

GENERAL OFFICER MEMORANDUM OF REPRIMAND (GOMOR) AND LETTERS OF REPRIMAND (LOR)

1. What are GOMORs and LORs?

A Letter of Reprimand (LOR) is an administrative reproach or “chewing out” given to a Soldier by a Commander. A General Officer Memorandum of Reprimand (GOMOR) is a letter of reprimand given to a Soldier by a General Officer (GCMCA). A General Officer Letter of Reprimand can be filed in either a Soldier’s Official Military Personnel File (“permanent file”) or their Military Personnel Record Jacket (“local file”). A letter of reprimand cannot be filed in a Soldier’s Official Military Personnel File without a General Officer’s approval.

2. What can a LOR or a GOMOR be given for?

A LOR or GOMOR can be given for any serious conduct that does not meet Army standards. Some examples include civilian criminal charges, inappropriate sexual relationships or conduct, SHARP or EO violations, toxic leadership environment, etc. A LOR or GOMOR can be given to an enlisted Soldier by a Commander in the Soldier’s chain of command, a School Commandant, a General Officer, and/or a GCMCA. A LOR or a GOMOR can be given to a commissioned or warrant officer, by a Commander in their chain of command, a designated rating chain member, a General Officer, and/or a GCMCA.

3. What is the burden of proof for a LOR/GOMOR?

In order for a Commander to give a Soldier a GOMOR, the Commander must believe by a preponderance of the evidence that the Soldier committed the misconduct alleged. Preponderance of the evidence means the allegation is more likely than not true. One way to think of it is that the Commander must believe by at least 51% that the conduct did occur.

4. What are the consequences of a LOR or GOMOR?

No Soldier wants a formal letter explaining how their behavior or conduct was deficient. Beside the negative stigma of a LOR or GOMOR there can be very serious career consequences when a GOMOR is filed in a Soldier’s OMPF. Locally filed LORs/GOMORs are destroyed after three years or upon PCS. Locally filed GOMORs cannot be viewed by promotion boards and generally do not have as large of an impact on a Soldier’s career as a GOMOR filed in a Soldier’s OMPF. LORs/GOMORs filed in a Soldier’s OMPF by a General Officer or GCMCA have long lasting and serious consequences. LORs/GOMORs filed in the OMPF can be viewed by promotion boards and HRC. The GOMOR will stay in the Soldier’s OMPF for the duration of their career unless appealed or removed. Further, a GOMOR in a Soldier’s OMPF can be grounds for denial of promotion, denial of reenlistment, or administrative separation.

5. I was just served with a LOR or GOMOR, what should I do?

Generally, a Soldier has seven days to write a formal rebuttal to a LOR or a GOMOR. It is very important that the receiving Soldier keep careful track of the response deadline

to ensure that they have a chance to tell their side of the story. The LOR/GOMOR should be accompanied by a sheet asking the Soldier wants to submit matters. The Soldier is encouraged to check the box asking to submit matters. Upon receipt of the LOR/GOMOR, a Soldier should immediately contact the legal assistance office to schedule an appointment. The receiving Soldier can request an extension by submitting a memorandum requesting the rebuttal due date be extended to meet with a legal assistance attorney. A Soldier should also begin gathering related documents and evidence as discussed in section 8 below.

6. How do I respond to a LOR/GOMORA?

Soldier is entitled to write a formal rebuttal statement and submit exonerating or mitigating information for consideration. The rebuttal can deny, rebut, explain, or mitigate the allegations. A rebuttal can also ask the issuing General to consider a specific filing determination (i.e. in your local file).

7. What can a legal assistance attorney do to help me?

A legal assistance attorney can do several important things to assist a Soldier who receives a GOMOR. A legal assistance attorney can review the underlying evidence and determine if it is sufficient and advise you of collateral consequences of a GOMOR. A legal assistance attorney can evaluate your evidence and help you determine the best arguments to make in your rebuttal and assist you in drafting your formal rebuttal. A legal assistance attorney can also assist you in appealing your GOMOR.

8. What can I do to help my legal assistance attorney prior to the appointment?

Given the tight timeframes and possible delay in meeting with a legal assistance attorney, it is important that the Soldier gather as much information and evidence prior to the appointment. This includes gathering all related documents (15-6 investigations, police reports, court judgments, etc.) and any additional evidence to submit for consideration. The evidence submitted with the GOMOR can be virtually any relevant document. Some examples include: sworn statements from witnesses, letters of support, OERs and NCOERs, ORBs and ERBs, pictures, court judgments, and other evidence.

9. Can a GOMOR rebuttal be used against me in a criminal case?

It is very important for a Soldier drafting a GOMOR rebuttal to be aware that their rebuttal can be used in a criminal prosecution as an admission of guilt. This is generally not a concern if the criminal case is already complete or the Soldier plans to plead guilty to the allegations. A rebuttal poses a much greater risk if the case is still open or still being investigated.

10. A GOMOR is already in my OMPF, what can I do?

There are three ways to address a GOMOR filed in your OMPF. The first method is to request the General Officer who directed it be permanently filed to order the GOMOR be removed. There is no formal procedure to request the issuing Commander remove the GOMOR, however, your request for removal should be in memorandum format and include relevant evidence of rehabilitation and excellent performance. The second

method is to request the Department of Army Suitability and Evaluation Board (DASEB) to move it to the restricted fiche portion. These appeals are generally restricted to E6 and above. Requests for transfer to the restricted fiche require that the Soldier show that the intended purpose of the GOMOR has been served and that the transfer would be in the best interest of the Army. Transfer requests must be made at least one year after the imposition of the GOMOR and at least one evaluation report has been completed. The third method is to appeal the GOMOR to the DASEB and ask it be removed from your OMPF. Removal of the GOMOR is much more difficult than transfer to the restricted fiche. To remove the GOMOR, you must show by clear and convincing evidence that the allegations are untrue or unjust. The burden is on the Soldier to convince the DASEB to remove the GOMOR.

This document is provided for information only and should not be considered legal advice. If you have further questions pertaining to this matter, visit our office in Building 358, Presidio of Monterey, Monterey, CA or call (831) 242-5083/5084.