

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 May 2025

DOCKET NUMBER: AR20240008787

APPLICANT REQUESTS: removal of an Article 15 from her Army Human Resource Record (AMHRR) restricted section

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant states, in pertinent part:

- She is requesting removal of the Article 15 because it is affecting her ability to progress in the military
- When she received the Article 15, there was no proof or evidence presented against her for fraternization
- The evidence used was a declaration she made after her ex-husband threatened to kill himself if she did not
- She was unable to provide any defense for herself, during the investigation
- She was scared her ex-husband would harm himself or their family
- The other evidence used against her was hearsay, never proven with actual facts
- Her command was aware she was in an unhealthy relationship yet never considered this during the investigation process
- Her command ruled towards the only information available
- The Article 15 is harming her ability to progress in her career
- She was trying to go on a drill sergeant assignment but is unable to because of the derogatory information on her records
- She has made a commitment to her career and the U.S. Army
- She would like to be able to move forward and advance her career

2. The applicant's service record shows:

- On 19 January 2016, she entered active duty in the Regular Army
- On 9 September 2020, she accepted nonjudicial punishment, in the rank of sergeant (SGT), for fraternization; she was reduced to the rank of specialist

- On 23 February 2022, she received a certificate of achievement in the rank of SGT
- Her Enlisted Record Brief, 28 November 2022, shows she was awarded the Army Achievement Medal
- On 31 March 2023, orders were published promoting her to the rank of staff sergeant effective 1 April 2023
- On 4 April 2025, orders were published awarding her the Army Good Conduct Medal effective 18 January 2025

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 review based on public law, policy, and regulation. The evidence of record confirms that the applicant, in the rank of SGT, accepted non-judicial punishment on 9 September 2020 for fraternization. The punishment was imposed under Article 15 of the Uniform Code of Military Justice (UCMJ). The Board examined the Article 15 contained in the applicant's AMHRR. The record reflects that the applicant was found to be in violation of Article 92, UCMJ, for fraternization. The Board determined that the documentation was factually accurate, properly recorded, and in compliance with applicable regulatory guidance. No error or injustice was identified. Therefore, the Board denied relief.

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//

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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 600-20 (Army Command Policy) prescribes the policy and responsibilities of command which include the wellbeing of the force, military discipline and conduct, the Army Equal Opportunity Program, and the Army Sexual Assault Victim Program. Paragraph 4-14b states relationships between Soldiers of different rank are prohibited if they compromise, or appear to compromise, the integrity of supervisory authority or the chain of command; cause actual or perceived partiality or unfairness; involve, or appear to involve, the improper use of rank or position for personal gain; are, or are perceived to be, exploitative or coercive in nature; or create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission.
2. Army Regulation 27-10 (Military Justice) prescribes the policies and procedures pertaining to administration of military justice.
 - a. Paragraph 3 states NJP is imposed to correct misconduct as a result of intentional disregard of or failure to comply with prescribed standards of military conduct in violation of the UCMJ. NJP may be set aside or removed upon a determination that under all the circumstances of the case, a clear injustice has resulted.
 - b. Paragraph 3-37a, states the original DA Form 2627 will include allied documents, such as all written statements and other documentary evidence considered by the imposing commander or the next superior authority acting on an appeal.
 - c. Paragraph 3-37b(1)(a) states the decision to file the original DA Form 2627 in the performance or restricted folders in the OMPF will be made by the imposing commander at the time NJP is imposed. The filing decision of the imposing commander

is subject to review by superior authority. For Soldiers in the ranks of sergeant and above, the original will be sent to the appropriate custodian for filing in the OMPF.

d. "Clear injustice" means there exists an unwaived legal or factual error that clearly and affirmatively injured the substantial rights of the Soldier. An example of clear injustice would be the discovery of new evidence unquestionably exculpating the Soldier. Clear injustice does not include the fact that the Soldier's performance of service has been exemplary subsequent to the punishment or that the punishment may have a future adverse effect on the retention or promotion potential of the Soldier.

3. 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; 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.

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 AMHRR. 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 (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.

//NOTHING FOLLOWS//