

*Note.* All error-free NCOERs received by the required receipt date stated in the MILPER message will be completed in time for viewing by the selection board.

(3) All other rating chain time minimums apply.

### **3-57. “Senior Rater-Option” report**

*a.* A code 08, “SR-Option” report, may be rendered when a change in senior rater occurs. The senior rater may direct that a “SR-Option” report be made on any Soldier whom they senior rate when a change in senior rater occurs. This will apply only if the following conditions are met:

(1) The senior rater has served in that position for at least 60 calendar days. In cases where a general officer is serving as both rater and senior rater, the minimum rater requirement will also be 60 days versus the normal 90-day requirement.

*Note.* The minimum rating requirement for evaluating USAR TPU, DIMA, or drilling IRR Soldiers or ARNG man-day (M-DAY) Soldiers is 90 days (apps G and H).

(2) The rater meets the minimum 90-day requirement (120-day requirement for drilling USAR TPU, DIMA, or drilling IRR Soldiers or ARNG (M-DAY) Soldiers).

(3) The Soldier has not received an OER or NCOER in the preceding 90 calendar days (120 calendar days for USAR TPU, DIMA, or drilling IRR Soldiers or ARNG Soldiers). As an exception, if a general officer is serving as both rater and senior rater, the Soldier must not have received an OER or NCOER in the preceding 60 days (90 days for USAR TPU, DIMA, or drilling IRR Soldiers or ARNG (M-DAY) Soldiers).

*b.* As an exception, a mandatory “SR-Option” report will be prepared when an OER or NCOER is due within 60 calendar days (90 days for USAR TPU, DIMA, or drilling IRR Soldiers) after the date the change in senior rater will occur. The senior rater will submit a “SR-Option” report in such cases to prevent an OER or NCOER being submitted without a senior rater evaluation.

### **3-58. “60-Day Option” report**

A code 07, “60 day Opt” report, may be rendered when one of the conditions described in paragraphs 3-40 through 3-43 occurs, and the rater has served in his or her capacity fewer than 90 days, but more than 59 days (excluding nonrated periods), in the rating period. A “60 day Opt” report may be initiated at the option of the rater when the following conditions have been met:

*a.* The rated Soldier will be serving in an overseas designated short tour for a period of 14 months or less (see JTR, Appendix Q, Table 1, for “all others” tour identification by area) or as designated in the Personnel Policy Guidance.

*b.* The senior rater will meet the minimum time-in-position requirements to evaluate (60 days) and will approve or disapprove submission of the “60 day Opt” report. When the senior rater disapproves the submission of the “60 day Opt” report, the basis for the disapproval will be stated and the “60 day Opt” report and returned through the rating chain to the rater. The rater will inform the rated Soldier that the “60 day Opt” report has been disapproved and destroy the report.

### **3-59. “Rater Option” report (DA Form 67-10 series (OER) only)**

A code 13, “Rater Option” OER, may be rendered when one of the conditions described in paragraphs 3-40 through 3-43 occurs but there are fewer than 90 calendar days in the rating period (120 days for USAR TPU, DIMA, and drilling IRR officers and ARNG officers not on an active duty tour for 90 days or more), excluding nonrated periods. An OER may be submitted at the option of the rater. However, the rated officer will have served continuously under the same rater in the same position for 90 or more calendar days in the previous rating period. All other rating chain minimums apply. For example: An officer received an annual OER on 31 March. The rated officer departs on a PCS on 22 May. The rating period is 51 days (1 April to 21 May). If those 51 days were spent in the same duty position under the same rater as shown on the previous annual OER ending 31 March, the rater may, at his or her option, render a “Rater Option” OER for the period 1 April to 21 May. The senior rater (and intermediate rater, if applicable) will sign the “Rater Option” OER but may not provide comments because minimum rating qualifications have not been met.

## **Chapter 4 Evaluation Report Redress Program**

### **Section I Managing the Redress Program**

#### **4-1. Overview**

*a.* The Evaluation Report Redress Program consists of several elements at various levels of command (for example,

field, HRC, DCS, G-1, and HQDA). The program is both preventive and corrective, in that it is based upon principles structured to prevent, and provide a remedy for, alleged injustices or regulatory violations, as well as to correct them once they have occurred.

