



# U.S. ARMY OKINAWA

## ★ TORII STATION ★



### LEGAL ASSISTANCE

• 652-4332 / 4742 • BUILDING 218, ROOM 220 •

## MEMORANDA OF REPRIMAND

### Q. What is a Reprimand?

**A.** Reprimands are an administrative tool used by commanders to censure a Soldier for substandard personal or professional conduct. Soldiers are expected to demonstrate high moral character on and off duty. Reprimands are appropriate when soldiers fall short of the expectation by engaging in questionable behavior. Reprimands are authorized by the Uniform Code of Military Justice and may be used in conjunction with judicial or non-judicial punishment. More commonly, however, a reprimand is issued as an administrative action. An administrative action is not “punishment” in the strictest sense of the term. Confinement, restriction, and extra duty are considered punishment. In contrast, an “administrative action” involves the filing of unfavorable information in a Soldier’s personnel records. Unfavorable information, such as a reprimand, can have severe implications for career Soldiers. A reprimand may bring about non-selection for promotion, a bar to reenlistment, or separation under the Qualitative Management Program (QMP). Because of that, a reprimand may potentially end a military career or at least prevent future advancement.

### Q. Filing Unfavorable Information:

**A.** Filing of the reprimand is the most important consideration for a career Soldier. Location is everything. A local filing in a Soldier’s unit personnel file has 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 when the Soldier is reassigned (PCS). On the other hand, if the reprimand is filed in the Soldier’s Official Military Personnel File (OMPF), the effect may be career ending as that filing is generally permanent. Army Regulations (AR) 600-37 sets forth the policies and procedures for filing unfavorable information in a Soldier’s official file. In accordance with AR 600-37, only General Officers have authority to order the placement of a reprimand in a Soldier’s OMPF. The Soldier will be afforded the opportunity to submit a rebuttal statement to the command for consideration before a decision is made on the type of filing. AR 600-37 indicates reprimands associated with “minor behavior infractions or honest mistakes” ordinarily are not filed in a soldier’s OMPF and are “locally filed” at the unit level.

## **Q. How do I Remove Unfavorable Information from my OMPF or Transfer My Reprimand?**

**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 OMPF performance fiche to his or her restricted fiche. Promotion and other selection boards ordinarily examine only the OMPF performance fiche. Thus, transfer to the OMPF 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 that transfer is in the best interests of the Army. Ordinarily, the following criteria must be met before the DASEB will consider and appeal:

- 1) the Soldier is a Staff Sergeant or above;
- 2) at least one year has passed since imposition of the reprimand; and
- 3) an evaluation (OER or NCOER), dated after the reprimand, has been filed in the OMPF.

Service of 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 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 NCOERs. The Soldier learned his or her lesson and moved on to excel in the Army. In support of the appeal for transfer, the Soldier should obtain letters of recommendation or 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 even though one indiscretion happened, it was not indicative of the Soldier overall. With those attributes, and with potential for advancement in rank and responsibility, it is in the best interest of the Army to transfer the reprimand to the OMPF restricted file and allow the Soldier to advance.

## **Q. What Legal Assistance Can Do?**

**A.** We can help with the preparation of rebuttal statements and with transfer appeals. Please prepare a draft of your rebuttal on your unit letterhead with your office symbol using the sample provided as a guide. Try to email the draft to your attorney before your appointment so your attorney can read it before you arrive. If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at 652-4332.