

IN THE CASE OF: [REDACTED]  
[REDACTED]

BOARD DATE: 11 June 2025

DOCKET NUMBER: AR20240012185

APPLICANT REQUESTS:

- Removal of General Officer Memorandum of Reprimand (GOMOR), 24 January 2017 from her Army Military Human Resource Record (AMHRR)
- Personal appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- Attorney's Brief
- Exhibit A - Memorandum of Support
- Exhibit B - DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Exhibit C - Text Messages
- Exhibit D - Email Regarding Sexism in Workplace
- Exhibit E - Email Regarding Counseling
- Exhibit F - Text Messages
- Exhibit G - Medical Documents from [REDACTED]
- Exhibit H - DA Form 2823 (Sworn Statement) Colonel (COL) [REDACTED]
- Exhibit I - Rebuttal to GOMOR
- Exhibit J - Statement of Applicant
- Exhibit K - DA Form 2823 (Sworn Statement) Applicant
- Exhibit L - Applicant Statement
- Exhibit M - Memorandum for Record (MFR) Phone Conversation with Witnesses
- Exhibit N - Applicant Statement
- Exhibit O - GOMOR Filing Determination
- Exhibit P - GOMOR
- Exhibit Q - Email Regarding Budget
- Exhibit R - Email Defamation of Character
- Exhibit S - Certification of Death
- Exhibit T - Character Statements
- Exhibit U - COL [REDACTED] Affidavit
- Exhibit V - DA Forms 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 pertinent part:
  - The GOMOR falsely accused her of intimidating a noncommissioned officer (NCO) and misleading her chain of command
  - She did not mislead her leadership in obtaining her approved leave
  - She did not intimidate anyone, while defending herself
  - She had a difficult relationship with her director, COL ■■■
  - Prior to her temporary duty (TDY) her leave had been briefed to COL ■■■
  - She was not trying to hide her leave or mislead anyone
  - The genesis of the GOMOR is a conversation with COL ■■■ while TDY
  - He never asked her where she was flying to on her leave
  - They talked about the health of her mother who subsequently died from dementia
  - She did attempt [sic] to intimidate an NCO; she confronted him about lies
  - She asks the Board to consider her prior statements and the exhibits attached and remove the GOMOR from her AMHRR
  - She was not mentally able to challenge the GOMOR before the Board until now
  - This was an extremely difficult time for her
  - She was subjected to a hostile work environment and her mother was seriously ill
  - In 2018, her mother passed away and her marriage ended in divorce
  - Her career in the Army came to an end
3. The applicant's attorney states, on her behalf, in pertinent part:
  - The applicant separated honorably from the Army in 2018 after 9 years of service
  - Her last assignment was with the 1st Special Forces Command, a male dominated unit
  - In August 2016, she accepted a fellowship at Harvard University
  - Her director, COL ■■■ demonstrated hostility to her participation
  - He refused to allow her to use TDY funds to attend
  - His refusal was compounded by the fact the unit had significant unspent money
  - COL ■■■ hostility toward the fellowship included forbidding the applicant from talking about it in front of him

- COL [REDACTED] supervised and worked with the applicant for two years; he has verified that the relationship between the applicant and COL [REDACTED] was bad
- There were miscommunications and mistrust that went both ways
- It is COL [REDACTED] belief this is what led to the applicant receiving a GOMOR
- A review of the evidence makes it clear COL [REDACTED] observations are accurate
- The applicant was working in an extremely challenging environment, dealing with her mother suffering from dementia, and the end of her marriage
- She was subject to a hostile work environment perpetrated by COL [REDACTED]
- She raised her concerns about COL [REDACTED] with her coworkers before the events leading to her receiving the GOMOR
- COL [REDACTED] was on notice that the applicant was concerned she was being discriminated against
- She believed she was being treated differently because she was a woman
- Another Soldier told COL [REDACTED] she felt that way
- COL [REDACTED] failed to disclose, during the investigation, that he knew she felt she was being discriminated against
- This was designed to mislead the investigation
- Despite male Soldiers being allowed to use TDY funds for similar academic pursuits, COL [REDACTED] prohibited the applicant from doing so
- He did this after the funding had been approved and while she on her way to the campus
- He required COL [REDACTED] to formally counsel the applicant for scheduling the TDY
- She had briefed her leadership that she was taking leave, prior to her TDY, which was scheduled for 27-29 October 2016; COL [REDACTED] knew this
- The applicant was concerned about her mother's health; she was intending to be at a surgery her mother was going to have; the surgery was rescheduled
- The applicant elected to go [REDACTED] for her leave
- She did not mislead her leadership that going to [REDACTED] was a possibility
- COL [REDACTED] claimed the applicant lied to him when she said she was going to see her mother
- The applicant has consistently and vehemently denied this
- COL [REDACTED] never asked the applicant where she was going on leave
- The investigation relied on false statements of Sergeant First Class (SFC) [REDACTED] who was trying to play both sides
- She confronted SFC [REDACTED] not to intimidate him rather regarding him spreading lies about her; SFC [REDACTED] is unworthy of belief
- The applicant asks the Board to carefully consider the evidence provided
- The seven years that have passed, since this injustice have weighed heavily on her
- She suffered in a hostile work environment
- The GOMOR should never have been issued and serves no purpose today
- Justice demands that it be removed

