

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 July 2025

DOCKET NUMBER: AR20240008800

APPLICANT REQUESTS:

- Removal of the DA Form 2627 (Record of Proceedings Under Article 15, Uniform Code of Military Record) from the restricted section of his Army Military Human Resource Record (AMHRR)
- Personal Appearance before the Board

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

DD Form 149 (Application for Correction of Military Record):

- Memorandum requesting the setting aside of the NJP
- Administrative separation proceedings, dated 21 November 2024
- TDS Memorandum in Support, dated 14 March 2025
- DA Form 2627, dated 29 April 2024
- [REDACTED] Interview, dated 13 February 2024

FACTS:

1. The applicant states, in pertinent part:

- The nonjudicial punishment he received is both an error and an injustice
- Regulations were not properly reviewed prior to making a determination on guilt
- In order for someone to be considered a Subject of Recruiting Effort (SRE) they have to be a prospect, applicant or recruit
- A prospect is someone who expresses interest in the military to a recruiter and has the qualifications
- As evidenced by the Investigating Officer's report, "...[the SRE] never expressed interest in joining the Army"

2. The applicant's service record contains the following documents:

- On 24 October 2018, he enlisted in the Regular Army
- On 29 April 2024, he accepted nonjudicial punishment for wrongfully attempting to develop or conduct a personal relationship with [REDACTED] a subject of recruiting

efforts; the nonjudicial punishment was filed in the restricted section of his AMHRR

- At the Article 15, copies of the text messages were provided between the applicant the [REDACTED]. He was found guilty and received forfeitures of ½ month’s pay for one month
- The supporting documents for the nonjudicial punishment are available for the Board's review

3. As part of the applicant’s submission, the applicant provided a copy of his administrative separation board. The separation board found that the misconduct outlined in the contested DA Form 2627 is not supported by a preponderance of the evidence, and recommended retaining the applicant.

4. The applicant is currently serving on active duty in the Regular Army.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. One potential outcome discussed was to deny relief based upon the lack of any evidence the Article 15 proceedings were not completed in accordance to proper procedures and authority. The minority found that two independent parties (implementing commander and separation board) could come to two different outcomes without creating an error or injustice warranting relief. However, based upon the misconduct involved and the findings of the separation board and the recommendation to retain the applicant, the Board’s majority concluded it would create an injustice having the contested Article 15 remain in the applicant’s AMHRR. As a result, the Board recommended removing the Article 15 (DA Form 2627) issued to the applicant on 29 April 2024, from the applicant’s AMHRR, along with all other derogatory information related to the misconduct outlined in the Article 15.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	■	■	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:

- removal from his military record (AMHRR) the DA Form 2627, dated 29 April 2024
- removal from his military record (AMHRR) all derogatory information (supporting documents) related to the misconduct outlined in the DA Form 2627, dated 29 April 2024.

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 15-185 (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 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.
2. Army Regulation 27-10 (Military Justice), in effect at the time, prescribed the policies and procedures pertaining to the administration of military justice and implements the Manual for Courts-Martial. Chapter 3 implements and amplifies Article 15, UCMJ, and the Manual for Courts-Martial, chapter XXVI. Paragraph 3-4 states a commander will personally exercise discretion in the nonjudicial process by evaluating the case to determine whether proceedings under Article 15 should be initiated; determining whether the Soldier committed the offense(s) where Article 15 proceedings are initiated and the Soldier does not demand trial by court-martial; and determining the amount and nature of any punishment, if punishment is appropriate.
 - a. Paragraph 3-17 provides guidance for formal proceedings for punishment after a preliminary inquiry or appropriate investigation determines that punishment, if it should prove to be appropriate, might exceed extra duties for 14 days, restriction for 14 days,

an oral reprimand or admonition, or any combination of the above. All entries will be recorded on a DA Form 2627.

b. Paragraph 3-37 provides guidance for filing the DA Form 2627 and allied documents. The decision to file the original DA Form 2627 in the performance folder or the restricted folder of the AMHRR will be made by the imposing commander at the time punishment is imposed. The filing decision of the imposing commander is subject to review by any superior authority. A change in the filing decision should be recorded in block 8 of the DA Form 2627.

c. Paragraph 3-43 provides guidance for transfer or removal of records of nonjudicial punishment. Requests to transfer a record from the performance folder to the restricted folder of the AMHRR will normally not be considered until a minimum of 1 year has elapsed. The officer who directed filing the record may provide a statement in support of a request for transfer.

3. Army Regulation 600-8-104 (Army Military Human Resource Records Management) prescribes policies governing the Army Military Human Resource Records Management Program. The AMHRR includes, but is not limited to, the Official Military Personnel File (OMPF), 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 Army Military Human Resource Record and/or Interactive Personnel Electronic Records Management System) contains the list of all documents approved by the Department of the Army and required for filing in the AMHRR and/or interactive Personnel Electronic Records Management System. The original DA Form 2627 will be sent to the appropriate custodian for filing in the OMPF. The decision to file the original DA Form 2627 in the performance folder or the restricted folder of the OMPF will be made by the imposing commander at the time punishment is imposed. The filing decision of the imposing commander is subject to review by any superior authority. However, the superior authority cannot direct that an Article 15, UCMJ, report be filed in the performance folder that the imposing commander directed to be filed in the restricted folder. The imposing commander's filing decision will be indicated in item 4b of the DA Form 2627. A change in the filing decision should be recorded in block 8 of the DA Form 2627.

//NOTHING FOLLOWS//