

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 May 2025

DOCKET NUMBER: AR20240010198

APPLICANT REQUESTS:

- In effect, removal of derogatory information in his official military personnel file (OMPF); specifically, a general officer memorandum of reprimand (GOMOR) and a nonjudicial punishment (NJP), reported on a DA Form 2627 (Record of Proceedings under Article 15, UCMJ (Uniform Code of Military Justice))
- Restoration of his rank/grade to specialist (SPC)/E-4
- Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show the following awards:
 - Army Commendation Medal (1st Award)
 - Army Achievement Medal (2nd Award)
 - Army Good Conduct Medal (2nd Award)
 - Driver and Mechanic Badge with Driver Component Bar
 - Meritorious Unit Commendation
 - Overseas Service Bar
 - Shoulder Sleeve Insignia – Former Wartime Service
- Permission to appear personally before the Board

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

- Two DD Forms 149 (Application for Correction of Military Record)
- Unofficial University Transcripts
- Letter of Support
- Honor Society Certificate
- Department of Veterans Affairs (VA) Rating Decision
- Listing of Military Service
- VA Letter
- VA Medical Records, 11 pages
- VA Listing of Disabilities
- Four DA Forms 638 (Recommendation for Award) with duplicates

- Memorandum, subject: Verification of Tour in Somalia for Operation Restore Hope
- Two Department of the Army (DA) Messages
- Two Certificates of Appreciation
- DA Form 4950 (Army Good Conduct Medal Certificate)
- Permanent Orders
- Memorandum, subject: Request for Drivers Badge
- Four DA Forms 3356 (Board Member Appraisal Worksheet)
- DA Form 3357 (Board Recommendation)
- Two DA Forms 4856 (General Counseling Form)
- DA Form 3881 (Rights Warning Procedure/Waiver Certificate)
- DA Form 2823 (Sworn Statement)

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, in effect:

- Although he had not yet been diagnosed with post-traumatic stress disorder (PTSD) in 1996, he attributes his PTSD to the misconduct that led to his NJP and rank reduction
- Prior to his 1993 deployment to Somalia, he did not drink or smoke; after Somalia, he found it necessary to self-medicate, and he started getting into bad situations due to his abuse of alcohol
- He received the GOMOR just before he accepted his NJP action; the GOMOR was related to his alcohol abuse, and he believes his PTSD contributed significantly
- The applicant points out that, in 1996, the Army did not recognize PTSD, and there were no programs available to help Soldiers cope with their behavioral health issues; he states, "PTSD is a silent killer and contributes to alcohol and drug abuse"
- He adds that, upon his graduation from the university, "My hopes are to work for the VA or a similar organization so that I can help Veterans like myself...I truly believe in Veterans helping veterans and I am committed to that"

3. The applicant does not include copies of either his DA Form 2627 or GOMOR but provides the following:

- Documents reflecting his academic achievements
 - VA rating documentation, showing VA has awarded him a 100 percent disability rating for PTSD
 - Orders and forms pertaining to his awards and decorations
 - A letter of support from the president of The National Society of Leadership and Success, who states the applicant is a key member in the organization and has completed a rigorous leadership training program
4. The applicant submits a memorandum, dated in May 1993 and signed by the commander, 608th Ordnance Company; the memorandum confirms the applicant was deployed to Somalia from 25 January to 25 May 1993.
5. The applicant includes a DA Message, dated 23 July 1993, subject: Shoulder Sleeve Insignia – Former Wartime Service and Overseas Service Bar (OSB) – Operation Restore Hope/Continue Hope. The message states the Chief of Staff, Army authorized the wear of the Shoulder Sleeve Insignia – Former Wartime Service and OSB for Soldiers who participating in Operation Restore Hope/Continue Hope on or after 5 December 1992.
6. The applicant offers for review a DA Form 4950 and multiple copies of Permanent Orders (PO) Number 10-10, dated 20 October 1994.
- The orders announce the award of the Army Good Conduct Medal (1st Award) for the period 27 November 1991 through 26 November 1994
 - The applicant does not include Army Good Conduct Medal POs for any other periods of service.
7. The applicant adds a memorandum, dated in April 1995 and addressed to the servicing personnel actions center.
- The memorandum indicates a staff sergeant from the motor pool approved a request to award the applicant the Driver and Mechanic Badge with Driver Component Bar
 - The memorandum affirms that the applicant had driven in Korea for 12 months and, during that period, had no moving violations and no accidents
 - The applicant does not provide a PO awarding Driver and Mechanic Badge
8. The applicant submits four DA Forms 3356 and one DA Form 3357; all are dated October 1995.
- The forms indicate the applicant was under consideration for promotion to sergeant (SGT)/E-5, and all reflect high ratings for each of the evaluated areas

