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**APPENDIX A — A MEMORANDUM OF THE
UNITED STATES COURT OF FEDERAL CLAIMS,
FILED APRIL 9, 2024**

No. 21-801

MAXWELL JONES

Plaintiff(s),

v.

THE UNITED STATES,

Defendant.

For the reasons specified in the attached deficiency memorandum, the submission identified shall be:

- Filed by my leave.
- Filed by my leave and the filing shall be titled _____.
- Filed by my leave and the party is being notified for the correction of the following defect(s) in all future filings: _____.
- Filed by my leave and the party is required to file a redacted version of the document for the public record (Rule 5.2).

Appendix A

- Returned to the party for the correction of defects. The party shall re-file the corrected document on or before _____.
Opposing counsel's time to respond to the filing is to run from the date of re-service.
- Returned to the party unfiled.
- Rejected.

IT IS SO ORDERED.

Loren A. Smith
Judge

April 9, 2024
Date

Appendix A

Docket No. 21-801

UNITED STATES COURT OF FEDERAL CLAIMS

DEFICIENCY MEMORANDUM

TO: Judge Smith

FROM: CLERK'S OFFICE

CASE NAME: MAXWELL JONES

DOCUMENT TITLE:
MOTION TO VACATE JUDGEMENTS

The attached was received on 3/21/24 and the following defect(s) is/are noted:

1. Untimely, due to be filed by _____ [Rule 7.2]

2. Not signed [Rule 11]

3. Does not comply with the provisions of Rule:

5.2(a) Re: redacted filings [Privacy Protection]

5.4(a)(2)(A) Re: table of contents or index to appendix is missing (or in wrong location)

4a

Appendix A

- 5.4(b) Re: length of briefs or memorandum
- 5.5(g) Re: Judge's name on all filings
- 10(a) Re: incorrect caption; names of parties

- 4. Original affidavit(s)/declaration(s) is/are missing
- 5. No provision in the rules (or court order) for filing of this item
- 6. Judgment entered 2/24/2022.
CAFC Mandate Affirming Issued 1/29/2024.

a.c.
Deputy Clerk's Initials

Revised January 2024

**APPENDIX B — OPINION OF THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT,
DECIDED DECEMBER 6, 2023**

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

2023-1862

MAXWELL JONES,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of
Federal Claims in No. 1:21-cv-00801-LAS,
Senior Judge Loren A. Smith.

Decided: December 6, 2023

Before LOURIE, PROST, and REYNA, *Circuit Judges.*

PER CURIAM.

Maxwell Jones appeals an order of the U.S. Court of Federal Claims denying his Rule 60(b)¹ motion for relief from a judgment. We affirm.

1. Unless otherwise noted, the Rules referenced in this opinion are the Rules of the U.S. Court of Federal Claims.

*Appendix B***BACKGROUND**

Mr. Jones sued the government in the Court of Federal Claims in January 2021. He alleged in his complaint that he was wrongfully discharged from the Army as a result of an improper General Officer Memorandum of Reprimand (“GOMOR”) that was included in his official personnel record. He requested relief in the form of reinstatement, back pay, and correction of his military records, including removal of the GOMOR.

In June 2021, the Court of Federal Claims stayed Mr. Jones’s case in light of concurrent proceedings at the Army Board for Correction of Military Records (“Board”). In July 2021, the Board granted Mr. Jones partial relief by removing the GOMOR from his official personnel record. Later, in a revised decision, the Board granted Mr. Jones full relief, including reinstating him to Active Guard Reserve status and authorizing back pay and allowances.

After the Court of Federal Claims was notified of the revised Board decision, the government moved to dismiss Mr. Jones’s complaint, arguing that it was moot because the Board had given Mr. Jones all the relief he had requested from the court. In February 2022, the court granted the government’s motion, dismissed the complaint as moot, and entered judgment accordingly. *See* Order at 1, *Jones v. United States*, No. 1:21-cv-801 (Fed. Cl. Feb. 24, 2022), ECF No. 23 (“The court agrees that the [Board]’s corrected decision has granted all the relief sought in plaintiffs complaint, leaving no justiciable issues upon which this court can render a decision.” (cleaned up)).

