



**DEPARTMENT OF THE ARMY**  
ARMY REVIEW BOARDS AGENCY  
251 18TH STREET SOUTH, SUITE 385  
ARLINGTON, VIRGINIA 22202-3531

June 24, 2022

AR20220004723, Neville, Ryan G.

SSG Ryan G. Neville



Dear Staff Sergeant Neville:

The Department of the Army Suitability Evaluation Board (DASEB) rendered a decision on your request concerning unfavorable information in your Army Military Human Resource Record (AMHRR). After careful reconsideration of the facts and evidence in your case, the DASEB determined that there is insufficient evidence to justify removal of the unfavorable information from the AMHRR.

Enclosed is a copy of the DASEB record of proceedings, which provides details of the Board's decision.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eduardo Santiago".

Eduardo Santiago  
Colonel, U.S. Army  
President, DA Suitability Evaluation Board

Enclosures

DEPARTMENT OF THE ARMY  
SUITABILITY EVALUATION BOARD (DASEB) (RECONSIDERATION)

RECORD OF PROCEEDINGS

IN THE CASE OF: SSG Ryan G. Neville

BOARD DATE: 21 June 2022

DOCKET NUMBER: [REDACTED]

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**Board Determination and Directed Action**

1. The evidence presented does not clearly and convincingly establish that the document under consideration is untrue or unjust. Therefore, the Department of the Army Suitability Evaluation Board (DASEB) determined, by majority vote, that the overall merits of this case are insufficient as a basis to amend the decision of the DASEB set forth in Docket Number [REDACTED] on 5 October 2021.

2. The Board further directed the decision memorandum will be filed in the appellant's AMHRR, and the appeal documentation will be filed in the restricted portion of the appellant's AMHRR.

6/24/2022

X 

Presiding Officer

Signed by: [REDACTED]

I certify that herein is recorded the true and complete Department of the Army Suitability Evaluation Board record of the proceedings in this case.

THE APPELLANT'S REQUEST, STATEMENT, AND EVIDENCE:

1. Appeal Data:

a. Derogatory data being appealed: An Administrative General Officer Memorandum of Reprimand (GOMOR), while serving in the rank and grade of staff sergeant (SSG)/E-6.

b. Date of derogatory document: 21 August 2020

c. Date of appeal: 22 May 2022

d. Current Army Component: US Army Reserve (USAR)/Active Guard Reserve (AGR)

e. Current rank/Date of rank: SSG/E-6/1 November 2017

f. Regulation in Effect: Army Regulation 600-37, Unfavorable Information, effective 10 May 2018.

2. The appellant requests reconsideration of the DASEB decision rendered in Docket Number [REDACTED], dated 5 October 2021. The appellant request removal of the contested GOMOR and allied enclosures from his AMHRR as a result of a subsequent Army Regulation (AR) 15-6 formal investigation (board of officers).

3. The appellant states, in effect, the GOMOR is unjust and untrue. He asks the Board to consider the following:

a. The filing determination directing the GOMOR be placed in his AMHRR has resulted in a QMP board and involuntary separation. He was selected for release under the HQDA Qualitative Management Program as a result of the GOMOR. He was denied continued service from the 2 February 2022 QMP board based solely on the GOMOR. He will be separated from the Army in September of 2022 if the GOMOR remains in his AMHRR.

b. A Board of Officers, by unanimous vote, determined he did not commit any of the misconduct alleged in the GOMOR. Therefore, he respectfully requests the DASEB consider this new evidence and direct the GOMOR and allied documents be removed from his AMHRR since the GOMOR is both unjust and untrue.

c. His initial request to the DASEB to remove the GOMOR for being unjust and untrue was denied; therefore, he is submitting new evidence to the DASEB for consideration. He has enclosed the QMP notice, consolidated separation board file,

chain of command recommendations, and a letter of support from the recorder of his separation board. Both the recorder and his chain of command recommend removal of the GOMOR from his AMHRR.

4. The appellant submits the following evidence in support of his petition: A self-authored statement with noted enclosures, dated 22 May 2022.

CONSIDERATION OF EVIDENCE:

Contested Document:

1. Incorporated herein by reference is the evidence which was considered and summarized in the previous consideration of the appellant's case by the DASEB in Docket Number [REDACTED], dated 5 October 2021. The DASEB denied the appellant's petition because he failed to meet the evidence requirements outlined in Army Regulation 600-37 to support removal of the unfavorable document.