- A DA Form 3357 shows the board recommended the applicant for promotion to SGT

9. The applicant includes forms pertaining to alleged misconduct in December 1996.

- DA Form 3881, dated 12 December 1996; the applicant's company commander warned him of his rights based on allegations that the applicant had been drunk on duty, disobeyed a lawful order, and failed to report to his place of duty at the time prescribed
- DA Form 2823, dated 12 December 1996; the applicant completed a sworn statement, in which he affirmed the following:
 - The applicant stated he had not seen anyone in the possession of alcohol while at the National Training Center (NTC), and he denied drinking alcohol
 - The applicant described what he did on the night he and two other Soldiers (to include SGT C__) returned late from the "dustbowl"; he acknowledged that, at one point, he and SGT C__ had gone to the home of SGT C__'s brother-in-law
 - The applicant stated only he and SGT C__ were at the brother-in-law's house, but the company commander later learned another Soldier (SPC B__) had also gone and the applicant admitted he did not mention SPC B__ ; the commander accused the applicant of making a false official statement
- Two DA Forms 4856, both dated 13 December 1996:
 - The applicant's company commander counseled him about making a false official statement because the applicant had claimed only he and SGT C__ had gone the brother-in-law's home
 - The company commander advised the applicant he was accused of drinking on duty, possessing a controlled substance, being absent without leave, disobeying a lawful order, making a false official statement, and failing to obey a lawful order or regulation
 - The commander wrote, "Based on my investigation, I am initiating punitive action under the UCMJ"; the counseling form did not specify the type of punitive action the commander intended to pursue

10. The applicant's requested relief for adding the Army Commendation Medal and the Army Achievement Medal are supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section.

11. Regarding the applicant's request to remove a DA Form 2627 from his OMPF:

- A review of the applicant's available service record shows it is void of any DA Forms 2627
- According to Army Regulation (AR) 27-10 (Military Justice), in effect during the applicant's era of service, DA Forms 2627 issued to SPCs were to be maintained only in unit files and destroyed after 2 years from the date of imposition

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

- On 27 November 1991, the applicant enlisted into the Regular Army for 2 years; upon completion of initial entry training, the Army awarded the applicant military occupational specialty 55B (Ammunition Specialist); orders assigned him to the 608th Ordnance Company at Fort Benning, GA, and he arrived, on 1 April 1992
- Effective 12 August 1992, the applicant's leadership promoted him to SPC
- The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) shows he was deployed to Somalia from 22 January to 26 May 1993; PO Number 93-28, dated 16 March 1993, awarded him the Army Achievement Medal (1st Award)
- On 10 September 1993, the applicant immediately reenlisted for 2 years
- On 5 April 1994, based on reassignment orders, the applicant transferred to Korea; on 10 May 1995, PO Number 130-1 awarded the applicant the Army Commendation Medal (1st Award); on 15 June 1995, the applicant completed his tour in Korea and was reassigned to Fort Stewart, GA
- On 19 July 1995, the applicant reported to his new duty assignment at the 24th Ordnance Company, Hunter Army Airfield
- On 19 November 1995, the 226th Supply and Service Company, Fort Stewart, recommended the applicant for the Army Achievement Medal (2nd Award) based on meritorious achievement during Operation Bright Star 95
- On 12 December 1995, the 87th Combat Support Battalion issued the above-cited award on PO Number 346-449
- On 26 September 1996, PO Number 242-58 awarded the applicant the Army Achievement Medal (3rd Award) for meritorious achievement as a member of the 260th Task Force
- On 27 February 1997, the Commanding General, 3rd Infantry Division (Mechanized) and Fort Stewart issued the applicant a GOMOR following his apprehension by civilian police for driving under the influence of alcohol and for disobeying a police officer; the applicant elected not to file a rebuttal
- On 7 May 1997, the GOMOR imposing official directed the GOMOR's placement in the applicant's official military personnel file
- On 17 May 1997, the Army honorably released the applicant from active duty, based upon the completion of required active-duty service; the Army transferred him to the U.S. Army Reserve for the balance of his military service obligation
- His DD Form 214 shows he completed 5 years, 5 months, and 21 days of net active-duty service; the report additionally reflects the following:

