



ASA DIX LEGAL BRIEF

A PREVENTIVE LAW SERVICE OF THE JOINT READINESS CENTER LEGAL SECTION
UNITED STATES ARMY SUPPORT ACTIVITY DIX
KEEPING YOU INFORMED ON YOUR PERSONAL LEGAL NEEDS

ADMINISTRATIVE REPRIMANDS

Q: WHAT IS AN ADMINISTRATIVE REPRIMAND? Administrative reprimands are administrative tools used to censure soldiers for substandard personal conduct. The Army expects soldiers to demonstrate high moral character on and off duty and the issuance of reprimands is appropriate when soldiers fall short of that expectation. Administrative reprimands are not considered to be “punishment” in the strict sense of the word; whereas, confinement, restriction, or extra duty do constitute punishment.

Q: WHY IS THE FILING DETERMINATION SO IMPORTANT TO MY CAREER? 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 little to no long-term effect on the soldier's career. The reprimand does not become a part of the soldier's overall service record and will be destroyed after three years or when the soldier is reassigned. On the other hand, if the reprimand is filed in the soldier's Official Military Personnel File (OMPF), the reprimand may have career-ending implications such as non-selection for promotion, a bar to reenlistment, or separation under the Qualitative Management Program (QMP). Army Regulation (AR) 600-37 sets forth policies and procedures for filing unfavorable information in a soldier's official file to include the filing of administrative reprimands. Before a reprimand is filed in the soldier's OMPF, he or she is afforded an opportunity to submit a rebuttal statement for command consideration. Rebuttal statements submitted by the soldier for command consideration are filed along with the reprimand, whether it is in the local MPRJ or in the OMPF. Army policy provides that reprimands associated with "minor behavior infractions or honest mistakes" ordinarily are not filed in a soldier's OMPF.

Q: WHAT ARE THE PROVISIONS FOR REPRIMANDS CONCERNING DRIVING WHILE INTOXICATED? AR 190-5 requires issuance of a written general officer memorandum of reprimand (GOMOR) to active duty soldiers for the following conduct:

- (1) Conviction by courts-martial or civilian court or imposition of nonjudicial punishment for an offense of drunk or impaired driving either on or off the installation.
- (2) Refusal to take or failure to complete a lawfully requested test to measure alcohol or drug content of the blood, breath, or urine, either on or off the installation, when there is reasonable belief of driving under the influence of alcohol or drugs.
- (3) Driving, or being in physical control of a motor vehicle on post when the blood alcohol content (BAC) is .08 or higher, irrespective of other charges, or off-post when the BAC is in violation of the law of the State involved.
- (4) Driving, or being in physical control of a vehicle, either on or off the installation, when lawfully conducted chemical tests reflect the presence of illegal drugs.

Q: WHAT ARE THE PROCEDURES FOR TRANSFERRING REPRIMANDS FROM THE PERFORMANCE PORTION TO THE RESTRICTED PORTION OF MY OMPF? 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 performance fiche to the restricted fiche. Promotion and other selection boards ordinarily examine only the performance fiche. Thus, the transfer of a General Officer Memorandum of Reprimand (GOMOR) to the restricted fiche is beneficial for the career soldier. In submitting an appeal for

transfer, the soldier must show that the reprimand's intended purpose has been served and 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:

- (1) The soldier is a Staff Sergeant or above.
- (2) At least one year has passed since imposition of the reprimand.
- (3) 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 which prompted those promotions, the awards, and the excellent NCOER's. 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 future potential. 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. The soldier must show that, with those attributes, and with potential for advancement in rank and responsibility, it is in the best interests of the Army to transfer the reprimand and allow the soldier to advance.

Q: WHAT SHOULD I DO IF I AM SERVED WITH A REPRIMAND OR WISH TO APPEAL TO HAVE A PREVIOUS REPRIMAND TRANSFERRED TO THE RESTRICTED PORTION OF MY OFFICIAL RECORD? Contact the Joint Base Legal Assistance Office or any other military installation Legal Assistance Office to arrange a consultation with a Legal Assistance Attorney. A Legal Assistance Attorney can assist you in preparing a rebuttal statement before the filing decision is made or in requesting that DASEB transfer a previous reprimand to the restricted portion of your OMPF.