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In September 2022, Mr. Jones filed a motion under Rule 60(b) seeking relief from that judgment. The court thereafter held several status conferences with the parties, which culminated in an order that Mr. Jones “file a brief detailing his outstanding allegations and identifying the corresponding relief.” Order at 1, *Jones v. United States*, No. 1:21-cv-801 (Fed. Cl. Feb. 21, 2023), ECF No. 46.

In his court-ordered brief, Mr. Jones (1) questioned the authenticity of the revised Board decision, (2) alleged that he was still owed back pay, and (3) alleged that the GOMOR had not been removed from his official personnel record. The government’s response brief addressed each contention. First, it characterized Mr. Jones’s suggestion that the revised Board decision was inauthentic as “no more than an unsubstantiated conspiracy theory. . . . wholly unsupported by the record.” Def.’s Corrected Resp. to Pl.’s Mar. 6, 2023 Filing at 6, *Jones v. United States*, No. 1:21-cv-801 (Fed. Cl. Apr. 7, 2023), ECF No. 53. The government deemed the suggestion particularly implausible given that Mr. Jones’s official personnel record also contained a memorandum explaining why the Board’s decision was revised. *Id.* (referencing GApp’x² 19-20). Second, the government explained that Mr. Jones was not owed back pay because any back pay had to be reduced by his separation payment and offset by his civilian earnings since his discharge—leaving him with no back pay owed. *Id.* at 7-8. Third, the government explained that, although the GOMOR *itself* was removed from Mr. Jones’s official personnel record, Army regulations required that

2. “GApp’x” refers to the appendix included with the government’s informal brief.

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Board decisions remain in that record. That meant that the revised Board decision *referencing* the GOMOR had to stay (though the government represented that it was placed in a restricted folder). *Id.* at 11-12.

The Court of Federal Claims heard oral argument after this round of briefing, and in May 2023, it denied Mr. Jones's Rule 60(b)³ motion. The court noted that Mr. Jones had "identifie[d] no mistake, newly discovered evidence, or fraud, nor d[id] he demonstrate . . . any other reason that justifies relief." GApp'x 2 (addressing standard for Rule 60(b) relief). Although the court did not explicitly reference Mr. Jones's suggestion that the revised Board decision was inauthentic, it explained in detail why Mr. Jones's allegations concerning owed back pay and the GOMOR lacked merit. As to the former, the court explained that Mr. Jones had "accrued \$92,401.56 of back pay and allowances for the separation period" but that the Defense Finance and Accounting Service "was required to deduct \$92,401.56 from that amount for separation pay already paid out to plaintiff, an offset for plaintiffs civilian earnings during the separation period, and other smaller deductions." GApp'x 2. To do otherwise, the court observed, would award Mr. Jones

3. Mr. Jones's motion had also cited Rule 59 as supporting relief, but the Court of Federal Claims concluded that the potentially relevant provision of that rule could not apply because Mr. Jones had filed his motion well out-side the applicable 28-day timeframe. GApp'x 1 n.1 (citing Rule 59(e)). The Court of Federal Claims therefore evaluated the motion only under Rule 60(b). *See id.* Mr. Jones does not dispute that treatment, so we will likewise evaluate the motion and the Court of Federal Claims' order only under Rule 60(b).

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“an unearned windfall” instead of returning him “to the same position he would have had if he had not been separated from military service.” GApp’x 2 (cleaned up) (citing Department of Defense Financial Management Regulation Volume 7A, ch. 1, ¶ 3.1.6, titled “Corrections of Military Record”). As to the latter, the court credited the declaration of a Paralegal Specialist with the Army Legal Services Agency and found that, although “[t]hree documents in a restricted folder . . . reference the *removal* of the GOMOR . . . , the GOMOR itself is gone.” GApp’x 3 (emphasis in original) (referencing GApp’x 34-36). The court further explained that Army regulations required that Board decisions and records of proceedings remain in Mr. Jones’s record. *See* GApp’x 3 (citing Army Regulation 600-8-104). The court accordingly denied Mr. Jones’s Rule 60(b) motion and denied all other pending motions as moot. GApp’x 3.