2. On 21 August 2020, the appellant was reprimanded for sexually assaulting and sexually harassing a female Soldier on two occasions.

New Evidence:

3. As new evidence, the appellant submits the following:

a. The QMP Notice. On 29 March 2022, Lieutenant Colonel G, Commander, 489th Engineer Battalion, North Little Rock, Arkansas informed the appellant of the QMP board results (which denied his continued service) and subsequent administrative actions to be taken (HQDA Flag, ETS update, conditions of reassignment and PCS).

b. The consolidated separation board file includes the findings and recommendations worksheet which states, in effect, the appellant:

1) Did not commit sexual assault on or about 29 March 2019 in violation of UCMJ Article 120, abusive sexual contact, by touching SPC J's groin/inner thigh area while in a vehicle with an intent to arouse and/or gratify the sexual desire of the appellant without the consent of SPC J.

2) The appellant did not violate AR 600-200, chapter 7-7, sexual harassment, on or about 29 March 2019, making unwelcome sexual advances by touching SPC J's calf and groin/inner thigh while in a vehicle and created an intimidating, hostile, or offensive working environment for SPC J.

3) The appellant did not commit sexual assault on or about 30 April 2019 in

violation of UCMJ Article 120 (d), abusive sexual contact, by touching SPC J's buttocks and/or groin/inner thigh area while at work during a Swiss Seat knot demonstration with the intent to abuse, humiliate, harass, or degrade SPC J and with the intent to arouse or gratify the sexual desire of the appellant without the consent of SPC J.

4) The appellant did not violate AR-600-200, chapter 7-7, sexual harassment, on or about 30 April 2019, by touching SPC J's buttocks and/or groin/inner thigh area while at work during a Swiss Seat knot demonstration and created an intimidating, hostile, or offensive working environment for SPC J.

c. The chain of command recommendations. On 2 December 2021, the appellant's chain of command recommended removal of the GOMOR from his AMHRR. The chain of command contented a board of officer conducted a much more thorough review of the circumstances surrounding the events outlined in the GOMOR to include additional evidence that was not considered and/or available at the time of the GOMOR filing determination, and determined the appellant was innocent of the alleged offenses. Therefore, it would be an injustice to allow the GOMOR to remain in his file and ultimately end the appellant's career.

d. A letter of support from the Separation Board Recorder (dated 9 May 2022) requested removal of the GOMOR from the appellant's AMHRR. Chief of Military Justice, Major Z, stated, in effect, he is a person who is sensitive to the seriousness of sexual assault and noted the appellant was the real victim in this instance. He contended the appellant's separation board was a much more thorough and exhaustive investigation; whereas, the basis for the GOMOR and the filing determination were limited to a CID report. He also discussed the following:

1) A civilian SHARP employee was suspended from duty pending an AR 15-6 investigation and subsequently contacted the Associated Press to report a host of purported allegations about the commands failure to properly handle allegations of sexual assault.

2) The Associated Press and Task and Purpose released articles in which the suspended civilian employee, SPC J, and SPC P provided statements to the reporters. He mentions these articles because of the dynamic and sensitive pressures commanders were facing when it came to SHARP related issues at the time the appellant received his GOMOR.

3) His concerns with the validity of the allegations and the credibility of witness statements. The concerns increased leading up to and during the appellant's separation hearing. It became clear and convincing to him at the conclusion of the appellant's separation board that the victim lacked credibility and character for truthfulness. This

was equally true of the two purported eyewitnesses to the alleged sexual assaults who happen to have been very close friends with the victim.

e. The appellant did not submit a statement from the imposing authority contending the GOMOR was untrue or unjust nor that new information was discovered or being considered. Nor did the appellant submit a new investigation (resulting from a CI, EO, or IG investigation) which concluded the GOMOR was unjust or untrue, or that his due process had been violated.