- Item 4a (Grade, Rate, or Rank) and 4b (Pay Grade) – private (PV1)/E-1
- Item 12h (Record of Service – Effective date of Pay Grade) – 24 February 1997
- item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) – Army Good Conduct Medal (1st Award), National Defense Service Medal, Armed Forces Expeditionary Medal (Somalia), Humanitarian Service Medal, Army Service Ribbon, Overseas Service Ribbon
- Item 13 (continued) – marksmanship qualification badges and Army Lapel Button
- Item 18 (Remarks) – No entry listing the dates of deployment to Somalia

13. The applicant's available service record is void of documentation showing the reason for the applicant's reduction to PV1.

14. The U.S. Army Human Resources Command (HRC) maintains a list of all unit awards. That list shows the 608th Ordnance Company received only one award of the Meritorious Unit Commendation; the period of the award was 11 October 1990 until 6 October 1991 (Department of the Army General Orders Number 27, dated 1994).

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 the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. The evidence of record establishes that the applicant was promoted to the rank/grade of SPC/E-4 effective 12 August 1992. The record further confirms that he deployed to Somalia during the period 22 January through 26 May 1993.

On 27 February 1997, the applicant received a GOMOR following his apprehension by civilian law enforcement for driving under the influence of alcohol and for disobeying a police officer. The GOMOR was subsequently filed in his Army Military Human Resource Record (AMHRR). The Board found the GOMOR to be factual and found no error or injustice in the imposing officials filing determination. Therefore, the Board denied relief.

The complete facts and circumstances surrounding the applicant's reduction in rank are not available for the Board's review. A thorough examination of the applicant's official military personnel file revealed no DA Form 2627 (Record of Proceedings Under Article 15, UCMJ). The governing regulation states DA Forms 2627 issued to SPCs were to be maintained only in unit files and destroyed after 2 years from the date of imposition. Therefore, the Board denied relief.

The applicant's record contains no evidence that he was awarded a second Army Good Conduct Medal. Based on the documented misconduct, the Board determined that the applicant did not meet the regulatory criteria for award of a second Army Good Conduct Medal. Therefore, the Board denied relief.

Further review of the applicant's records did not reveal any orders awarding the Driver and Mechanic Badge. Additionally, a search of human resources systems did not show that the applicant's unit of assignment received the Meritorious Unit Commendation during the relevant period. Therefore, the Board denied relief.

The overseas service bar and the shoulder sleeve insignia—former wartime service are uniform items governed by wear and appearance regulations and do not fall within the purview of the Board for Correction of Military Records for correction. Therefore, the Board denied relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record 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:

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

ADMINISTRATIVE NOTE(S):

Correct the applicant's DD Form 214, ending 17 May 1997, as follows:

- Item 13 – add the Army Commendation Medal and Army Achievement Medal (3rd Award)
- Item 18 – add the comment: "Service in Somalia from 19930122 to 19930526"

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) 600-37 (Unfavorable Information), in effect at the time, set forth policies and procedures to ensure the best interests of both the Army and Soldiers were served by authorizing unfavorable information to be placed in, transferred within, or removed from an individual's official military personnel file (OMPF).

a. Paragraph 1-1 (Purpose). The regulation's intent is 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 OMPF.

b. Paragraph 3-2 (Policies). Unfavorable information could not be filed in official personnel files unless the recipient was given the opportunity to review the documents and was given a reasonable amount of time to make a written response.

c. Paragraph 3-4 (Filing of Nonpunitive Administrative Letters of Reprimand, Admonition, or Censure in Official Personnel Files).

(1) Authority to issue and direct the filing of such memoranda in an enlisted Soldier's local file is restricted to the recipient's immediate commander or an officer exercising general court-martial jurisdiction over the recipient.

(2) A memorandum, regardless of issuing authority, can be placed in a recipient's OMPF upon the order of a general officer who exercised general court-martial convening authority over the recipient.

d. Paragraph 7-2 (Policies and Standards).

(1) Once an official document has been properly filed in an OMPF, it is presumed to be administratively correct, and to have been filed pursuant to an objective decision by a competent authority.

