



# MOUNTAIN POST LEGAL BRIEF

A Preventive Law Service of The Office of the Staff Judge  
Advocate

Headquarters, Fort Carson

*Keeping You Informed On Personal Legal Affairs*



## ADMINISTRATIVE REPRIMANDS

Consider these questions and answers to determine your rights in response to an administrative reprimand.

### Q: WHAT IS AN ADMINISTRATIVE REPRIMAND?

A: Reprimands are administrative tools that commanders use to censure a Soldier for substandard personal conduct. The Uniform Code of Military Justice authorizes the issuance of reprimands, and provides that they may be used in conjunction with judicial or non-judicial punishment. More commonly, however, a reprimand is issued as an administrative action.

### Q: WILL THIS AFFECT MY CAREER?

A: Unfavorable information, such as a reprimand, can have severe implications for career Soldiers. A reprimand may well prompt non-selection for promotion, a bar to re-enlistment, or separation under the Qualitative Management Program (QMP). Because of these consequences, a reprimand may potentially be career ending if not successfully appealed.

### Q: WHY IS THE FILING DETERMINATION SO IMPORTANT TO MY CAREER?

A: Filing of the reprimand is the most important consideration for a career Soldier. A local filing in a Soldier's Military Personnel Records Jacket (MPRJ) has no long-term effect on the Soldier's career. The reprimand does not become a part of his or her overall service record, and will be destroyed when the Soldier is reassigned (PCS). On the other hand, if filed in the Soldier's Official Military Personnel File (OMPF), the reprimand may be career ending. Army Regulation 600-37 sets forth policies and procedures for filing unfavorable information in a Soldier's official file. In accordance with the regulation, only general officers may order placement of a reprimand in a Soldier's OMPF.

### Q: WHAT IF I GET ONE?

A: You will have the opportunity to submit a rebuttal statement for consideration before the filing decision. Normally you have seven (7) days to file a rebuttal, although you can usually request an extension. You should start obtaining character letters/letters of support as soon as possible.

Your local Legal Assistance Attorney can explain the GOMOR process and help you compose your rebuttal. Ultimately, it is your responsibility to ensure that it is completed and handed in to the appropriate authority, on time with all enclosures.

### Q: WHAT ARE THE PROCEDURES FOR TRANSFERRING REPRIMANDS FROM THE PERFORMANCE PORTION OF MY OMPF?

A: The Department of the Army Suitability Evaluation Board (DASEB) has authority to review a Soldier's OMPF, and order transfer of unfavorable information from the Soldier's performance fiche to his or her restricted fiche. In submitting an appeal for transfer, the Soldier must show that the reprimand's intended purpose has been served, and that transfer is in the best interests of the Army. Ordinarily, a Soldier must satisfy each of the following criteria before the DASEB will consider an appeal:

- a. The Soldier is a staff sergeant or above.
- b. At least one year has passed since imposition of the reprimand.
- c. An evaluation (OER or NCOER), dated after the reprimand, has been filed in the OMPF.

Showing that the reprimand has served its intended purpose may be hard to prove. The Soldier needs to show that he or she addressed the conduct which prompted the reprimand, accepted responsibility for it, corrected it and then moved on to excel in the Army. An example may be a staff sergeant who received a reprimand ten years earlier as a private. The staff sergeant has been promoted several times since, has received several awards, and has

received a number of excellent evaluations. Service of intended purpose exists in the form of the motivation, hard work and commitment to excellence that prompted those promotions, the awards, and the excellent NCOERs. In support of the appeal for transfer, the Soldier should obtain statements from past commanders, supervisors or anyone else knowledgeable of the Soldier's performance and, perhaps more importantly, potential for the future. The goal is to paint the picture of a dedicated Soldier who displays high moral character and who is dedicated to the life of a professional member of the military.

Requests for transfer should be in military memorandum format and accompanied by relevant, substantive evidence. Requests should be sent directly by the Soldier to the President, DA, Suitability Evaluation Board, HQDA (DAPE-MPC-E), Washington, DC, 20310-0300.

**Q: HOW DO I REQUEST REMOVAL?**

A: Once a LOR is filed in your OMPF, it is presumed to be administratively correct. Thereafter, the burden of proof rests with you to provide evidence of a clear and convincing nature that the allegations are untrue or unjust, in whole or in part, thereby warranting removal. Appeals that merely allege an injustice or error without supporting evidence are not acceptable and will not be considered.

Appeals are normally restricted to grades E-6 and above. For Soldiers in grades below E-6, an appeal will only be considered as an exception to policy.

Appeals should be in military memorandum format and accompanied by relevant, substantive evidence. Requests should be sent directly by the Soldier to the President, DA, Suitability Evaluation Board, HQDA (DAPE-MPC-E), Washington, DC, 20310-0300.

**Q: WHAT SHOULD I DO IF I AM SERVED WITH A REPRIMAND, OR WISH TO APPEAL TO HAVE A REPRIMAND TRANSFERRED FROM MY OFFICIAL RECORDS?**

A: Contact the Fort Carson Legal Assistance Division to arrange a consultation with a legal assistance attorney.

Consultation with Army attorneys is free to eligible clients. If you have questions or need help with legal problems, call the Fort Carson Legal Assistance Office at 719-526-5572/5573 or come by the office (Building 6222) Monday-Friday from 9 a.m. to 4 p.m. Appointments are made on the last duty day of every week, you can call or walk-in to schedule an appointment.

***MOUNTAIN POST LEGAL BRIEF is one of a series of informative handouts from the Fort Carson Legal Assistance Division containing general information on topics that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation. You may schedule a legal assistance appointment by calling the Legal Assistance Division at 719-526-5572.***