*b.* The first program element is the communication process fostered by the DA Form 67-10-1A and DA Form 2166-9-1A, which affords the rated officer or NCO a forum for establishing duty requirements and a discussion of actual accomplishments (see chap 3, sec II, and DA Pam 623-3). A second element is the various regulatory requirements, such as each evaluation report standing on its own without reference to facts or events occurring prior or subsequent to the rating period (para 3-16) and the prohibition against command influence on rating officials during the preparation of evaluation reports (see para 1-11 and DA Pam 623-3).

*c.* If an OER or AER is referred, there is the evaluation referral and acknowledgment process (see para 3-28 and DA Pam 623-3).

*d.* Beyond regulatory remedies, elements of the Evaluation Report Redress Program, CDR's or Commandant's Inquiry (sec II, this chap), the Appeals System (sec III, this chap), and application to the Army Board for Correction of Military Records (ABCMR) under the provisions of AR 15-185 are available.

*e.* This chapter focuses on the policies, procedures, preparation, and submission of a CDR's or Commandant's Inquiry and an evaluation report appeal.

## **4-2. Information**

*a.* An OER, NCOER, or DA Form 1059 may have administrative errors or may not accurately record the rated Soldier's potential or the manner in which he or she performed his or her duties. The Evaluation Report Redress Program protects the Army's interests and ensures fairness to the evaluated officer or NCO. At the same time, it avoids impugning the integrity or judgment of the rating officials without sufficient cause. A CDR's or Commandant's Inquiry and an evaluation report appeal are separate and distinct actions. Rated Soldiers may seek an initial means of redress through a CDR's or Commandant's Inquiry; however, a CDR's or Commandant's Inquiry is not a prerequisite for the submission of an appeal.

*b.* DA Pam 623-3 amplifies and clarifies the policies outlined in this chapter by providing detailed guidance on the preparation of an appeal. Rated Soldiers considering submission of an appeal are strongly encouraged to read the appeals section of this pamphlet in its entirety prior to preparing and submitting one. A thorough understanding of the appeals system can save considerable time and effort and reduce the anxiety associated with having an appeal returned without consideration.

## **Section II**

### **Commander's or Commandant's Inquiry**

#### **4-3. Applicability**

CDRs (OER and NCOER) or commandants (AER) are required to look into alleged errors, injustices, and illegalities in evaluation reports. This section does not pertain to AERs or other evaluation reports provided by civilian educational, medical, or industrial institution because there is no military command structure available.

*Note.* Upon receipt of a request for a Commander's CDR's or Commandant's Inquiry, the CDR or commandant receiving the request will verify the status of the OER, NCOER, or AER in question. If the evaluation has been submitted and received at HQDA for processing, but has not been filed in the Soldier's AMHRR, the CDR or commandant will notify the Evaluations Appeals Office via email (see app F) with a request to have the evaluation placed in a temporarily administrative hold status until completion of the inquiry.

#### **4-4. Purpose**

Alleged errors, injustices, and illegalities in a rated Soldier's evaluation report may be brought to the CDR's or commandant's attention by the rated Soldier or anyone authorized access to report (see para 1-11).

*a.* The primary purpose of a CDR's or Commandant's Inquiry is to provide a greater degree of command involvement in preventing obvious injustices to the rated Soldier and correcting errors before they become a matter of permanent record.

*b.* A secondary purpose is to obtain command involvement in clarifying errors or injustices after the evaluation is accepted at HQDA. However, in these after-the-fact cases, this paragraph is not intended to be a substitute for the appeals process, which is the primary means of addressing errors and injustices after they have become a matter of permanent record (see para 3-36 provides restrictions on modifications to previously submitted evaluations already accepted by HQDA).

*c.* The provisions of AR 15-6 do not normally apply to inquiries of this type. However, the CDR or commandant may determine that the provisions of AR 15-6 apply in specific instances.

