

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 June 2025

DOCKET NUMBER: AR20240008950

APPLICANT REQUESTS:

- In effect, referral to a special selection board (SSB) and, following her selection, the addition of her name to the Fiscal Year 2025 (FY25) Active Component (AC) Lieutenant Colonel (LTC) Promotion Selection Board (PSB) By-Name List
- Her return to active duty by revoking her retirement orders (Joint Base Myer-Henderson Hall (JBMHH) Orders Number 065-0009, dated 6 March 2025)
- Extension of her mandatory removal date (MRD) to a date not earlier than 20290531
- Removal of five DA Forms 67-10-2 (Field Grade Plate (O4 – O5; CW3 – CW5) Officer Evaluation Report (OER)) for rating periods between 20200111 through 20240114
- In effect, amendment of U.S. Army Installation Management Command JBMHH Orders Number 123-59, dated 3 May 2022, to show reassignment (with a 15 July 2022 reporting date) to Headquarters, Department of the Army (HQDA), Deputy Chief of Staff (DCS), G-1, vice U.S. Army Office of the Provost Marshal General (OPMG)
- Designation for the most recent movement cycle for Married Army Couples Program (MACP) with a joint LTC-coded position in Korea
- Authorization to attend Hangul (Korean alphabet) training at the Defense Language Institute (DLI)
- Permission to appear personally before the Board

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

- Three DD Forms 149 (Application for Correction of Military Record)
- Memorandum for the Board with below-listed enclosures (281 pages):
  - Tab 1 – Executive Summary and supporting documents
  - Tab 2 – Service Member (SM) Impact Memorandum and Biographical Information [Applicant] and Evidence Binder
  - Tab 3 – Extension Request Submission Number 1
  - Tab 4 – Extension Request Delayed Disapproval

- Tab 5 – Reassignment Number 1, Inspector General Internal Move; 3rd Trimester and Extension Request Disapproval
  - Tab 6 – Reassignment Number 1, Impermissible Climate
  - Tab 7 – Reassignment Number 1, Post-Partum and Compassionate Request
  - Tab 8 – Reassignment Number 2, Move to OPMG and Impermissible Climate
  - Tab 9 – Reassignment Number 2, Soldier Readiness Unit (SRU) Request; No Response
  - Tab 10 – U.S. Army Human Resources Command (HRC) Military Intelligence Branch (MI) Withdrawal from Market Place
  - Tab 11 – Reassignment Number 2, Derogatory OER
  - Tab 12 – Reassignment Number 3, Attachment MOA Development Comparison; Conditional Retirement Evidence Binder
  - Tab 13 – Reassignment Number 2, Final OER and Award
- Memorandum; Supplement Number 2, Matters of Merit Evidence Binder with below-listed enclosures (60 pages):
    - OER, FY25 iPERMS (Interactive Personnel Electronic Records Management System) through date 20240911
    - Résumé, Knowledge, Skills, and Behaviors (KSB), Active Duty Officer Assignment Interactive Module, Version 2 (AIM II), as of April 2025
    - Army Coaching Certificate with Additional Skill Identifier Orders, December 2024
    - Email regarding FY24 Selective Continuation (SELCON) Inquiry
    - Email concerning SELCON MRD Memorandum Update, July 2024
    - Email pertaining to SELCON MRD Memorandum Error, September 2024
    - Email about MRD Error Inquiry, November 2024 through March 2025, No Response
    - Email regarding MRD Memorandum Error and Retirement Orders, March 2025
    - Retirement Award Comparison Suppression, January 2025

FACTS:

1. The following two requests will not be addressed in this record of proceedings because they do not involve a correction to a specific record within the applicant's official military personnel file:

- Designation for the most recent movement cycle for Married Army Couples Program (MACP) with a joint LTC-coded position in Korea
- Authorization to attend Hangul (Korean alphabet) training at the Defense Language Institute (DLI)