Regulatory Citations:

4. Army Regulation 600-37, Unfavorable Information, sets forth policies and procedures to authorize placement of unfavorable information about Army members in individual official personnel files.

a. Paragraph 1-1 states, in relevant part, that the intent of Army Regulation 600-37 is to ensure that unfavorable information that is unsubstantiated, irrelevant, untimely, or incomplete is not filed in individual official personnel files; and, to ensure that the best interests of both the Army and the Soldiers are served by authorizing unfavorable information to be placed in and, when appropriate, removed from official personnel files.

b. Paragraph 1-6 stipulates that the objectives of Army Regulation 600-37 are to apply fair and just standards to all Soldiers; protect the rights of individual Soldiers and, at the same time, permit the Army to consider all available relevant information when choosing Soldiers for positions of leadership, trust, and responsibility; to prevent adverse personnel action based on unsubstantiated derogatory information or mistaken identity; to provide a means of correcting injustices if they occur; and, to ensure that Soldiers of poor moral character are not continued in Service or advanced to positions of leadership, trust, and responsibility.

c. Paragraph 3-2d states that unfavorable information that should be filed in official personnel files includes indications of substandard leadership ability, promotion potential, morals, and integrity. These traits must be identified early and shown in permanent official personnel records that are available to personnel managers and selection board members for use in making decisions that may result in selecting Soldiers for positions of public trust and responsibility, or vesting such persons with authority over others. Other unfavorable character traits of a permanent nature should be similarly recorded.

d. Paragraph 7-3c(1) states, an officer who directed the filing in the AMHRR of an administrative memorandum of reprimand, admonition, or censure, may request its revision, alteration, or removal, if evidence or information indicates the basis for the adverse action was untrue or unjust, in whole or in part.

e. Paragraph 7-3c(2) states, an officer who directed such a filing must provide the DASEB a copy of the new evidence or information to justify the request.

5. AR 635-200, (Active Duty Enlisted Administrative Separations), sets policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

a. Paragraph 1-19 states the commanders who are General Court-Martial Convening Authorities (GCMCAs) and their superior commanders are authorized to approve or disapprove separation per this regulation. This includes the authority to convene administrative separation boards.

b. Paragraph 2-12 states the board may not recommend removal of documents such as OERs, Article 15s, and Memoranda of Reprimand from a Soldier's AMHRR. The board recommendations are limited to either retention (with or without reassignment) or elimination.

#### BOARD DISCUSSION:

1. The appellant requests removal of a GOMOR from the AMHRR. In order to remove a GOMOR from the official record, the burden of proof rests with the appellant to provide evidence of a clear and convincing nature that the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the AMHRR. Appeals that merely allege an injustice or error without supporting evidence are not acceptable and will not be considered.

2. The appellant requests reconsideration of the DASEB decision rendered in Docket Number [REDACTED] dated 5 October 2021. Reconsideration of a prior DASEB decision requires that the appellant submit new evidence of a substantial, relevant, and compelling nature not previously reviewed by the DASEB.

3. After a thorough review of the previous DASEB decision, the appellant's official record, the evidence submitted in support of his petition, as well as the facts and circumstances surrounding the GOMOR incident, it was determined that the appellant failed to provide clear and convincing evidence that the GOMOR is untrue and or unjust.

a. The appellant was reprimanded for sexually assaulting and sexually harassing a female Soldier assigned to his unit. In a GOMOR rebuttal statement to the IA, the appellant exclaimed his innocence and requested that the GOMOR be filed locally. However, the imposing authority directed the permanent filing of the GOMOR in the appellant's AMHRR. It is unknown if the imposing authority (IA) supports this appeal as a statement of support from the IA was not submitted with this appeal.

b. The appellant did not provide a statement from the IA in support of this appeal. Moreover, his contention that the GOMOR should be removed based on the findings of the administrative separation board lacks merit. The Board is not authorized to recommend removal of a document from the appellant's AMHRR. The board's recommendations are limited to either retention (with or without reassignment) or elimination. Moreover, the Board's findings and recommendation do not impeach the IA's decision to issue the GOMOR. The IA nor the DASEB are bound by the administrative separation board's findings and recommendations.

c. The governing regulation states the officer who directed the filing of an administrative GOMOR, admonition, or censure may request its revision, alteration, or removal, if a later investigation determines it was untrue or unjust, in whole or in part. The basis for such determination must be provided to the DASEB in sufficient detail so as to justify the request. The appellant did not submit a letter from the IA stating the GOMOR was untrue, unjust, filed erroneously, or new evidence was being considered.

d. Therefore, the DASEB contends an administrative reprimand is a management tool within the sole discretion of the IA. The IA has the liberty to rely on any evidence he/she believes is relevant in a case. An investigation concluded the appellant did engage in misconduct. The IA had sufficient evidence upon which to base a decision that the appellant's actions merited the issuance of the GOMOR.