(2) Normally, consideration of appeals is restricted to grades E-6 and above, to officers, and to warrant officers. Although any Soldier may appeal the inclusion of a document placed in his or her file under this regulation, the appeals of Soldiers in grades below E-6 will only be considered as an exception to policy. The recipient had the burden of proof to show, by clear and convincing evidence, to support assertion that the document is either untrue or unjust, in whole or in part. Appeals that merely allege an injustice or error without supporting evidence are not acceptable and will not be considered.

3. AR 27-10 (Military Justice), in effect at the time, prescribed the policies and procedures pertaining to the administration of military justice and implemented the Manual for Courts-Martial. Chapter 3 (Nonjudicial Punishment (NJP)) implemented and amplified Article 15 within the Uniform Code of Military Justice (UCMJ), and the Manual for Courts-Martial.

a. Paragraph 3-2 (Use of NJP). A commander was to use nonpunitive measures to the fullest extent to further the efficiency of the command before resorting to nonjudicial punishment. Use of NJP was proper in all cases involving minor offenses in which nonpunitive measures were considered inadequate or inappropriate. If it was clear that NJP would not be sufficient to meet the ends of justice, more stringent measures had to be taken. Prompt action was essential for NJP to have the proper corrective effect. Commanders could impose NJP for the following reasons; to:

- Correct, educate, and reform offenders whom the imposing commander determines cannot benefit from less stringent measures
- Preserve a Soldier's record of service from unnecessary stigma by record of court-martial conviction
- Further military efficiency by disposing of minor offenses in a manner requiring less time and personnel than trial by court-martial

b. Paragraph 3-3 (Relationship of NJP to Nonpunitive Measures). NJP was imposed to correct misconduct in violation of the UCMJ. Such conduct could have resulted from the intentional disregard of, or failure to comply with, prescribed standards of military conduct. Nonpunitive measures usually dealt with misconduct resulting from simple neglect, forgetfulness, laziness, inattention to instructions, sloppy habits, immaturity, difficulty in adjusting to disciplined military life, and similar deficiencies.

c. Paragraph 3-28 (Setting Aside and Restoration). Setting aside was an action whereby the punishment or any part or amount, whether executed or unexecuted, was set aside and any rights, privileges, or property affected by the portion of the punishment set aside were restored. NJP actions were "wholly set aside" when the commander who imposed the punishment, a successor-in-command, or a superior authority set aside all punishment imposed upon an individual under Article 15.

(1) The basis for any set-aside action was a determination that, under all the circumstances of the case, the imposition of the UCMJ, Article 15 or punishment had resulted in a clear injustice. The regulation defined "Clear injustice" as occurring when there existed an unwaived legal or factual error that clearly and affirmatively injured the substantial rights of the Soldier.

(2) When a commander set aside any portion of the punishment, the commander was to record the basis for this action on DA Form 2627-2 (Record of Supplementary Action Under Article 15, UCMJ). In cases where a commander set aside any portion of a punishment beyond 4 months following the date of punishment execution, a detailed addendum of the unusual circumstances was to be attached to the DA Form 2627-2.

d. Paragraph 3-37 (Distribution and Filing of DA Form 2627 and Allied Documents) For Soldiers in the rank of specialist or corporal and below (prior to punishment), the original was to be filed locally in unit nonjudicial punishment files. Such locally filed originals were to be destroyed at the end of 2 years from the date of imposition.

4. AR 600-8-22 (Military Awards), in effect at the time, prescribed policies and procedures for military awards and decorations.

a. Paragraph 1-25 (Announcement of Awards). Permanent awards of badges, except basic marksmanship qualification badges, identification badges, and the Physical Fitness Badge, will be announced in permanent orders by commanders authorized to make the award or permanent orders of Headquarters, Department of the Army.

b. Chapter 4 (Good Conduct Medal and Army Reserve Components Achievement Medal), section I (Army Good Conduct Medal).

(1) The Army Good Conduct Medal was awarded on a selective basis for exemplary behavior, efficiency, and fidelity in active federal military service.

(a) Any one of the following periods of continuous enlisted active Federal military service qualified the Soldier for this award:

- Each 3-year period completed on or after 27 August 1940
- For the first award only, upon termination of service, on or after 27 June 1950, of less than 3 years but more than 1 year

(2) The Soldier's immediate commander had to evaluate the Soldier's character as above reproach. Additionally, the record of service had to show that the Soldier had willingly complied with the demands of the military environment, had been loyal and obedient to his superiors, had faithfully supported the goals of his organization and the Army, and had conducted himself in such an exemplary manner as to distinguish him from his fellow Soldiers.