## 2. Applicant states:

- From 2018 to present, former The Inspector General (TIG) Lieutenant General (LTG) [REDACTED] Retired (Ret) exercised a gross abuse of power and influence against the applicant by actively denying her the ability to advance her career and to be promoted to LTC
- LTG (Ret) [REDACTED] actions were motivated by his loyalties to a long-time friend and fraternity brother, Colonel (COL) (Ret) [REDACTED]
- In 2016, COL [REDACTED] was the applicant's group commander, and, while a member of COL [REDACTED] command, she filed an anonymous IG complaint against him; as a result of her complaint, he was removed from command and ultimately retired
- With the assistance of many subordinate facilitators, LTG (Ret) [REDACTED] sought to avenge his friend by "setting conditions to end my Army career...This motive was confirmed by my former senior rater within the Department of the Army IG's office, COL (Ret) [REDACTED]
- "Within weeks of notifying me of LTG (Ret) [REDACTED] motive towards me, COL (Ret) [REDACTED] experienced an untimely move from his Division Chief role and retired within the next year"
- LTG (Ret) [REDACTED] executed his strategy of injustice by first accepting the applicant into the DAIG's office; in May 2021, the Army selected the applicant for SELCON, which gave her three additional years of active duty
- In the fall of 2021, LTG (Ret) [REDACTED] was scheduled to retire; because the applicant would still be on active duty after his retirement, LTG (Ret) [REDACTED] "coached" Mr. [REDACTED] (Deputy to COL [REDACTED] not to award the applicant a "Most Qualified" OER rating, deny her any high-profile missions, and ensure she received no public acknowledgement
- "From this point, LTG (Ret) [REDACTED] tactics to inhibit my future advancement intensified and became more clear"
- "Of note, I was five (5) months pregnant at the time of selection. Due to my pregnancy, I pursued (an) extension on IG duty as an option for stability...LTG (Ret) [REDACTED] subsequently disapproved my extension request but delayed notification to me for six (6) weeks"
- During those six weeks, LTG (Ret) [REDACTED] "devised to usurp my entry into the AIM market place and orchestrated my next two reassignments"
- "The first IG-internal reassignment resulted in two (2) short, non-substantive OERs. While the next reassignment to OPMG, rendered an extended annual containing unwarranted, near-derogatory content sourced, in-part, via my MI branch manager at HRC"
- "These evaluations, along with the one from COL(Ret) [REDACTED] facilitated an administrative decline in my last five (5) performance evaluations in preparation for my FY24 PSB"
- "While exploiting the vulnerable state of my pregnancy and post-partum recovery, LTG (Ret) [REDACTED] desired goal shifted, in 2021, to ensuring I was not promoted to

LTC, I did not receive SELCON again, and (ensuring) that my leadership continually harassed me about submitting a retirement packet"

- The applicant notes she was not selected for LTC by the FY24 PSB, but the Army approved her for SELCON (despite LTG (Ret) [REDACTED] efforts); nonetheless, her MRD did not change
- Although LTG (Ret) [REDACTED] is no longer on active duty, the applicant is keenly aware that he still has "significantly expanded influence" due to his current position with a powerful civilian association
- LTG (Ret) [REDACTED] retaliation against the applicant has caused her and her family great stress; "Starting in 2018, my early accomplishments were silenced within DAIG, but still captured within my OERs"
- "Although I did not receive an 'MQ' (Most Qualified) senior rating, I did receive 'Excels' ratings while in 7th ID (Infantry Division) and DAIG, which only encouraged me to continue to do my best and seek to make a difference wherever I served in our Army"
- "Amidst multiple non-selections for promotions to LTC, the most difficult seasons for me and my family were witnessing once junior officers surpass me in rank (including my husband), knowing that I put in all the necessary workhours, energy, and effort to attain LTC and beyond"
- "My intended way forward is to continue to faithfully serve within (HQDA G-1), with follow-on attendance at DLI for training & certification in Hangul, next summer 2025. With this new skillset, I seek to serve in a joint LTC-coded position, co-located with my husband and family (in) Korea, starting in Fall 2025"

3. The applicant provides:

- Documents from her service record, documents reflecting instances of inequity and unfairness, and email correspondence
- Additionally, she submits a copy of her memorandum for the President of the FY23 LTC PSB, wherein she explained why the board should promote her and offered a detailed summary of the acts of reprisal taken against her after filing a formal IG complaint against her group commander (COL [REDACTED])

