

Fact Sheet: Reprimands, UIFs & Control Rosters



Fact Sheet Prepared by the Texas Air Guard Military Defense Counsel

WHAT IS AN LOR, LOA, and LOC?

A Letter of Reprimand (LOR), Letter of Admonishment (LOA), and Letter of Counseling (LOC) are administrative disciplinary measures available to commanders, first sergeants, and supervisors under AFI 36-2907. It is solely an administrative action and is not the same as a court-martial conviction or even a finding of guilt under Article 15 or "Section 15." Being given an LOR, LOA, or LOC is not evidence of guilt of any particular offense; rather, LORs, LOAs, and LOCs or Records of Individual Counseling (RICs), are optional administrative actions for low level misconduct or other problems.

WHAT HAVE I DONE WRONG?

You can get a LOR, LOA, or LOC for just about any failure to maintain standards of conduct, military bearing, behavior, and integrity, both on and off duty. As a member of the National Guard there must be a nexus between your conduct and your military service. If you are in a military status at the time of the offense, this "military nexus" is presumed to exist. However, a LOR, LOA, or LOC needn't state an offense under the UCMJ or TCMJ. Many times, although you may have committed an offense punishable under the UCMJ or TCMJ, your squadron commander will instead choose to handle the matter administratively through an LOR, LOA, or LOC rather than an Article 15 or "Section 15" action.

WHAT IS A UIF?

An Unfavorable Information File (UIF) is a file created under AFI 36-2907 to store negative information about your conduct, behavior, and integrity. A UIF is an official record for on-duty and off-duty misconduct such as civilian court convictions, placement in the alcohol abuse treatment program, failure to pay debts, failure to support dependents, etc.

WHO CAN GIVE ME A LOR/UIF?

Commanders, supervisors, and other persons in authority can issue administrative counseling, admonitions, and reprimands. However, only a squadron commander or higher-level commander may determine whether the LOR, for an enlisted member, will be put into a UIF. Some negative information, such as an LOR for an officer or a civilian conviction which could result in more than one year of confinement require the creation of a UIF.

WHAT IS A CONTROL ROSTER?

A Control Roster is a listing of unit members whose military bearing and behavior requires some sort of special monitoring, i.e. special attention, observation, evaluation, or rehabilitation. Control Roster observation periods are for six month periods. Once placed on the unit Control Roster, you will not be permitted to PCS, be promoted, or to reenlist. As you can see, this is different from a UIF, which is only a repository of unfavorable information.

CAN I APPEAL

The short answer is no. There is no right to appeal or have a higher-level review when you receive a LOR, LOA, or LOC. You can write a rebuttal statement, and if you do, the commander or issuing official must make your statement part of the record and file it along with the LOR, LOA, or LOC in a UIF, if the commander elects to use a UIF. If a UIF will be used, the commander must give you notice of this and allow you to respond.

RESPONSE

A rebuttal statement is your chance to reply to the misconduct alleged in the LOR, LOA, or LOC. You can challenge the allegation, present your evidence, provide mitigating facts or circumstances, or you may apologize for what has happened. Since LORs cannot be formally appealed, you need to use common sense when crafting your rebuttal statement. On rare occasions, harshly written rebuttals have become the basis for charges of disrespect.

Your duty status will determine the amount of time you get to respond. Generally, an individual will be allocated 3 duty days to submit rebuttal documents for consideration. For Non-EAD Reservists or ANG members; the individual has 45 calendar days from the date of receipt to respond.

Military defense counsel cannot always assist in LORs because they are considered lower priority to the needs of clients who are facing more severe actions. However, we can usually read and critique your rebuttal statement.

REMOVAL OF AN LOR

Remember that if the LOR, LOA, or LOC is NOT filed in a UIF, it just stays in your unit Personnel Information File and is thrown away when you transfer or separate from the service. However, a commander can rescind a LOR, LOA, or LOC at his or her own discretion. In many instances, excellent duty performance following a LOR, LOA, or LOC can make this justifiable.

If you suspect that the LOR, LOA, or LOC was unlawfully issued, perhaps because of discrimination, you can appeal to the Base Inspector General or the Military Equal Opportunity and Treatment Office. These agencies will usually only act if the LOR, LOA, or LOC was “grossly unfair,” which is a very high standard to meet.

SOME CLOSING COMMENTS ...

One LOR, LOA, or LOC isn't the end of your career. By their very nature, they are quick and mild actions, which serve only to officially notify you that something you've done is below military standards. You can and will survive receiving a LOR, LOA, or LOC, so long as you handle it smartly.

**If you have further questions, you should call the Texas State Defense Counsel at
michael.j.kirkland8.mil@mail.mil**

Major Michael Kirkland – Texas Military Defense Counsel

SUGGESTED RESPONSE FORMAT

DATE

MEMORANDUM FOR (Name or Office Symbol of Person Who Signed LOR/UIF)

FROM: RANK FIRST M. LAST

SUBJECT: Response to [Intent to File] Letter of Reprimand [into UIF], dated

1. Sir/Ma'am, this statement concerns the letter of reprimand [UIF] I received on (date) for (offense). I request that you consider the following statement.

2. State the facts

- **If you believe you did not commit the offense**

- Explain why:
- Point out discrepancies in the version of events in the LOR
- Clarify incorrect statements made in the LOR
- Briefly state what happened in your own words
- Were your actions misinterpreted? By whom?
- Were you authorized to do as you did? By whom?
- Do you have any other explanation? If so, describe

- **If you know you committed the offense:**

- Admit it and apologize
- Briefly describe any circumstances that explain your actions
- Avoid making excuses or blaming others
- Accept responsibility
- Stress that you have no intention of repeating the offense again

3. If your response is for the establishment of a UIF

- Ask the commander not to establish a UIF
- Explain what you've done or are going to do to correct the misbehavior
- Explain what you've learned from receiving disciplinary action

4. Ask for consideration of your background and duty performance so that your unit can realize that you are an asset to the Air Force, such as:

- **(Background information)**

- Tech school or other specialized training
- What your job is and what you like about it
- Any special honors, awards, or achievements you've earned
- Letters of Appreciation, nominations (Amn of the Quarter, Below-the-Zone)
- Good EPRs or character statements attached

5. In Conclusion, I respectfully request...

- **(Conclusion Paragraph)**

- Repeat your request [you do not give me this LOR] [establish a UIF]
- Apologize for the incident in your own words, if you can
 - which is usually the best thing to do
- Thank your CC for considering/reviewing your response

Respectfully submitted,

FIRST M. LAST, RANK, USAF