Mr. Jones timely appealed the Court of Federal Claims’ order denying his Rule 60(b) motion.⁴ We have jurisdiction under 28 U.S.C. § 1295(a)(3).

4. Although some statements in Mr. Jones’s informal briefing suggest that he considers the underlying February 2022 dismissal judgment to be within the scope of this appeal, we lack jurisdiction to review that judgment because this appeal was filed well beyond 60 days after that judgment. *See, e.g., Peretz v. United States*, No. 21-1831, 2022 WL 1232118, at *3-5 (Fed. Cir. Apr. 26, 2022) (as modified) (nonprecedential). And “an appeal from denial of [Federal Rule of Civil Procedure] 60(b) relief does not bring up the underlying judgment for review.” *Browder v. Dir., Dep’t of Corr. of Ill.*, 434 U.S. 257, 263 n.7 (1978); *see Peretz*, 2022 WL 1232118, at *4 (applying this principle in the context of Rule 60(b) of the Court of Federal Claims). We will therefore not review the February 2022 dismissal judgment.

*Appendix B***DISCUSSION**

We review the Court of Federal Claims' denial of a Rule 60(b) motion for abuse of discretion. *E.g., Progressive Indus., Inc. v. United States*, 888 F.3d 1248, 1255 (Fed. Cir. 2018). "A court abuses its discretion when (1) its decision is clearly unreasonable, arbitrary[,] or fanciful; (2) the decision is based upon an erroneous construction of the law; (3) its factual findings are clearly erroneous; or (4) the record contains no evidence upon which the . . . court could have rationally based its decision." *Shell Oil Co. v. United States*, 896 F.3d 1299, 1306-07 (Fed. Cir. 2018) (cleaned up).

Mr. Jones fails to demonstrate that the Court of Federal Claims abused its discretion in denying his Rule 60(b) motion. To begin, he insists that the revised Board decision was "forged," and he criticizes the Court of Federal Claims for not specifically addressing that contention. *See* Appellant's Informal Br. 2-6. Yet, although the court's order did not discuss this contention specifically, *cf.* GApp'x 2 (concluding generally that Mr. Jones had not identified fraud), none of Mr. Jones's arguments persuade us that its treatment of this issue was so unsatisfactory as to give rise to an abuse of discretion in denying Rule 60(b) relief. Similarly, while Mr. Jones continues to object to the reduction of his back pay, *see* Appellant's Informal Br. 8-9, and to documents referencing the GOMOR remaining in his official personnel record, *see id.* at 5-6, his arguments either lack meaningful engagement with the Court of Federal Claims' reasoning, are unsupported, or are undeveloped. For example, he argues that "10 U.S.C.

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§§ 1174 [and] 1174a” “prohibit [] any collection of severance or separation[] pay [to] be deducted from a service member[']s salary.” *Id.* at 9. But he does not provide any explanation of how these statutory provisions support his assertion, and on their face, it is not clear that they do.

In sum, the abuse-of-discretion standard is deferential. And considering Mr. Jones’s arguments—particularly against what appears to have been a diligent, sustained effort by the Court of Federal Claims to ensure that his salient concerns were heard and addressed—we cannot say that the court abused its discretion by denying Rule 60(b) relief.

CONCLUSION

We have considered Mr. Jones’s remaining arguments and find them unpersuasive. For the foregoing reasons, we affirm.⁵

AFFIRMED**COSTS**

No costs.

5. Mr. Jones filed a motion (ECF No. 20) seeking to supplement the appellate record and offer materials for this court’s judicial notice. The government did not file a response opposing this motion. We grant the motion (albeit only insofar as it seeks to supplement the record on appeal and make materials available for this court to potentially judicially notice), but it does not change our disposition of this appeal.