4. A review of the applicant's service record shows the following:

- On or about 11 May 2001, the applicant executed her oath of office as a U.S. Army Reserve commissioned officer (her DA Form 71 (Oath of Office – Military Personnel) is unavailable for review); orders calling her to active duty identified her basic branch as MI and Chemical Corps as her control branch
- On 22 March 2002, she completed Chemical Officer Basic Course; on 24 June 2004, she graduated from MI Officer Transition Course

- On 1 November 2004, the Army promoted her to captain (CPT)/O-3 in the MI Corps; she was promoted as an MI Corps major (MAJ)/O-4, effective 1 October 2010
- On or about 15 September 2015, orders assigned her to a military police group at Joint Base Lewis McChord (JBLM); her duty position was Group S-2 (Security/Intelligence)
- In or around October 2016, the applicant filed a confidential IG complaint against her group commander (COL [REDACTED]), alleging he had abused his authority and taken retaliatory actions against her
- On 10 January 2017, the FY17 AC, LTC, Operations (OPS), Operations Support (OS), and Force Sustainment (FS), PSB convened to consider MAJs within the Promotion Zone who had dates of rank (DOR) between 1 June 2010 and 31 May 2011; the applicant was not selected for promotion
- On or about 4 May 2017, the applicant transferred to JBLM unit within the 7th ID
- On 24 January 2018, FY18 AC, LTC, OPS, OS, FS, and Information Dominance (ID) PSB convened to consider MAJs for promotion to LTC; included Above the Zone were MAJs with DOR of 31 May 2011 and earlier
- The applicant provides a memorandum showing that, on 8 June 2018, HRC advised her the FY18 LTC PSB had not selected her for promotion to LTC; however, the Secretary of the Army had approved her retention on active duty until 30 November 2021
- On or about 1 August 2018, orders reassigned the applicant to the DAIG, first as an IG, then as an IG Hotline Action Officer; she received two OERs prior to the ratings for which she requests deletion; both were favorable and respectively rated her as "Proficient/Highly Qualified" and "Excels/Highly Qualified"
- Between 11 January 2020 and 30 September 2021, her DAIG rating chain issued two OERs:
  - Period 20200111 through 20210531; extended annual; rater: GS-14 [REDACTED] and senior rater COL [REDACTED] principal duty: IG Hotline Officer; rated as "Proficient" by rater and "Highly Qualified" by senior rater
  - Period 20210601 through 20210930; change of rater; rater: GS-14 [REDACTED] and senior rater COL [REDACTED] principal duty: IG Hotline Officer; rated as "Proficient" by rater and "Highly Qualified" by senior rater
- On or about 1 October 2021, the applicant transferred to another division within the DAIG; her new rating chain rendered one OER:
  - Period 20211001 through 20220714; change of rater; rater: GS-14 [REDACTED] and senior rater Major General (MG) [REDACTED] principal duty: IG/Knowledge Management Officer; rated as "Proficient" by rater and "Highly Qualified" by senior rater

- On or about 15 July 2022, orders reassigned the applicant from the DAIG to OMPG; her new duty assignment was as a Senior Watch Officer; her OPMG rating chain issued her two OERs:
    - Period 20220715 through 20230723; extended annual; rater: LTC [REDACTED] and senior rater: GS-15 [REDACTED] principal duty: Senior Watch Officer; rated as "Proficient" by rater and "Highly Qualified" by senior rater
    - Period 20230724-20240114; change of rater; rater: LTC [REDACTED] and senior rater: COL [REDACTED] rated as "Proficient" by rater and "Highly Qualified" by senior rater
  - On or about 15 January 2024, the applicant transferred to a task force within DCS, G-1; the applicant provides an HRC memorandum that announced her SELCON end date as 31 May 2025
  - On 6 March 2025, JBMHH issued the applicant's retirements orders (Orders Number 065-0009); the orders show her effective date of retirement is 31 May 2025  
As of 31 May 2025, the applicant completed 24 years and 20 days of net active duty service; her DD Form 214 (Certificate of Release or Discharge from Active Duty) is unavailable for review
5. On 12 May 2025, HRC provided an advisory opinion:
- Both the FY24 and FY25 AC LTC OS PSBs considered the applicant for promotion to LTC and voted not to select her; the applicant can submit a request to HRC's Promotion Special Actions Branch and request a review of the documents considered by both PSBs
  - Because the FY24 and FY25 AC LTC OS PSBs both reviewed the applicant for promotion, she does not qualify for a supplemental selection board
  - HRC does not have any information as to why the PSBs did not select the applicant
6. On 20 May 2025, the Army Review Boards Agency (ARBA) provided the applicant a copy of HRC's advisory for her review and the opportunity to submit matters in rebuttal; on 30 May 2025, the applicant responded by submitting a DD Form 149, in which she stated the following:
- She acknowledged receipt of ABCMR's correspondence and noted that, although the correspondence appeared only remotely relevant to the injustices she endured, she saw not acknowledgement from the ABCMR as to the various instances of injustice she presented in her initial and supplemental applications
  - She requested the ABCMR submit all document to ARBA for review, consideration, and adjudication for justice; her desired outcomes were the