e. The governing regulation permits the issuance of a written reprimand when there is reasonable belief that someone has deviated from the Army Values, personal conduct, or the expectations of a Soldier. The appellant, as a SSG, had the duty to abide by the Army's Regulations and policies. The appellant has not provided sufficient evidence to show the GOMOR was an injustice or that he should not be held liable for his conduct.

f. Further, the DASEB, in compliance with Army Regulation 600-37, does not have a policy of removing unfavorable information based on an alleged injustice resulting from non-selection for promotion, schooling, or special assignments. Non-selection for promotion is viewed as the natural consequence of misconduct addressed in a GOMOR, and is in compliance with the provisions of Army Regulation 600-37, paragraph 3-2c. Likewise, the DASEB does not have an automatic removal policy based upon implementation of new Army personnel management programs.

g. Moreover, the filing of the GOMOR was not unjust. The governing regulation permits the issuance of a written reprimand when there is reasonable belief that someone has deviated from the Army values, personal conduct, or the expectations of a Soldier.



h. The purpose of permanently filing a GOMOR in the AMHRR is found in Army Regulation 600-37 which states, in relevant part, personnel managers and selection board members should be notified of substandard leadership ability, promotion potential, morals, and integrity issues of Soldiers for use in making decisions that may result in selecting these Soldiers for positions of public trust and responsibility, or vesting such persons with authority over others. Other unfavorable character traits of a permanent nature should be similarly recorded.

i. The intent of Army Regulation 600-37 is to ensure that unfavorable information that is unsubstantiated, irrelevant, untimely, or incomplete is not filed in individual official personnel files; and, to ensure that the best interests of both the Army and the Soldiers are served by authorizing unfavorable information to be placed in and, when appropriate, removed from official personnel files.

j. The letters of support from the chain of command and the Separation Board Recorder (contending new information was discovered and in lieu of the new information the contested GOMOR was untrue or unjust) were duly noted.

4. Given the foregoing discussion, the appellant has not shown with clear and convincing evidence that the GOMOR is untrue or unjust.

5. Once a GOMOR is properly filed in the AMHRR, it is presumed to be administratively correct and filed pursuant to an objective decision by competent authority.

6. Given the above, it was determined the new evidence submitted by the appellant is insufficient as a basis to amend the decision of the DASEB set forth in Docket Number [REDACTED], dated 5 October 2021, and denial of the appellant's petition for reconsideration is recommended.

Legend:

ALC-Advanced Leader Course	IG-Inspector General	OER-Officer Evaluation Report
AMHRR-Army Military Human Resource Record	ILE-Intermediate Level Education	ROI-Report of Investigation
ARNG-Army National Guard	LOR-Letter of reprimand	SLC-Senior Leader Course
CI-Commander's Inquiry	NCOER-NCO Evaluation Report	UCMJ-Uniform Code of Military Justice
DUI-Driving Under the Influence	NCO-Non-Commissioned Officer	USAR-US Army Reserve
GOMOR-General Officer Memorandum of Reprimand	NJP-Non Judicial Punishment	WLC-Warrior Leader Course



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SAMR-RBB

24 June 2022

MEMORANDUM FOR Commander, US Army Human Resources Command  
(AHRC-PDV-EA), 1600 Spearhead Division Avenue, Department 470,  
Fort Knox, KY 40122-5407

SUBJECT: Resolution of Unfavorable Information for – SSG Ryan G. Neville,  
[REDACTED], Case Number [REDACTED]

1. Under the authority of Army Regulation 600-37 (Unfavorable Information), the Department of the Army Suitability Evaluation Board (DASEB) deliberated on the petition for reconsideration to remove the General Officer Memorandum of Reprimand (GOMOR) and all related documents from the Army Military Human Resource Record (AMHRR).
2. After careful reconsideration, the DASEB voted to deny removal of the GOMOR, dated 21 August 2020, and all related documents from the AMHRR. It is further requested that this Decision Memorandum will be filed in the performance portion of the AMHRR. The enclosed record of proceedings, and the enclosed appeal correspondence be placed in the Soldier's restricted file.
3. Request that the Army Review Boards Agency (Promulgation Team) be notified on completion of the actions noted in the above paragraph.

Enclosures

A handwritten signature in purple ink, appearing to read "Eduardo Santiago".

EDUARDO SANTIAGO  
COL, LG  
President, DA Suitability Evaluation Board