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**APPENDIX C — ORDER OF THE UNITED
STATES COURT OF FEDERAL CLAIMS,
FILED MAY 1, 2023**

IN THE UNITED STATES
COURT OF FEDERAL CLAIMS

No. 21-801

MAXWELL JONES,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Filed: May 1, 2023

On January 25, 2021, plaintiff, proceeding *pro se*, filed his Complaint with this Court, alleging, *inter alia*, that he was wrongfully accused of sexual harassment and discharged from the United States Army. *See generally* Complaint, ECF No. 1. On June 24, 2021, the Court stayed the case pending resolution of plaintiff's proceedings before the Army Board for Correction of Military Records ("ABCMR"). *See* June 24, 2021 Order, ECF No. 14. On July 23, 2021, the ABCMR granted plaintiff partial relief by removing the General Officer Memorandum of Reprimand ("GOMOR") from his Army Military Human

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Resource Record (“AMHRR”). *See generally* Defendant’s Supplemental Administrative Record (ABCMR Record of Proceedings), ECF No. 15. In a later revised decision, the ABCMR vindicated plaintiff of the wrongful harassment allegations and provided him additional relief, including reinstating plaintiff to Active Guard Reserve status, and paying him back pay and allowances. *See* Plaintiff’s Supplemental Administrative Record (Corrected ABCMR Record of Proceedings) at 8, ECF No. 20. On February 22, 2022, defendant filed a motion to dismiss stating that “neither party continues to have a legally cognizable interest in the outcome of this litigation, rendering the case moot.” *See* Defendant’s Motion for an Order Dismissing the Case at 3, ECF No. 22. On February 24, 2022, the Court granted defendant’s motion to dismiss and dismissed plaintiff’s Complaint as moot pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims (“RCFC”). *See* Order of Dismissal, ECF No. 23.

On September 6, 2022, plaintiff filed a motion seeking relief from the Court’s judgment pursuant to RCFC 60(b).¹ *See generally* Plaintiff’s Motion for Relief from Judgment, ECF No. 25. On February 21, 2023, the Court ordered plaintiff to “file a brief detailing his outstanding

1. Plaintiff also cites Rule 59 of the Rules of the United States Court of Federal Claims (“RCFC”) in his motion. *See* Plaintiff’s Motion for Relief from Judgment at 1, ECF No. 25. However, a motion to alter or amend judgment pursuant to RCFC 59 must be brought no later than twenty-eight days after entry of judgment, *see* R. Ct. Fed. Cl. 59(e), and plaintiff’s motion was brought more than six months after the Court dismissed his Complaint. Thus, plaintiff’s claim is untimely under this theory of relief; however, the Court will evaluate plaintiff’s motion under RCFC 60(b).

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allegations and identifying the corresponding relief.” See February 21, 2023 Order, ECF No. 46. On March 6, 2023, plaintiff filed his brief of outstanding allegations and corresponding relief. See Plaintiff’s Outstanding Allegations and Corresponding Relief, ECF No. 48 [hereinafter Pl.’s Suppl. Br.]. On April 7, 2023, defendant filed a response to Plaintiff’s Brief. See Defendant’s Corrected Response to Plaintiff’s March 6, 2023 Filing, ECF No. 53 [hereinafter Def.’s Suppl. Br.]. Plaintiff’s Motion for Relief from Judgment is fully briefed and ripe for review.

RCFC 60(b) states that:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under RCFC 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

R. Ct. Fed. Cl. 60(b). “Rule 60(b) enables a court to grant a party relief from a judgment in circumstances in which the

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need for truth outweighs the value of finality in litigation.” *Curtis v. United States*, 61 Fed. Cl. 511, 512 (2004) (quoting 12 James Wm. Moore et al., *Moore’s Federal Practice* § 60.02 [2] (3d ed. 2003)). However, “[r]elief from judgment will not be granted ‘if substantial rights of the party have not been harmed by the judgment.’” *Id.* (quoting *Dynacs Eng’g Co. v. United States*, 48 Fed. Cl. 240, 241–42 (2000)).