following: reinstatement on active duty; promotion to LTC; and reassignment to a joint billet under the MACP assignment policy

- She added that, in his current role, LTG (Ret) [REDACTED] "seemingly continues to exert his wrongful influence upon senior and tenured civilians employed within HRC Officer Eliminations/Retirement Branch...the Fort Myer Military Personnel Division...and HQDA, G-1"
- All of the foregoing suppressed her professional advancement and her achievements of merit
- "LTG (Ret) [REDACTED] exercises premeditated, strategically coordinated impetus to directly influence (applicant's) assignments, evaluations, and awards, as vital components of my merit performance portfolio for advancement"

#### BOARD DISCUSSION:

1. 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 through counsel 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. Upon careful consideration through counsel of the applicant's military record, supporting documentation, and the advisory opinion provided by the U.S. Army Human Resources Command (HRC), the Board executed a thorough and impartial review in accordance with law, regulation, and policy.

2. The Board found insufficient evidence to support the applicant's request for revocation of retirement orders issued by Joint Base Myer-Henderson Hall (JBMHH), dated 6 March 2025, or for extension of her mandatory removal date (MRD) beyond 2029053. The contested Officer Evaluation Reports (OERs), spanning rating periods from 11 January 2020 to 14 January 2024, were determined to be objective and reflective of the raters' considered professional judgment. Although the OERs include positive assessments indicating strong potential for promotion, there is no indication these reports were inaccurate or improperly filed in the applicant's Army Military Human Resource Record (AMHRR).

3. Despite the applicant's exemplary performance history, proficient overall performance on the rater's profile, highly qualified senior rater acknowledgement, and supportive evaluations, the Board concluded that the presence of commendatory language alone does not justify altering statutory promotion outcomes or administrative orders absent proof of material error or injustice. The Board determined there is no persuasive evidence to amend U.S. Army Installation Management Command JBMHH Orders Number 123-59, dated 3 May 2022, to reflect an alternate reassignment to Headquarters, Department of the Army (HQDA), Deputy Chief of Staff (DCS), G-1. The Board also found no basis to support changes based on the applicant's Married Army

Couples Program (MACP) request, Korean assignment consideration, or language training authorization, as these matters were overtaken by her pending retirement. After weighing all evidence and arguments presented, the Board concluded that the applicant did not demonstrate the existence of a material error or injustice. Therefore, relief is denied.

4. The purpose of maintaining the Army Military Human Resource Record (AMHRR). is to protect the interests of both the U.S. Army and the Soldier. In this regard, the AMHRR serves to maintain an unbroken, historical record of a Soldier's service, conduct, duty performance, and evaluations, and any corrections to other parts of the AMHRR. Once placed in the AMHRR, the document becomes a permanent part of that file and will not be removed from or moved to another part of the AMHRR unless directed by an appropriate authority.

5. The applicant's request for a personal appearance hearing was carefully considered. However, in this case, the evidence of record and independent evidence provided by the applicant was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:            :            :            GRANT FULL RELIEF


:            :            :            GRANT PARTIAL RELIEF

:            :            :            GRANT FORMAL HEARING

■            ■            ■            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
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 (AR) 623-3 (Evaluation Reporting System), currently in effect, outlines guidance for officer, warrant officer, and enlisted evaluations. Chapter 4 (Evaluation Report Redress Program) outlines the policies and procedures for filing an evaluation report appeal.

a. Paragraph 4-7 (Evaluation Appeals – Policies) states, when Headquarters, Department of the Army (HQDA) accepts an evaluation report, it was presumed to be administratively correct; to have been prepared by the properly designated rating officials; and to represent the considered opinions and objective judgments of the rating officials at the time of preparation.