(3) While not automatically disqualifying, the Soldier's commander had to take into account any record of nonjudicial punishment under Article 15, Uniform Code of Military Justice; further, a court-martial conviction served to terminate the Soldier's period of qualifying service and a new period starts on the day following the completion of the Soldier's court-martial sentence. In terms of job performance, the commander had to find that the Soldier's efficiency met requirements.

(4) In cases where the commander determined the Soldier was not qualified, he/she had to prepare a statement of rationale and must include the period of disqualification. The statement will be referred to the Soldier for comment; after considering the Soldier's response, and in those cases where the commander decided not to change his/her determination, the document was then forwarded for inclusion in the Soldiers service record. Disqualification can occur at any time during the qualifying period.

c. Paragraph 8-28 (Driver and Mechanic Badge).

(1) Basic criteria. The Driver and Mechanic Badge was awarded to drivers, mechanics, and special equipment operators to denote the attainment of a high degree of skill in the operation and maintenance of motor vehicles.

(2) Badge approval authority. Commanders of brigades, regiments, separate battalions, and any commander, in the rank of lieutenant colonel or higher.

(3) Eligibility requirements for drivers. A Soldier had to meet the following criteria:

- Qualify for and possess a current Optional Form 346 (U.S. Government Motor Vehicles Operator's Identification Card)
- Occupy a duty position with title of driver or assistant driver of Army vehicles for a minimum of 12 consecutive months, or during at least 8,000 miles
- Had no Army motor vehicle accidents or traffic violations recorded on his or her DA Form 348-1-R (Equipment Operator's Qualification Record (Except Aircraft))
- Performed satisfactorily for a minimum period of 1 year as an active qualified driver instructor or motor vehicle driver examiner

d. Shoulder Sleeve Insignia reflecting former wartime service and overseas service bars are not identified in AR 600-8-22 as Federally recognized as awards and decorations; they are addressed in AR 670-1 (Wear and Appearance of Army Uniforms and Insignia).

5. AR 670-1, currently in effect, Department of the Army policy for proper wear and appearance of Army uniforms and insignia.

a. Paragraph 21-18 (Shoulder Sleeve Insignia – Military Operations in Hostile Conditions (formerly Shoulder Sleeve Insignia – Former Wartime Service)).

Authorization to wear a Shoulder Sleeve Insignia indicating service during military operations in hostile conditions applies only to Soldiers who meet or have met the following criteria:

- The Soldier must actively participate in or support military operations in hostile conditions, which must include exposure to the threat of hostile action or fire, either directly or indirectly
- The Soldier's participation or support must occur while the Soldier is located in an area that entitles the Soldier to receive the combat zone tax exclusion and entitles the Soldier to receive Hostile Fire Pay or Imminent Danger Pay

b. Paragraph 21-29 (Overseas Service Bars). Soldiers are authorized to wear one overseas service bars for each 6-month period of active Federal service as a member of

a U.S. Service for Somalia base on service between 5 December 1992 and 31 March 1995. The months of arrival to, and departure from Somalia are counted as whole months.

6. DA PAM 670-1, currently in effect, supplements AR 670-1 by providing a procedural guide for the wear of Army uniforms. Table 22-1 (Authority for Wear – U.S. Unit Award Emblems) shows that, for permanent wear of the Army Meritorious Unit Commendation, the Soldier must meet one of the following criteria:

- Assigned to and present for duty with the unit any time during the period cited in the award citation; or
- Attached by competent orders to and present for duty with the unit during the entire period or for at least 30 consecutive days of the period cited

7. AR 635-8 (Separation Processing and Documents), currently in effect, prescribes guidance on the preparation of DD Forms 214 (Certificate of Release or Discharge from Active Duty). For the completion of the below listed items, the regulation states:

a. Item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized). List all Federally recognized awards and decorations for all periods of service. Do not enter foreign or State level awards on DD Form 214.

b. Item 18 (Remarks). For active duty Soldiers, list any/all OCONUS (outside the continental United States) deployments completed during the period of the DD Form 214. The entry should state, "Service in (Name of Country Deployed) From (inclusive dates)."

8. 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.

9. 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.

//NOTHING FOLLOWS//