In his Brief of Outstanding Allegations, plaintiff argues (1) the Army owes him additional back pay, and (2) the Army has not fully removed the GOMOR from his record. *See generally* Pl.’s Suppl. Br. However, plaintiff identifies no mistake, newly discovered evidence, or fraud, nor does he demonstrate that the judgment is void, the judgment has been discharged, nor any other reason that justifies relief under RCFC 60(b). Plaintiff argues for that which he already received: back pay and removal of the GOMOR from his record.

On December 1, 2022, the Defense Finance and Accounting Service (“DFAS”) sent plaintiff a letter explaining DFAS’s calculation of plaintiff’s back pay entitlements and deductions. *See* Def.’s Suppl. Br., Ex. 5. In that letter, DFAS explained that although plaintiff accrued \$92,401.56 of back pay and allowances for the separation period of August 2, 2020 through July 31, 2021, DFAS was required to deduct \$92,401.56 from that amount for separation pay already paid out to plaintiff, an offset for plaintiff’s civilian earnings during the separation period, and other smaller deductions. *Id.* at 1. In other words, DFAS calculated that it did not owe plaintiff additional back pay beyond the amount he earned during

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the separation period because any additional payments would “award[] him an unearned windfall” rather than return him “to the same position he would have had if he had not been separated from military service.” *Id.* (citing Department of Defense Financial Management Regulation Volume 7A, ch. 1, ¶ 3.1.6). Thus, plaintiff has not demonstrated that he is entitled to any additional backpay beyond the amount DFAS calculated.

Additionally, on November 10, 2021, the Department of the Army, Army Soldier Records Branch, sent plaintiff a letter explaining that his “records have been corrected by removing General Officer Memorandum of Reprimand (GOMOR) dated 21 March 2019, from your Army Military Human Resource Record.” Def.’s Suppl. Br., Ex. 6; *see also* Def.’s Suppl. Br., Ex. 8 ¶ 4 (Declaration of Kenneth Clayton) (“There is no GOMOR in any folder of 1 SG Jones’ AMHRR.”). Three documents in a restricted folder of plaintiff’s AMHRR reference the *removal* of the GOMOR, but the GOMOR itself is gone. *See* Def.’s Suppl. Br., Ex. 8 ¶¶ 5–7. Indeed, army regulations *require* that ABCMR decisions and records of proceedings (such as the one that removed the GOMOR from plaintiff’s AMHRR) be included in the AMHRR. *See* Army Regulation 600-8-104, App’x B-1 (establishing a list of documents required to be included in the AMHRR, including ABCMR decisions and records of proceedings). Thus, plaintiff’s records have already been corrected by the removal of plaintiff’s reprimand.

As such, plaintiff has not demonstrated that he is entitled to relief from the Court’s judgment. Plaintiff

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identifies no mistake, newly discovered evidence, or fraud, nor does he demonstrate that the judgment is void, the judgment has been discharged, nor any other reason that justifies relief under RCFC 60(b). In any event, the Court will not relieve plaintiff from the Court's dismissal because plaintiff's "substantial rights . . . have not been harmed by the judgment." *Curtis*, 61 Fed. Cl. at 512 (quoting *Dynacs Eng'g Co.*, 48 Fed. Cl. at 241-42).

Therefore, for the reasons set forth above, plaintiffs Motion for Relief from Judgment is hereby **DENIED**. Furthermore, all other pending motions are **DENIED AS MOOT**.

IT IS SO ORDERED.