## 4. The applicant provides and her service record shows:

- On 5 August 2009, she took the Oath of Office in the Regular Army Ordnance Corps
- On 11 August 2016, Staff Sergeant █████ sent an email to SFC █████ regarding defamation of character
- On 19 September 2016, COL █████ sent her an email regarding her counseling stating "this is possibly the most ridiculous thing that I have ever put to paper"
- On 21 September 2016, she sent an email which states "49k available and I can't get \$10,800; I'm sorry but this is discrimination"
- On 17 October 2016 she and SFC █████ exchanged text messages regarding her leave and TDY
- On 28 October 2016, a document was published showing her mother had an appointment
- On 29 November 2016, she sent an email regarding sexism in her workplace
- On 5 December 2016, she submitted a statement to the Investigating Officer; stating leading up to her leave period she had several serious personal issues
- On 24 January 2017, she received a GOMOR for misleading a senior commissioned officer and for attempting to intimidate an NCO; the investigation and sworn statements are available for the Board's review
- On 13 February 2017, her attorney submitted a letter rebutting the GOMOR; she disputed the allegation she misled her chain of command
- On 10 March 2017, the GOMOR issuing authority directed the GOMOR be filed in her AMHRR
- On 25 February 2018, she was honorably discharged from the Army for miscellaneous/general reasons
- On 15 May 2019, her mother passed away
- On 8 May 2024, COL █████ completed an affidavit which states he does not know that a permanent repercussion such as a GOMOR was in order for the situation at hand
- Statements in support of the applicant are available for the Board's review

**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 review of the applicant's petition and available military records, the Board acknowledged the numerous character letters of support, including a strong endorsement from the applicant's immediate supervisor attesting to her integrity, commitment to Army regulations, and leadership qualities. The Board noted the applicant's Green to Gold accomplishments and selection for the

Harvard fellowship, recognizing her exemplary service record and continued commitment even after receiving the GOMOR.

2. Despite acknowledging miscommunication in the case, the Board determined that the burden of proof rested on the applicant and her counsel to demonstrate an error or injustice. The Board found that they did not sufficiently demonstrate—by a preponderance of evidence—that procedural errors prejudicial to the applicant occurred, or that the contents of the GOMOR were substantially incorrect and warranted removal. The Board concluded that there was not enough evidence to determine that the contested GOMOR was unjust, untrue, or inappropriately filed in the applicant’s AMHRR. Therefore, relief is denied.

3. 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.

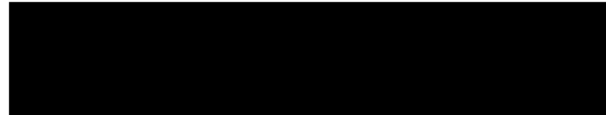
4. The applicant’s request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.



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 15-185 (ABCMR) 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.
3. Army Regulation 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 AMHRR 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 AMHRR, the recipient's submissions are to be attached. Once filed in the AMHRR, 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 AMHRR, 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 unjust, in whole or in part, thereby warranting its alteration or removal from the AMHRR. Soldiers must have received at least one evaluation (other than academic) since imposition.

d. Only letters of reprimand, admonition, or censure may be the subject of an appeal for transfer to the restricted folder of the AMHRR. 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.

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. 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.

//NOTHING FOLLOWS//