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LETTER OF REPRIMAND

What is a letter of reprimand?

A letter of reprimand (LOR) is an administrative censure given to a Soldier for failure to comply with established standards. See AR 600-37 (Unfavorable Information), Chapter 3. A letter or reprimand may be filed in either your local file or your Army Military Human Resources Record (AMHRR).

A LOR filed in a Soldier's local file 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 local file may remain for up to eighteen months or until you are reassigned to a new general court-martial jurisdiction, *whichever is sooner*. Both the Soldier and his or her unit are equally responsible for removing the letter from the local file after 18 months.

A LOR filed in a Soldier's AMHRR, 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 so filed are permanently placed in the performance portion of your AMHRR and may adversely affect your military career in the future. Moreover, the LOR is also placed in your local file as long as it remains in your AMHRR performance portion.

How do I respond to a Letter of Reprimand?

Since the LOR is "unfavorable information," 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 7 days to prepare and submit your written statement when on active duty or 30 calendar days for National Guard not on active duty status. 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.

The Trial Defense Service (TDS) can help you with your written statement. Prior to scheduling an appointment with TDS, you should write out, in memorandum format, a complete description of the events surrounding the LOR. Bring this draft to your consultation with the TDS.

What can be included in the rebuttal?

Virtually anything may be attached to support your rebuttal. Witness statements (preferably sworn) should be included if possible. Also consider enclosing copies of favorable ratings, letters attesting to your character, and awards. The TDS will assist you in editing and refining your statement. After the final statement is complete, turn it in to the officer who initiated the LOR in a sealed envelope or folder. Make sure you keep a copy for your records. If you need more time to prepare a rebuttal, you may request an extension.

Can I appeal a letter of reprimand filed in my MPRJ/local file?

There is no formal process for removing a LOR from your MPRJ/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 should include any supporting documentation. Also, remember that an LOR filed in your local file may only remain for a maximum of eighteen months or until you are reassigned to a new general court-martial jurisdiction, whichever is sooner. *See AR 600-37, para 3-5 (e).*

How do I get a letter of reprimand removed from my AMHRR?

You can file a request with the Department of the Army Suitability and Evaluation Board (DASEB) to remove a LOR from your AMHRR or to transfer the LOR from the performance portion to the restricted portion of the AMHRR. Once a LOR is filed in your AMHRR, it is presumed to be administratively correct. Therefore,, you bear the burden of providing clear and convincing evidence that the allegations are untrue or unjust, in whole or in part, and warrant 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. Soldiers on active duty should send their appeals directly to the Department of the Army Suitability Evaluation Board (DASEB) at the following mailing address: Army Review Boards Agency (ARBA), 251 18th Street South, Suite 385, Arlington, VA 22202-3531. Army National Guard Soldiers not on Active duty should direct their requests through the state Adjutant General and the Chief, National Guard Bureau, to the DASEB.

Alternatively, the Soldier may request the LOR be transferred to a restricted portion of the AMHRR. The Soldier must provide proof that the LOR has served its intended purpose and that the transfer would be in the best interest of the Army. As with removal, the burden of proof rests with the Soldier. Requests are normally restricted to grades E6 and above, officers, and warrant officers. Requests for transfers may only be made if at least 1 year has elapsed since imposition of the LOR and at least one evaluation report, other than academic, has been completed in the meantime. Requests should be in military memorandum format and accompanied by relevant, substantive evidence. Soldiers on active duty should send their requests directly to the Department of the Army Suitability Evaluation Board (DASEB) at the following mailing address: Army Review Boards Agency (ARBA), 251 18th Street South, Suite 385, Arlington, VA 22202-3531 Army National Guard Soldiers not on Active duty should direct their requests through the state Adjutant General and the Chief, National Guard Bureau, to the Department of the Army Suitability Evaluation Board (DASEB).

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For more information on this topic or to consult with a legal assistance attorney contact the Arkansas National Guard Office of Legal Assistance at 501-212-5040 to establish eligibility and appointment times.