/s/ Loren A. Smith
Loren A. Smith,
Senior Judge

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**APPENDIX D — ORDER OF THE UNITED
STATES COURT OF FEDERAL CLAIMS,
FILED FEBRUARY 24, 2022**

IN THE UNITED STATES
COURT OF FEDERAL CLAIMS

No. 21-801

MAXWELL JONES,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Filed: February 24, 2022

On January 25, 2021, plaintiff, proceeding *pro se*, filed a complaint with this Court, alleging that he was wrongfully accused of sexual harassment and discharged from the United States Army. *See generally* Complaint, ECF No. 1. In his complaint, plaintiff requested reinstatement, back pay, and correction of his military records, including removal of a General Officer Memorandum of Reprimand (“GOMOR”). *See id.* at 36. On July 23, 2021, the Army Board for Correction of Military Records (“ABCMR”) granted plaintiff partial relief by removing the GOMOR from his official personnel record. *See generally* Defendant’s

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Supplemental Administrative Record (ABCMR Record of Proceedings), ECF No. 15. The ABCMR concluded that plaintiff's petition "demonstrated by a preponderance of evidence that a procedural error occurred that was prejudicial to [plaintiff], and . . . that the contents of the GOMOR are substantially incorrect that would support removal." *See id.* at 9.

Later, in a revised decision, the ABCMR *vindicated plaintiff* as he "provided evidence that clearly exonerates him or shows that there was a clear injustice." *See* Plaintiff's Supplemental Administrative Record (Corrected ABCMR Record of Proceedings) at 8, ECF No. 20. Accordingly, the ABCMR granted full relief, including: (1) removing the GOMOR from plaintiff's official personnel file; (2) removing plaintiff from the Qualitative Management Program; (3) reinstating plaintiff to Active Guard Reserve status; (4) voiding plaintiff's date of separation and paying all back pay and allowances; and (5) presenting plaintiff's military record before a Special Selection Board, if eligible, for promotion consideration. *See* Plaintiff's Supplemental Administrative Record at 9, ECF No. 20.

On February 22, 2022, defendant filed a motion to dismiss on the basis that "neither party continues to have a legally cognizable interest in the outcome of this litigation, rendering the case moot." *See* Defendant's Motion for an Order Dismissing the Case at 3, ECF No. 22. The Court agrees that the ABCMR's corrected decision has granted all the relief sought in plaintiff's Complaint, leaving no justiciable issues upon which this Court can render a decision.

Appendix D

For the reasons set forth above, defendant's Motion to Dismiss is hereby **GRANTED**. Accordingly, plaintiff's Complaint is **DISMISSED**, pursuant to Rule 12(b)(1) of the Rules of the Court of Federal Claims. The outstanding motions remaining in this case—defendant's Second Motion for Extension of Time to Respond to the Complaint, ECF No. 10 and plaintiff's Motion for Entry of Default Judgment, ECF No. 12—are **DENIED AS MOOT**. The Clerk of Court is directed to take the necessary steps to dismiss this matter.

IT IS SO ORDERED.

/s/ Loren A. Smith
Loren A. Smith,
Senior Judge

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**APPENDIX E — PANEL REHEARING OF THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT,
DATED JANUARY 22, 2024**

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

2023-1862

MAXWELL JONES,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of
Federal Claims in No. 1:21-cv-00801-LAS,
Senior Judge Loren A. Smith.

**ON PETITION FOR PANEL REHEARING
AND REHEARING EN BANC**

Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA,
TARANTO, CHEN, HUGHES, STOLL, CUNNINGHAM, and STARK,
Circuit Judges.¹

PER CURIAM

¹ Circuit Judge Newman did not participate.

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Appendix E

ORDER

On December 18, 2023 Maxwell Jones filed a combined petition for panel rehearing and rehearing en banc [ECF No. 26]. The petition was referred to the panel that heard the appeal, and thereafter the petition was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue January 29, 2024.

