memorandum (Response to Memorandum of Reprimand)
- Commanding General Memorandum (Filing Determination for General Officer Memorandum of Reprimand (GOMOR))
- DA Form 268 (Report to Suspend Favorable Personnel Actions (Flag))
- DASEB, Response Letter
- Army Board for Correction of Military Records (ABCMR) Docket Number AR20230004499
- three DA Forms 2166-9-1 (Noncommissioned Officer (NCO) Evaluation Report (NCOER) (Sergeant (SGT)))
- Department of the Army Orders 0003845349.00
- DD Form 1059 (Service School Academic Evaluation Report)

FACTS:

1. The applicant asks the Board to direct the transfer of her memorandum of reprimand.
2. The applicant's service record show:

a. She enlisted in the U.S. Army Reserve (USAR) on 6 May 1997. She was ordered to active duty in support of Operation Enduring Freedom. She entered active duty on 24 November 2012 and served in Kuwait from 16 January to 8 September 2013. She was honorably released from active duty on 23 January 2014, for completion of required active service, and transferred back to her reserve unit. Her DD Form 214 (Certificate of

Release or discharge From Active Duty) shows she completed 1 year and 2 months of net active service.

b. On 30 November 2016, a memorandum (Commander's Inquiry regarding the applicant's release from the Fort Hood mobilization site), informed her chain of command they found the applicant's intent to deceive the chain of command and medical personnel at Fort Hood was clear, however the motive behind her behavior was unclear. A GOMOR was recommended to be filed in her Official Military Personnel File (OMPF), for misleading a commissioned officer into believing she was physically clear to deploy and partake in the training required to deploy to the Central Command Area of Responsibility.

c. On 11 December 2016, the applicant was reprimanded in writing wherein he stated:

This Memorandum of Reprimand is issued to you because of your actions which are the subject of the attached 15-6 Investigation which finds that intentionally withheld information regarding your health. You are hereby reprimanded for your actions. As a non-commissioned officer, you are expected to maintain the highest standards of personal behavior and integrity. As a non-commissioned officer, you have a duty to act responsibly, to exercise mature judgment, and to set a proper example for subordinates. By not-disclosing important details regarding your health during two Soldier Readiness Process (SRP) events during Mobilization. Withholding such information and later refusing to conduct required training activity caused your Release from Active Duty (REFRAD) and not deploy. This action raises concern that you lack the necessary judgement and integrity to serve as a leader in the military and in the Active Guard Reserve program.

This reprimand is imposed as an administrative measure under the provisions of AR 600-37 and not as punishment under the Uniform Code of Military Justice, Article 15. This memorandum may be filed permanently in your Official Military Personnel File (OMPF); in your local unit file for up to 3 years, or until your reassignment to another general court-martial jurisdiction, whichever comes first. You are advised that in accordance with AR 600-37, I intend to recommend that this reprimand be filed in your local unit file OMPF. Secondly, I intend to recommend that you are separated from the AGR [Active Guard Reserve] program and reassigned as a Troop Program Unit (TPU) Soldier with assistance from HRC [Human Resources Command]. Prior to making this decision, I will consider any documents that you submit to me in rebuttal within 14 days that provide me with a valid justification for your conduct or matters in extenuation and mitigation that convince me that such filing is not warranted.

In accordance with AR 600-3 7, Para. 3-4b, I am referring this correspondence to you for your information. You have the opportunity to respond and provide rebuttal documents. I will consider any responses you may have to rebut or mitigate the circumstances surrounding your REFRAD which formed the basis of this action. Forward any matters you desire through your chain of command not later than 14 calendar days from the date of this reprimand.

d. On 11 December 2016, the applicant's acknowledged receipt of the memorandum of reprimand and noted her intent to submit matters in extenuation, rebuttal and mitigation.

e. On 13 December 2016, the applicant submitted a rebuttal to the memorandum of reprimand.

f. On 2 March 2017, after carefully considering the circumstances of the misconduct; the recommendations made by the applicant's chain of command; and all matters submitted by the applicant in defense, extenuation, or mitigation; the CG directed permanently filing the GOMOR in the applicant's AMHRR.

g. On 16 March 2017, DA Form 268 shows the applicant's administrative flag was removed, because the case was closed favorably.

h. On 23 October 2018, the DASEB administratively closed and returned the applicant's appeal without action or prejudice.

i. On 3 June 2019 in Docket Number AR20170010062, the ABCMR denied the applicant's request for correction of his records to remove the NCOER covering the 20 August 2015 through 19 August 2016 and the memorandum of reprimand, 11 December 2016.

j. Department of the Army Orders 0003845349. 00 temporarily promoted the applicant to staff sergeant on 4 January 2023, pending completion of the Advance Leaders Course.

k. On 25 March 2023, the applicant completed the Advance Leaders Course.

l. The HRC, memorandum (Notification of eligibility for Retired pay at Non-Regular Retirement (20-year Letter)), 25 March 2024, notified her that she completed the required qualifying years of service for retired pay upon application at age 60 in accordance with statutory guidance.

m. The applicant is currently serving in the U.S. Army Reserve in a Troop Program Unit.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation showing the applicant received all due process rights in the processing of the GOMOR and the GOMOR was based upon a legally executed Commander's Inquiry, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's military record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

//SIGNED//

X

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 15-6 (Procedures for Administrative Investigations and Boards of Officers) establishes procedures for conducting preliminary inquiries, administrative investigations, and boards of officers when such procedures are not established by other regulations or directives. Paragraph 5-2 states IOs may use whatever method they deem most efficient and effective for acquiring information. Although witnesses may be called to present formal testimony, information may also be obtained by personal interview, correspondence, telephone inquiry, or other informal means.

2. 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 DASEB to justify the request.

3. 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.

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 Army Board for Correction of Military Records or other 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.

//NOTHING FOLLOWS//