



TRIAL DEFENSE SERVICE FACT SHEET Letter of Reprimands



1. Q. WHAT IS A LETTER OF REPRIMAND AND WHERE CAN ONE BE FILED?

A letter of reprimand (LOR) is an administrative censure or “chewing out” given to a soldier for a failure to comply with established standards. IAW AR 600-37 (Unfavorable Information), Chapter 3, a letter or reprimand may be filed in either your Military Personnel Record Jacket (MPRJ) or your Official Military Personnel File (OMPF).

A LOR filed in a soldier’s MPRJ can only be made by an enlisted soldier’s immediate commander (or a higher commander in his/her chain of command), school commandant, any general officer or an officer exercising general court-martial jurisdiction over the soldier. Letters filed in your MPRJ may remain for up to three years or until you are reassigned to a new general court-martial jurisdiction, *whichever is sooner*.

A LOR filed in a soldier’s OMPF, regardless of the issuing authority, can only be filed upon the order of a general officer senior to the soldier, or by direction of an officer having general court-martial jurisdiction over the soldier. Letters filed in your OMPF are permanently placed in the performance fiche (P-fiche), and may adversely affect your military career in the future. Moreover, the LOR is also placed in your MPRJ as long as it remains in your P-fiche.

2. Q. HOW DO I RESPOND TO A LETTER OF REPRIMAND?

Since the LOR is “unfavorable information”, IAW AR 600-37 you are entitled to reply to the allegations made against you before a decision is made to file the letter. You may make a written statement to deny, rebut, explain, or mitigate the LOR. You will have a reasonable time to prepare and submit your written statement (usually 7-10 days). Normally your statement should **address the underlying facts** (whether you choose to deny, explain mitigating circumstances, or admit your actions and ask for a second chance) of the LOR, and argue for a particular filing determination. If the letter is filed, your statement will be attached.

Your local Legal Assistance Attorney (LAA) can help you with your written statement. 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. Virtually anything may be attached to support your rebuttal. If you have witnesses to certain events, list their name and unit as fully as possible when they are mentioned and obtain separate written statements (preferably sworn statements) from them. Also consider enclosing copies of favorable ratings, letters attesting to your character, and awards received. The LAA will assist you in editing and refining your statement. 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.

3. A LETTER OF REPRIMAND HAS BEEN FILED IN MY MPRJ. CAN I APPEAL?

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

4. A LETTER OF REPRIMAND HAS BEEN FILED IN MY OMPF. IS THERE ANYTHING I CAN DO TO GET IT REMOVED OR TRANSFERRED?

There is a procedure described in AR 600-37, chapter 7, for requesting the Department of the Army Suitability and Evaluation Board (DASEB) to remove the LOR from your OMPF, or to transfer the LOR from the performance record to the restricted portion of the OMPF.

How do I ask for removal?

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 E6 and above, officers, and warrant officers. For soldiers in grades below E6, an appeal will only be considered as an exception to policy. Appeals should be in military memorandum format and accompanied by relevant, substantive evidence. Appeals should be sent directly to the President, DA, Suitability Evaluation Board, HQDA (DAPE-MPC-E), Washington, DC, 20310-0300.

How do I ask for transfer?

Only LORs, admonition, or censure may be the subject of an appeal for a transfer to the restricted fiche. Such appeals may be made on the basis of proof that their intended purpose has been served and that their transfer would be in the best interest of the Army. As with removal, the burden of proof rests with the soldier. Appeals are normally restricted to grades E6 and above, officers, and warrant officers. Appeals for transfers may only be made if at least 1 year has elapsed since imposition of the letter and at least one evaluation report, other than academic, has been received in the meantime. Appeals should be in military memorandum format and accompanied by relevant, substantive evidence. Appeals should be sent directly to the President, DA, Suitability Evaluation Board, HQDA (DAPE-MPC-E), Washington, DC, 20310-0300.

5. I'VE NEVER WRITTEN AN APPEAL BEFORE. HOW SHOULD I GET STARTED?

Below are three example formats for use in responding to LORs.