(1) The rated Soldier or other interested parties who know the circumstances of a rating may appeal any evaluation report they believe is incorrect, inaccurate, or in violation of the intent of this regulation. Other interested parties include the U.S. Army Human Resources Command (HRC) and individuals knowing of an alleged rating injustice.

(2) A appeal will be supported by substantiated evidence; an appeal that alleges an OER is incorrect, inaccurate, or unjust without usable supporting evidence will not be considered. Alleged bias, prejudice, inaccurate or unjust ratings, or any matter other than administrative error are substantive in nature and will be adjudicated by the Army Special Review Board (ASRB), when an appeal is submitted within the regulatory timeframe.

b. Paragraph 4-11 (Burden of Proof and Type of Evidence).

(1) Soldiers filing OER appeals have the burden of proving, through clear and convincing evidence, that the presumptions outlined in paragraph 4-7 do not apply, and action was warranted to correct a material error, inaccuracy, or injustice.

(2) For claims based on substantive inaccuracy or injustice, the regulation referred the appellant Soldier filing to Department of the Army Pamphlet (DA PAM) 623-3 (Evaluation Reporting System) for additional guidance. Evidence should include statements from third parties, rating officials, and/or other officially sourced documents; to be acceptable, the evidence must be material and relevant to the Soldier's claim.

2. AR 600-8-29 (Officer Promotions), currently in effect, prescribes policies and procedures for the promotion of active duty list (ADL) Army commissioned and warrant officers.

a. Paragraph 2-3 (Convening Selection Boards). Whenever the needs of the Service require, the Secretary of the Army will convene selection boards to recommend officers for promotion to the next higher grade; this includes lieutenant colonel (LTC) promotions. At approximately 100 days from the board convene date, the U.S. Army Human Resources Command (HRC) will announce by MILPER (military personnel) message the date the board will convene.

b. Paragraph 2-4 (Composition of Selection Boards). Promotion selection boards (PSB) will consist of at least five officers on the ADL. The Secretary of the Army, or designee, will appoint a member of the selection board as president and will prescribe administrative duties for that officer to perform. Each board member must be serving in a grade higher than the officers under consideration, will include at least one officer from the competitive category under consideration, and will not serve on two successive selection boards for the same grade and competitive category.

c. Paragraph 2-6 (Information Provided to Boards).

(1) The Secretary of the Army will provide guidance and instructions to the PSB in a memorandum of instruction (MOI) the MOI will include the method of selection; factors to be considered, including the Army's needs in each branch, functional area, or skill; and the maximum number of officers to be selected from each competitive category.

(2) Officers eligible for consideration may write to the board to provide information and documents (as enclosures) calling attention to any matter concerning them that they consider important to their consideration. Written memorandums sent to

a PSB will be considered if received before the date the board convenes. Only one letter to the board, with enclosures, will be viewed by the board.

d. Paragraph 2-7 (Promotion Eligibility). To be considered for promotion by a selection board, an officer must be on the ADL on the day the board convenes. For promotion to LTC, officers must have at least three years' time-in-grade.

e. Paragraph 2-9 (Selection Board Recommendations). PSBs will:

- Base their recommendations on the impartial consideration of all officers in the zones of consideration, as instructed in the MOI
- Keep confidential their reasons for recommending or not recommending any officer considered
- For commissioned officers, use one of the following methods of selection as directed in each MOI: "Fully Qualified" (i.e., fully meeting the requirements for the next higher grade) and "Best Qualified" (used when the number of officers authorized for promotion is fewer than the total number of available officers)

f. Paragraph 3-14 (Selective Continuation (SELCON)). Subject to the needs of the Army, officers pending separation because of having twice failed to be selected for promotion to LTC, may be SELCON on active duty in their present grade.

