



## FORT SILL LEGAL ASSISTANCE



# GENERAL OFFICER MEMORANDUM OF REPRIMAND “GOMOR”

A General Officer Memorandum of Reprimand, known as a GOMOR, is a written reprimand issued to a Soldier by a Flag Officer, typically the Commanding General of the installation to which the Soldier is assigned.

Letters of reprimand may also be issued by subordinate commanders, however, they may only be filed in the Soldier's official personnel file (AMHRR) if they have been forwarded to the appropriate Flag Officer and if the Soldier has been given an opportunity to respond.

### Filing

Once a GOMOR has been initiated, properly served on the Soldier, and the Soldier has been given an opportunity to respond, the Commanding General has three options.

1. Destroy or withdraw the GOMOR;
2. File the GOMOR locally; or
3. File the GOMOR in the Soldier's official personnel file (AMHRR).

However, GOMORs for sex-related offenses may not be filed locally and must be filed in the Soldier's AMHRR.

GOMORs filed locally may remain for up to 18 months or until the Soldier is reassigned to a new general court-martial jurisdiction, *whichever is sooner*.

GOMORs filed in the Soldier's AMHRR, regardless of the issuing authority, can only be filed upon the order of a general officer, or by direction of an officer having general court-martial jurisdiction over the Soldier. GOMORs filed in a Soldier's AMHRR are permanently placed in the performance section and will likely adversely affect the Soldier's military career in the future.

### Right to Respond

Soldiers who have received a GOMOR have the right to rebut and comment on the reprimand before the filing decision occurs. Any statements and other evidence the Soldier submits in their rebuttal will be attached as enclosures if AMHRR filing is ultimately directed. The Soldier must be given a reasonable time (usually seven calendar days) to prepare and submit their response. The Soldier is entitled to consult with a Legal Assistance attorney, or a private civilian attorney at no cost to the Government, for help with preparing their rebuttal.

### Supporting Documentation

Immediately begin building a “good soldier book” to attach to the GOMOR rebuttal. These materials can include any favorable information, such as, awards and citations, strong NCOER/OER's, and anything else supporting the assertion that the GOMOR

should be filed locally and that the Soldier should ultimately be retained in the United States Army. Contact anyone, particularly individuals presently in your chain of command or at any point in a supervisory role over you, who will write you a letter of support, even if only in email format. Your Legal Assistance attorney can provide you templates for formal signed memoranda, but less formal correspondence is better than nothing.

### **Preparing Your Rebuttal**

Your response should argue for a local filing determination from the facts underlying your reprimand. Write a chronological summary of these underlying events in memorandum format, highlighting potentially favorable facts or any issues possibly in dispute. If you have witnesses to certain events, provide their names. Bring your draft and supporting documentation to your attorney to revise and finalize. Your attorney will counsel you as to strategy and appropriate tone as he/she attempts to properly mold your rebuttal to its facts and audience. Once your rebuttal is complete, submit to the officer who issued the letter of reprimand to you, through your chain of command or Brigade Legal Shop. Please ensure that you have provided the office symbol and address of your unit, as this information must be in the proper places on the rebuttal, in accordance with AR 25-50.

### **Appeals**

No formal procedure exists for requesting removal of a locally filed reprimand, but you may submit an informal request to the individual who initially directed the filing of the memorandum, or a higher-level commander in the chain of command. For permanently filed reprimands, you may direct a request for removal to the Department of the Army Suitability Evaluation Board (DASEB). Consideration of appeals is ordinarily limited to Soldiers in the grade of E-6 or above, officers, and warrant officers. Appeals of Soldiers below E-6 are considered only as exceptions to policy. You have the burden of demonstrating that the reprimand is untrue or unjust by clear and convincing evidence. Appeals for removal or petitions for transfer to the restricted portion of your AMHRR will only be considered after one year has passed since the filing.

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**This Information Paper provides only basic information and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.**