



7th Army Training Command Legal Assistance Information

Letters of Reprimand and General Officer Memorandums of Reprimand

Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

1. What are Letters and Memos of Reprimand?

A **Letter of Reprimand** (LOR) is an administrative warning, or censure, given to a Soldier for failure to comply with established standards or policies. A LOR may be filed either locally or in your permanent personnel file. Reprimands fall under the category of “unfavorable information.”

A **General Officer Memorandum of Reprimand** (GOMOR) is an LOR written by a general officer concerning a Soldier under his or her command. At the general officer’s discretion, a GOMOR may be filed locally or in the permanent file. A GOMOR may also be filed in the AMHRR (permanent) restricted file. See Army Regulation (AR) 600-37, Unfavorable Information, Chapter 7.

2. What are the consequences of receiving a GOMOR/LOR?

Aside from the negative stigma associated with them, a **locally filed** GOMOR /LOR in a Military Personnel Records Jacket can be seen by the Soldier’s chain of command, but not by a promotion board, and it will be removed after a change of duty station or after 3 years, whichever is sooner.

A **permanently filed** GOMOR/LOR will remain in the performance portion of the Army Military Human Resource Record (AMHRR) and can be seen by Army Human Resources Command (HRC) and promotion boards. It will stay there through the Soldier's career unless it is appealed for removal or transferred to the restricted portion of the AMHRR. Information in the **restricted file of the AMHRR** is not generally viewable by promotion or selection boards. Exceptions are DA selection boards, if the board president makes a specific written request; the CSM/SGM, SGM Academy, and CSM/SGM retention boards, and some government agencies may view restricted file material by written request. For more information on who may view restricted file material, see AR 600-8-104, para. 2-6 & 2-7.

Receiving a GOMOR may prevent you from being promoted. The negative information may also be addressed in your NCOER/OER. A negative NCOER and GOMORs may trigger a **Qualitative Management Program (QMP)** review. The QMP is designed to deny NCOs continued service on qualitative grounds if they do not meet retention standards for continued service. Reprimands issued as punishment under an Article 15 proceeding will be filed with the Report of Proceedings. For officers, a GOMOR can also be a later basis for separation.

3. How do I Respond to a LOR/GOMOR?

Upon receipt of a reprimand, you will be notified of the opportunity to respond, and the date by which the response must be submitted. This response is referred to as "rebuttal matters." Rebuttal matters should reply to the reprimand as denying the allegations or requesting that the reprimand be filed in a local or restricted file. You should address the underlying facts and provide mitigating evidence.

There are generally two strategies to rebut a reprimand. Your Legal Assistance Attorney (LAA) can help you understand these strategies and how to proceed in rebuttal: (1) Extenuation and Mitigation: This means the recipient acknowledges the misconduct, but there are factors that minimize the seriousness of the act, and as a result permanent filing is too harsh. (2) Exculpatory: Exculpatory means the recipient is arguing he or she did not actually commit the act giving rise to the reprimand. This is a rare argument since ordinarily reprimands are reviewed with great scrutiny by general officers and legal advisors before issuance.

You will usually have 7-10 days to prepare and submit your written statement. The time limit for submission of your rebuttal begins the day you receive the GOMOR/LOR, so act quickly to avoid missing the suspense date.

To help the LAA understand what has occurred, write out a complete description of the events surrounding the LOR. You should write the statement in memorandum format; this memo will be the foundation of your statement. Make sure you write legibly and bring the draft when you see the LAA. Your local LAA can help you edit and refine your written statement.

Attach supporting documents. If you have witnesses to certain events, list their name and units as fully as possible when they are mentioned, and obtain separate written statements from them. Enclose copies of favorable ratings, letters attesting to your character, and awards received.

After the final statement is complete, turn it into the officer who initiated the LOR in a sealed envelope or folder. Also make sure you keep a copy. If you cannot make the suspense (7-10 days), you can request an extension from the issuing authority. A LAA can assist you in drafting an extension request.

4. The Filing Decision

Once a rebuttal is timely submitted, the general officer will review all submitted materials and make a determination whether to file the reprimand permanently, locally, or discard it. If he or she believes permanent filing is still appropriate, the reprimand will be filed permanently. The general officer may also direct all rebuttal matters submitted by the Soldier be filed permanently with the reprimand.

5. Can I Appeal a Letter filed in my Local File?

No formal process exists for removing an LOR from your local file. However, at any time you may request its removal by the commander who ordered the filing. Your appeal should be in memorandum format and include any supporting documentation.

6. Can I get a Letter filed in my AMHRR removed or transferred?

Yes, to appeal or request removal, petitions must be addressed to Department of the Army Suitability and Evaluation Board (DASEB). AR 600-37, Chapter 7, outlines the procedures.

7. How do I ask for removal?

Once a reprimand is filed, the DASEB presumes the reprimand to be administratively correct and filed based on proper authority. In order to successfully request a reprimand be removed from an AMHRR, an applicant must prove by clear and convincing evidence the document is untrue or unjust, in whole or in part. Typically, only applicants E-6 and above may appeal. Applications from Soldiers below the aforementioned ranks will only be considered as an exception to policy.

8. How do I ask for it to be transferred to my Restricted File?

To transfer a reprimand from the Performance File to the Restricted File, an applicant is typically an E-6 or above. To successfully transfer a reprimand, DASEB requires the applicant to provide **clear and convincing evidence** the reprimand is untrue or unjust,

or evidence that the intended purpose of the reprimand has been served and transfer is in the Army's best interest. At least one year must pass from the date of filing before DASEB will consider transfer requests.

9. Where can I get more help?

If you receive a GOMOR/LOR, you should **immediately** contact your servicing Legal Assistance office to see a LAA. You should obtain statements from witnesses, draft your response, and bring everything with you when you see the LAA. Before you meet with our attorney, please review Paragraph 5 (above) and the rebuttal example (below). The more supporting documents you gather, and the more thought you put into your rebuttal, the better your chances of success.



DEPARTMENT OF THE ARMY

[add unit information]

[unit address]

APO AE 09114-8130

[add unit mail code]

DATE

MEMORANDUM FOR Commander, Seventh Army Training Command, APO AE 09114

SUBJECT: Rebuttal Matters, FIRST MI. LAST , Administrative Reprimand dated (date of reprimand)

1. I read and understand the unfavorable information presented against me.
2. The Memorandum of Reprimand is based upon the allegation that I _____.

I respectfully deny the allegations and request the reprimand be destroyed because: *state your denial of reprimand*

- OR -

I respectfully request that you consider these rebuttal matters and that you file this memorandum of reprimand in my local file because: *state your reasons why*

- OR -

I deeply regret and apologize, and respectfully request that you exercise leniency because: *state your reasons for leniency*

3. If you decide to file the memorandum, I request you consider my performance over the entire time I served in your command, and it be filed in my local file. I consistently demonstrated the qualities of a good soldier and outstanding noncommissioned officer. This is evidenced by my receipt of superior NCOERs and the following awards: *list awards*. Furthermore, _____ (STATE SOME POSITIVE ACTION AND RESULTS WHICH OCCURRED WHILE YOU WERE WITH THE COMMAND AND HOW IT BENEFITED THE COMMAND). I do not deserve AMHRR filing of this Memorandum of Reprimand because _____.

4. POC is the undersigned at _____ .mil@mail.mil or DSN XXX-XXXX.

FIRST MI. LAST
RANK, U.S. Army

3 Encls:

1. NCOER, dated (enter date)
2. ARCOM, dated (enter date)
3. Letter of Support (1SG Jones)