(1) A SELCON board must recommend the officers for continuation and the Secretary of the Army must approve the recommendation before officers may be continued. Officers may not apply to be SELCON; the Secretary of the Army will direct a SELCON board to consider officers for continuation when required to meet the needs of the Army.

(2) SELCON officers, if otherwise eligible, will continue to be considered for promotion until separation; the SELCON status merely extends their existing mandatory retirement or separation date based upon terms of the SELCON.

(3) The following rules apply to the duration of an officer's SELCON: MAJs that would otherwise have been separated for having twice failed to be selected for promotion, may not be continued on active duty for a period which extends beyond the last day of the month in which the officer completes 24 years of active commissioned service, unless promoted to the regular grade of LTC.

(4) An officer who has been selected for continuation will be released, discharged, or retired on the expiration date of the continuation period established unless on or before that date one of the following has occurred:

- The officer has been recommended for promotion, by a PSB or Special Selection Board (SSB), or has been promoted to the next higher grade

- The officer has been selected again by a later SELCON board
- The officer is within 2 years of being eligible to retire
- The officer has been retired or placed on the temporary or permanent disability list
- The officer was released sooner from active duty or discharged under other provision of law or regulation
- The officer was retained under another provision of law or regulation

(5) The Secretary of the Army may authorize an officer in a grade above O-2 to remain on active duty after the date otherwise provided for the retirement or separation, if the officer has a specialty code in a military specialty, based upon Secretary of the Army's determination of the need for officers with such skills or specialty codes. An officer continued on active duty pursuant to this section shall, if not earlier retired or separated, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

g. Chapter 6 (SSB).

(1) SSBs may be convened under Title 10 (Armed Forces), U.S. Code, section 628 (SSB) to consider or reconsider commissioned or warrant officers for promotion when HQDA determines that one or more of the following circumstances exist: administrative error or material unfairness.

(2) An SSB will consider the record of the officer as it should have been considered by the original board. The record will be compared with a sampling of those officers of the same competitive category, who were recommended and not recommended for promotion by the original selection board.

(3) Officers selected for promotion by an SSB will, as soon as practicable, be appointed to that grade. When appointed to the next higher grade as the result of the recommendation of an SSB, the officer will have the same date of grade, the same effective date for the pay and allowances of that grade, and the same position on the ADL as the officer would have had if he or she had been recommended for promotion to that grade by the board which should have considered, or which did initially consider, him or her.

3. Title 10, U.S. Code, section 1034 (Military Whistleblower Protection Act (MWPA), which was enacted In 29 September 1988, amended Title 10 provisions relating to communications with a Member of Congress by prohibiting any person from restricting a member of the U.S. Armed Forces to communicate with an Inspector General (IG), except for communications that were prohibited by statute.

a. The law prohibited retaliatory personnel actions against a member for making or preparing to make such a communication.

b. The law also directed the Department of Defense IG (DOD IG) to promptly investigate any allegation that a prohibited personnel action has taken place or been threatened with respect to any communication to a Member of Congress or IG complaining or disclosing information reasonably believed to evidence a violation of law, mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. Within 10 days of completing such an investigation, the IG was required to report the results to the Secretary of Defense.

c. Members of the U.S. Armed Forces could, within 30 days after receipt of a copy of such investigative report, to petition the appropriate military board for correction of his or her military record concerning the matter, and the members were entitled to receive legal assistance by a judge advocate in any such matter before a military corrections board. The Act provided administrative procedures for the hearing of such petitions, together with appropriate corrective and disciplinary action to be taken and allowed for judicial review of any order resulting from such hearing, if petitioned for within 60 days after notice of the hearing's result.

4. AR 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states:

a. Paragraph 2-2 (ABCMR Functions). The ABCMR decides cases on the evidence of record; it is not an investigative body.

b Paragraph 2-9 (Burden of Proof) states:

(1) The ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary).

(2) The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.

c. Paragraph 2-11 (ABCMR Hearings) states applicants do not have a right to a hearing before the ABCMR; however, the Director or the ABCMR may grant a formal hearing.

5. The Army Board for Correction of Military Records (ABCMR) has an interest in maintaining the accuracy of its records; for historical purposes, the data and information contained in those records should reflect the conditions and circumstances, as they existed at the time of the records' creation.

6. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, BCM/NRs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//