

The DoD Times (Redacted)



The Written Reprimand – The Lack of Due Process – The Conflicts of Interest

LTC Francesca Graham (Army – United States Military Academy), Director of Operations, Joint Staff, J2X, authored this article. The opinions and views expressed in this article are solely those of the author and do not represent the official policies, positions, or endorsements of the U.S. Army, the Department of Defense, or any other government entity. (Published March 30th, 2024)

Check out our Podcast, *The Star Chamber*, on: [Apple](#) | [Spotify](#) | [YouTube](#)

Did You Know: General and Flag officers (GOFO) have the authority to give Service Members likely career ending written reprimands, like the Army's General Officer Memorandum of Reprimand, even if investigations determined that there was insufficient evidence to substantiate the allegations, or in the event a civil or military authority presses legal charges, but guilt or innocence is yet to be determined. These written reprimands, especially if filed in the Service Member's permanent record, can be grounds for denial of promotion, denial of reenlistment, involuntary and potentially derogatory administrative separation from the military, or retirement, if eligible, at a reduced rank following the decision of a grade determination board.

Here are some potential implications of these facts:

1. Given the authority exists to give a written reprimand for an allegation *before* a trial concerning the allegation even occurs, and wherein a Service Member may be found innocent, Service Members are inherently viewed as “guilty even if proven innocent” within the military “*administrative*” process.
2. Service Members risk losing their and their family's current and future [livelihood](#) through an “*administrative process*” within which no [Procedural Law](#) and therefore no [due process](#) exists.
3. Given GOFO and their Judge Advocate General (JAG) (theoretically) use the legal standard of a [Preponderance of the Evidence](#) (50.1% chance *something* occurred) to justify a written reprimand, Service Member's risk losing their livelihood to the gut feeling of a general / flag officer.
4. The [trier of fact](#) (GOFO officer) is irredeemably biased given they are the leader of the same organization within which the Service Member is assigned – a massive conflict of interest.
5. Service Members who cannot afford civilian legal representation to navigate this “*administrative process*,” must rely on a JAG whose supervisory chain likely includes the same JAG's who advised the GOFO officer to give the written reprimand – another massive conflict of interest that risks negatively impacting the quality of advocacy the JAG officer provides to the Service Member.

The DoD Times (Redacted)

6. GOFO officers who value protecting their career and/or perception of their [organization's success](#) more than they value their [duty to their profession](#), can use the written reprimand process to show their bosses and/or Congress that they “did something.”

A question to ask yourself is why American citizens and/or current Service Members could feel safe existing within an organization that affords Service Members so few legal rights, while also proving itself vulnerable to [persistent corruption](#) and potential [moral lapses](#), even from our own [JAG and investigatory officers](#).

If you feel that you have been a victim of this "Did You Know" highlight, feel free to reach out privately or share your story in the comments.