- a. The first is an example of a rebuttal statement before a LOR is filed. It is simply an example, and the text is not intended to be used as actual language in all cases. It is just provided to inspire thought as to what might be addressed. Seek the assistance of a LAA (as discussed earlier) in writing a rebuttal for your specific case.
- b. The second sample format is for requesting the transfer of a LOR from the performance fiche to the restricted fiche.
- c. The third sample format is for requesting the removal from, or alteration of, a LOR filed in the OMPF.

DEPARTMENT OF THE ARMY
(unit)
address

(co off sym)

Month

MEMORANDUM FOR Commander, (unit of cdr with filing authority), address

SUBJECT: Memorandum of Reprimand; (RANK), (LASTNAME), (Firstname) (MI); SSN: (SSN)

1. In response to you memorandum of reprimand, I respectfully request that it be filed in my Military Records Personnel Jacket.
2. I fully accept the responsibility for my actions and accept the resulting punishment. I am very fortunate that nobody was hurt because of my recklessness. I am also very fortunate that my wife was able to forgive me for my stupidity. I also hope that my military career will not be ruined because of this.
3. To keep you informed of the remedial measures I am seeking:
 - a. Next week I am going to two days of Alcohol Awareness Training.
 - b. I am starting Stress Management Classes at the Wuerzburg Hospital.
 - c. I will be attending Alcoholic Anonymous meetings (newcomer meetings are every Thursday)
 - d. My wife and I will be attending marriage enrichment counseling once I arrive at Fort Campbell.
4. If requested, I would appreciate an opportunity to talk with you about any concerns you might have. I have had a solid career as a soldier and have learned tremendously from this mistake.
5. Point of contact is the undersigned at DSN: (phone #) or CIV: (phone #).

FULL NAME
(RANK), TXARNG
Respondent

DEPARTMENT OF THE ARMY
(unit)
address

(co off sym)

Month

MEMORANDUM FOR President, DA Suitability Evaluation Board, HQDA, ATTN: DAPE-MPC-E, Washington, DC 20310-0300

SUBJECT: Request for Transfer of Letter of Reprimand from OMPF to Restricted Fiche; (RANK), (LASTNAME), (Firstname) (MI); SSN: (SSN)

1. In accordance with AR 600-37, I, (RANK) (Full Name), request transfer of the letter of reprimand dated (LOR Date) from my OMPF to my Restricted Fiche.
2. Army Regulation 600-37 allows such transfers when the letter of reprimand has served its intended purpose, has been in the OMPF for at least one year since imposition of the reprimand, the soldier is at least a Staff Sergeant, and has received at least one NCOER since the filing of the reprimand.
3. The LOR has served its intended purpose because: (herein lay out justification as to how the letter of reprimand has served its intended purpose.)
4. Since I have met all the above criteria, I respectfully request that this petition be granted.
5. I would also like the President to note my following achievements:
 - a. _____
 - b. _____
 - c. _____
6. Point of Contact is the undersigned at DSN: (phone #) or CIV: (phone #).

Encls

FULL NAME
(RANK), TXARNG
Respondent

DEPARTMENT OF THE ARMY
(unit)
address

(co off sym)

Month

MEMORANDUM FOR President, DA Suitability Evaluation Board, HQDA, ATTN: DAPE-MPC-E, Washington, DC 20310-0300

SUBJECT: Request for Removal (Alteration) of Letter of Reprimand from OMPF;
(RANK), (LASTNAME), (Firstname) (MI); SSN: (SSN)

1. In accordance with AR 600-37, I, (RANK) (Full Name), request the removal (alteration) of the letter of reprimand dated (LOR Date) from my OMPF.
2. Army Regulation 600-37 allows such removals (alterations) when the soldier is at least a Staff Sergeant and provides evidence of a clear and convincing nature that indicates that the letter of reprimand is untrue or unjust in whole or in part.
3. The LOR is (untrue) (unjust) (in whole) (in part) because: (here in lay out the **clear and convincing** basis for the untruthfulness or unjustness of the letter or reprimand referencing enclosed evidence).
4. I respectfully request that based on the above information supported by the enclosed evidence that this petition be granted.
5. Point of Contact is the undersigned at DSN: (phone #) or CIV: (phone #).

Encls

FULL NAME
(RANK), TXARNG
Respondent