

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 April 2025

DOCKET NUMBER: AR20240008457

APPLICANT REQUESTS: removal of the General Officer Memorandum of Reprimand (GOMOR), dated 18 November 2008, 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), 12 June 2024
- Online Application, 12 June 2024
- Self-authored letter
- Recommendation for Removal letter, from Brigadier General T.A.C., 10 June 2024
- Recommendation for Removal letter, from Colonel A.C.R. Jr., 11 June 2024
- Department of the Army Suitability Evaluation Board (DASEB) Packet, 9 November 2017

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 the GOMOR was issued to her over 16 years ago and has served its purpose; however, the GOMOR continues to set a stigma of her poor choices. It is impeding her career progression and judgment is placed based on mistakes made. She has matured and atoned for her lack of judgment, strives for self-improvements, has sought to perform in an exemplary manner in all her military endeavors, and has utilized her experiences from the incident as a key lesson when she administers discipline at her level. Removing the GOMOR will allow her to compete for positions of greater responsibility based on her current abilities and performance as well as removing the stigma of her poor choices made while serving as an immature lieutenant.
3. A review of the applicant's service record shows the following:

a. Having prior enlisted service in the Regular Army, the applicant was appointed as a Second Lieutenant (2LT) on 16 December 2005 in the New Jersey Army National Guard (NJARNG). She entered active duty on 16 June 2008.

b. On 18 November 2008, she was issued a memorandum of reprimand for conduct unbecoming of an officer and for having an improper relationship under Army Regulation 600-20 (Personnel – General Army Command Policy) with Staff Sergeant (SSG) M.

c. On the same date, she acknowledged receipt of the memorandum of reprimand. She had read and understood the unfavorable information presented to her, she understood she had five calendar days to submit matters in her behalf and if she failed to submit matters within five calendar days a final filing decision may be made without any input from her, she elected that she did intend to make a statement in rebuttal or submit other matters in her behalf. Stating:

(1) She regretted the trouble she had caused with her involvement with SSG M., and she understood what she had done had distracted her from her command's overall mission. She referenced the boundaries between Officer and Noncommissioned Officer, perceptions, and the problem which was created for herself and her command.

(2) She described her position as the Executive Officer and reflected on her engaging in conduct only serving as a distraction to the command, she was disappointed in herself; however, she requested to recover from her mistake and continue to contribute to the unit's success. Additionally, she requested a local filing of the letter of reprimand.

d. On 28 November 2008, the commanding general considered the circumstances concerning the conduct that provided the basis for the letter of reprimand. He directed the GOMOR be filed permanently in the performance section of the applicant's official military personnel file.

e. She was honorably released from active duty on 17 July 2009, in the grade of O-2. She served 1 year, 1 month, and 2 days of net active service this period with 9 months of foreign service to an imminent danger pay area, Iraq, from 1 September 2008 to 31 May 2009.

4. She additionally provides the following:

a. A recommendation memorandum from Brigadier General T.A.C., dated 10 June 2024, wherein he requests favorable consideration of the applicant's request. He states since the applicant's personal indiscretion while deployed in 2008 serving as a first lieutenant, she has served with distinction in the NJARNG, completed company

command, two key developmental assignments as a logistics field grade officer, and she currently serves in an O-5 position as the G4-Surface Maintenance Officer. She has completed her master's degree, took a hard assignment as the Bilateral Affairs Officer in El Salvador, and completed the Advanced Operations Course. Her personal growth and maturity are evident in her performance as a field grade officer. He further states the GOMOR has served its purpose, as the applicant has been a model officer, promoted numerous times; however, he believes when she was a non-select for promotion to Lieutenant Colonel it was most likely due to the presence of this singular derogatory information in her file.

b. A recommendation memorandum from Colonel A.C.R. Jr, dated 11 June 2024, states the applicant has proven herself to be a mature and highly competent field grade officer, she is among the best logistics officers in the NJARNG. He believes the GOMOR has served its purpose and helped develop the applicant into the high character officer she has become, removal is the right thing to do and it will allow her continued progress in the NJARNG. The presence of the GOMOR continues to punish her for indiscretions she made as a 2LT and detracts from the great work and reputation she has built for herself.

c. DASEB packet, case AR20170002080, showing the DASEB voted to approve transfer of the GOMOR, dated 18 November 2008, and all related documents from the performance portion to the restricted portion of the AMHRR.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the time passed since the incident leading to the applicant's GOMOR and the demonstrated growth outlined in BG T.A.C's letter of support, the Board concluded there was sufficient evidence to grant some clemency by transferring the applicant's GOMOR, dated 18 November 2008, to the applicant's restricted file. The Board found, however, removing the GOMOR was not warranted as there was no evidence of an error or injustice of its placement in the official record of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by transferring the applicant's issued GOMOR, dated 18 November 2008 (along with all allied documents) to the applicant's restricted file.

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to removal of the GOMOR, as requested.

//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. 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 (AR) 600-8-104 (Army Military Human Resource Records Management), 7 April 2014, prescribes policies governing the Army Military Human Resource Records Management (AMHRR) Program. 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 3-6 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 other authorized agency.

b. Appendix B (Documents Required for Filing in the AMHRR and/or Interactive Personnel Electronic Records Management System) states letters/memoranda of reprimand for sex-related offenses are filed in the performance folder.

3. Army Regulation 600-20 (Army Command Policy) prescribes the policies and responsibilities of command, which include the Army Ready and Resilient Campaign Plan, military discipline and conduct, the Army Military Equal Opportunity Program, the Army Harassment Prevention and Response Program, and the Army Sexual Harassment/Assault Response and Prevention Program. Paragraph 4-14 (Relationships between Soldiers of Different Grade) states Soldiers of different grades must be cognizant that their interactions do not create an actual or clearly predictable perception of undue familiarity between an officer and an enlisted Soldier, or between a noncommissioned officer and a junior enlisted Soldier. Examples of familiarity between Soldiers that may become "undue" can include repeated visits to bars, nightclubs, eating establishments, or homes between an officer and an enlisted Soldier, or a noncommissioned officer and a junior enlisted Soldier, except for social gatherings that involve an entire unit, office, or work section. All relationships between Soldiers of different grade are prohibited if they:

(1) compromise, or appear to compromise, the integrity of supervisory authority or the chain of command;

(2) cause actual or perceived partiality or unfairness;

(3) involve, or appear to involve, the improper use of grade or position for personal gain;

(4) are, or are perceived to be, exploitative or coercive in nature; or

(5) create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission.

4. AR 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 Official Military Personnel File (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) 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 that the document is untrue or

d. Only letters of reprimand, admonition, or censure may be the subject of an appeal for transfer to the restricted folder of the OMPF. Such documents may be appealed on the basis of proof that their intended purpose has been served and that their transfer would be in the best interest of the Army. The burden of proof rests with the recipient to provide substantial evidence that these conditions have been met.

//NOTHING FOLLOWS//