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Provide Feedback

Letters/Memoranda of Reprimand

What is a Letter/Memorandum of Reprimand?

A letter or memorandum of reprimand is a written censure given to a Soldier for failure to comply with established standards. The purpose of a reprimand is to document unfavorable information (i.e., misconduct or poor performance) in official personnel files. See AR 600-37 (Unfavorable Information), Chapter 3.

A reprimand can be either punitive or administrative. Punitive reprimands are a result of a non-judicial punishment (NJP), or court-martial proceeding, do not require referral to the receiving Soldier for an opportunity to rebut, and are filed along with the proceeding. An administrative reprimand can be issued for several reasons, is referred to the receiving Soldier for rebuttal, and can be filed in either a Soldier's local file or their Army Military Human Resources Record (AMHRR). **The focus of this information paper is administrative reprimands.**

Who Issues a Reprimand?

For officers, reprimands are initiated by the person's immediate commander, any higher commander in the chain of command, GO, or GCMCA.

For enlisted Soldiers, reprimands are initiated by anyone who can issue one for an officer plus supervisors and school commandants. All but supervisors can direct filing in the local file unless the supervisor is serving in one of the other capacities listed.

Contents of a Reprimand.

An administrative reprimand should include:

1. The reason for reprimand;
2. A statement that the reprimand is imposed as an administrative measure and not as punishment under the Uniform Code of Military Justice (Title 10) or Military Code of Arkansas (Title 32);
3. If intended for filing in the AMHRR, the reprimand and document referring the reprimand must indicate where the drafter intends to file the reprimand and the length of time the record is intended to remain filed;
4. A statement providing direction to the Soldier on how to correct his or her behavior; and
5. Information regarding notice and rebuttal options for the Soldier. (See below).

Responding to a Reprimand.

A Soldier is entitled to respond to the allegations made against him or her before a decision is made to file the administrative reprimand. A Soldier can make a written statement to deny, rebut, explain, or mitigate the reprimand. The Soldier will have at least 7 days (10 if result of administrative investigation) to prepare and submit written statement when on active duty or 30 calendar days for National Guard not on active duty. The statement should **address the underlying facts** (whether the Soldier chooses to deny, explain mitigating circumstances, or admit failures and ask for a second chance) of the reprimand, and argue for a particular filing determination.

Trial Defense Service (TDS) can help with responses to reprimands (AR ARNG Soldiers only). Their contact number is 501-487-7524. The Soldier should draft a written rebuttal prior to contacting TDS and bring the draft to the consultation with TDS.

Virtually anything can be attached in support of a rebuttal. Witness statements (preferably sworn) should be included if possible. Also consider enclosing copies of favorable ratings, letters attesting to the Soldier's character, and awards. TDS can assist in editing and refining the rebuttal. The Soldier will return the final rebuttal and accompanying documents to the officer who initiated the reprimand. The Soldier should keep a copy for their records. The Soldier can also request more time to submit the rebuttal but should remember that requests can be denied.

Who Makes the Filing Decision?

A reprimand is only filed in Soldier's local file by an enlisted Soldier's immediate commander (or a higher commander in his or her chain of command), school commandant, any general officer (GO), or an officer exercising general court-martial jurisdiction over the Soldier. Reprimands can remain in the local file for up to eighteen months or until the Soldier is reassigned to a new general court-martial jurisdiction (GCMCA). Both the Soldier and the unit are equally responsible for removing the letter from the local file at the end of the filing period.

Only a GO senior to the Soldier, or an officer having GCMCA over the Soldier, can order a reprimand filed in a Soldier's AMHRR, regardless of who issued the reprimand. Letters so filed are permanently placed in the performance portion of the Soldier's AMHRR and may adversely affect his or her future military career. The reprimand is also placed in the Soldier's local file while it remains in your AMHRR performance portion.

Appealing a Local Filing.

There is no formal process for removing a reprimand from a local file. A Soldier can request removal by the commander who ordered the filing at any time. The request should be in memorandum format and should include any supporting documentation.

Removing a Reprimand from the AMHRR.

A Soldier can submit a request to the Department of the Army Suitability and Evaluation Board (DASEB) to remove a reprimand from their AMHRR or to transfer the reprimand from the performance portion to the restricted portion of the AMHRR. Once a reprimand is filed in the AMHRR, it is presumed to be administratively correct. The Soldier bears the burden to provide clear and convincing evidence that the allegations are untrue or unjust 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 E-6 and above, officers, and warrant officers. For Soldiers in grades below E-6, 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). 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 reprimand be transferred to a restricted portion of the AMHRR. The Soldier must provide proof that the reprimand served its intended purpose and that the transfer is in the best interest of the Army. The burden of proof rests with the Soldier. Requests are normally restricted to grades E-6 and above. Requests for transfers may only be made if at least 1 year has elapsed since imposition of the reprimand and at least one evaluation report, other than academic, was 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). 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.