

FACT SHEET - #16

SUBJECT: General Officer Reprimand for Driving Under the Influence (DUI) Before Trial

1. PURPOSE. To inform commanders that an administrative general officer memorandum of reprimand (GOMOR) for DUI's will not be delayed pending court results.

2. FACTS.

a. The installation commander is responsible for imposing a GOMOR on all active duty commissioned, warrant, and noncommissioned officers (including corporals) who drive on post when the blood alcohol content is 0.08 percent or higher, or off post when the blood alcohol content is in violation of state law, or who refuse to take or fail to complete lawfully requested blood/breath tests. This is mandatory under AR 190-5, para 2-7.

b. The installation commander's decision to file a GOMOR need not be delayed pending court results. A criminal conviction is not required prior to initiating a GOMOR. A GOMOR is an administrative sanction, with a lower standard of proof required than the "beyond a reasonable doubt" standard required in criminal cases. The installation commander may also consider matters that the criminal rules of evidence may limit in criminal cases. A soldier may respond against the GOMOR by submitting matters in rebuttal.

c. A GOMOR is not automatically withdrawn because a soldier is acquitted at a criminal trial or if a state authority reduces the charge to a lesser charge (e.g., reckless driving). If the soldier elects to appeal a GOMOR after his acquittal, he must include the specific reason for his acquittal. AR 600-37, para.7, describes the appeal process.

d. After a GOMOR is issued, the installation commander will request filing recommendations from the soldier's chain of command. The chain of command should submit recommendations promptly without waiting for court results. The filing recommendations should be based on the soldier's conduct, performance, and potential; and the best interests of the Army. The installation then makes a final filing decision based on all these matters.

e. In addition to the GOMOR, commanders should also review the soldier's service records to determine whether the soldier should be administratively reduced, discharged, or barred from reenlistment.

3. POC is the Military Law and Ethics Division at 4-7414.