FOR THE COURT

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Clerk of Court

January 22, 2024

Date

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**APPENDIX F — DEPARTMENT OF THE
ARMY CORRESPONDENCE WITH
MR. MAXWELL JONES**

DEPARTMENT OF THE ARMY
ARMY BOARD FOR CORRECTION OF MILITARY RECORDS
251 18TH STREET SOUTH, SUITE 385
ARLINGTON, VA 22202-3531

SAMR-RBA

23 July 2021

MEMORANDUM FOR Commander, US Army Human
Resources Command, 1600 Spearhead Division Avenue,
Department 100, Fort Knox, KY 40122-5100

SUBJECT: Army Board for Correction of Military
Records Record of Proceedings for Jones, Maxwell, SSN
AR20200005522

1. Under the authority of Title 10, United States Code, section 1552, the recommendation of the Army Board for Correction of Military Records is approved, and I direct that all the Department of the Army records of the individual concerned be corrected as shown under Board Determination/Recommendation in the Record of Proceedings in the subject case enclosed.

2. Request necessary administrative action be taken to effect the correction of records as indicated no later than **27 December 2021**. Further, request that the individual concerned and counsel, if any, as well as any Members of Congress who have shown interest be advised of the correction and that the Army Board for

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Appendix F

Correction of Military Records be furnished a copy of the correspondence.

BY ORDER OF THE SECRETARY OF THE ARMY:

7/23/2021

Sincerely,

/s/

FOR DENNIS W. DINGLE

Director

Signed by: PLOOSTER.LESLIE.D.1146614740

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Appendix F

DEPARTMENT OF THE ARMY
ARMY BOARD FOR CORRECTION OF MILITARY RECORDS
251 18TH STREET SOUTH, SUITE 385
ARLINGTON, VA 22202-3531

July 27, 2021

Dear Mr. Jones:

The Army Board for Correction of Military Records rendered a decision on your application to correct your military records. Partial relief to your request was granted. Enclosed is a copy of the Record of Proceedings of the Board for your information.

The decision in your case is final. You may request reconsideration of that portion of your application which was denied by the Board only if you can present new evidence or argument that was not considered by the Board when it denied that part of your original application.

The approved Record of Proceedings has been forwarded to the U.S. Army Human Resources Command. They will take action to correct your records and will provide you with official notification as soon as the directed correction has been made. However, due to the large number of cases in process, please be advised that it may be several months before corrections are completed. Any inquiry concerning your case should be addressed to the Commander, US Army Human Resources Command, 1600 Spearhead Division Avenue, Department 100, Fort Knox, KY 40122-5100.

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A copy of the Board's decision and proceedings has been furnished to the counsel you listed on your application, Law Office of Philip D. Cave, 1318 Princess Street, Suite 200, Alexandria, VA 22314.

7/27/2021

Sincerely,

/s/

FOR DENNIS W. DINGLE

Director

Signed by: PLOOSTER.LESLIE.D.1146614740

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Appendix F

DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1600 SPEARHEAD DIVISION AVENUE, DEPARTMENT 420
FORT KNOX, KY 40122-5400

November 10, 2021

Army Soldier Records Branch

Dear Mr. Jones:

This letter is in reference to the Army Board for Correction of Military Records, Docket Number AR20200005522. Under the provisions of Title 10 of the United States Code, Section 1552, your records have been corrected by removing General Officer Memorandum of Reprimand (GOMOR) dated 21 March 2019, from your Army Military Human Resource Record.

The point of contact for this action is Galen L. Erisman, at galen.l.erisman.civ@mail.mil.

Sincerely,

/s/

Dean M. Hiza
Chief, Army Soldier Records Branch

*Appendix F*BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
RCS	JNM	KJS	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected to show removal of general officer memorandum of reprimand (GOMOR), dated 21 March 2019, from his Army Military Human Resource Record (AMHRR). Recommend referring the applicant's records to Human Resources Command (HRC) to be reviewed for re-boarding of Qualitative Management Program (QMP) to determine if he should have been discharged.

7/19/2021

/s/ Rhonda Cunningham-Still

CHAIRPERSON

Signed by. CUNNINGHAM-STILL.RHONDA.E.1229659134

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

Appendix F

REFERENCES:

1. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.