#### **4-5. Policy**

*a.* A CDR's or Commandant's Inquiry will not be used to document differences of opinion among members of the rating chain about a rated Soldier's performance and potential. The evaluation system establishes rating chains and

normally relies on the opinions of the rating officials. Rating officials will evaluate a rated Soldier and their opinions constitute the organization's view of that Soldier. However, the CDR may determine through inquiry that the report has serious irregularities or errors. Examples include—

(1) Improperly designated, unqualified, or disqualified rating officials (that is, a rating official not in the published rating chain; a rating official without the minimum required time to render an evaluation report, or a rating official who, through an official investigation, has had a substantiated adverse finding against him or her that results in his or her relief or calls into question the rating official's objectivity.

(2) Inaccurate or untrue statements.

(3) Lack of objectivity or fairness by rating officials.

*b.* The inquiry will be made by a CDR in the chain of command or military school commandant above the designated rating officials involved in the allegations. In headquarters and other military organizations lacking a CDR or commandant, the inquiry will be conducted by the next higher official in the rating chain above the designated rating officials involved in the allegations.

*c.* The official conducting the inquiry will not pressure or force rating officials to change their evaluations.

*d.* The official conducting the inquiry may not evaluate the rated Soldier, either as a substitute for, or in addition to, the designated rating officials' evaluations.

*e.* The rating chain or official conducting the inquiry will not use the CDR's (OER or NCOER) or Commandant's Inquiry (DA Form 1059) provisions to forward information derogatory to the rated Soldier. For OERs, NCOERs, and DA Form 1059 only, if the inquiry reveals matters that might have resulted in a lower evaluation of a rated Soldier, the information will be addressed in the memorandum outlining the results of the inquiry by the CDR or commandant responsible for the inquiry in accordance with paragraph 3–38. No changes will be made to an evaluation report to reflect a lower evaluation of a rated Soldier following the results of a CDR's or Commandant's Inquiry.

*f.* To ensure the availability of pertinent data and timely completion of an inquiry conducted after the evaluation in question has been accepted at HQDA for inclusion in the rated Soldier's AMHRR, the inquiry will be conducted by either the CDR or commandant at the time the evaluation was rendered who is still in the command position, or by a subsequent CDR or commandant in the position. Requests for inquiry will occur no later than 60 days after the signature date of the rated Soldier (or senior rater, if rated Soldier's signature is omitted) for OERs and NCOERs, or authenticating official for DA Form 1059. The results of the inquiry will be forwarded to HQDA not later than 120 days after the signature date of the senior rater (OER and NCOER) or authenticating official (DA Form 1059).

*g.* The results of the inquiry forwarded to HQDA will include the findings, conclusions, and recommendations in a memorandum that will be filed with the evaluation report in the rated Soldier's AMHRR for clarification purposes (see fig 4–1). The results will include the CDR's or commandant's signature, will stand alone without reference to other documentation, and will be limited to one page. Sufficient documentation, such as reports and statements, will be attached to justify the conclusions.



DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNIT NAME  
STREET ADDRESS  
CITY, STATE 12345-0001

(Office Symbol)

(Date)

MEMORANDUM FOR U.S. Army Human Resources Command (AHRC-PDV-E),  
1600 Spearhead Division Avenue, Department 470, Fort Knox, KY 40122-5407

SUBJECT: Commander's/Commandant's Inquiry Report on an (OER, NCOER, or AER,  
as applicable) for (Rated Soldier's Name, Rank, SSN, Report Period Covered)

1. In accordance with AR 623-3, Evaluation Reporting System, paragraph 4-5g, a Commander's/Commandant's inquiry was conducted to look into alleged errors, injustices, or legalities pertaining to the subject (OER/NCOER/AER). My inquiry focused on (identify what portion(s) of the OER/NCOER/AER were specifically addressed and/or allegations made in the request for an inquiry).
2. As a result of my inquiry, I have concluded/determined that (state if the findings from the inquiry revealed that the evaluation report is accurate as written, indicates bias/lacks objectivity and fairness, consistent with/inconsistent with the requirements of AR 623-3, requires administrative correction, and so forth. If necessary, include brief comments on background details, such as pertinent events that occurred during the preparation of the OER/NCOER/AER).
3. I recommend that this OER/NCOER/AER (state whether the OER/NCOER/AER should be processed as written and filed in the rated Soldier's Official Military Personnel File, administratively corrected, be appealed by the rated Soldier, and so forth). The rated Soldier has been informed of my findings and recommendations and his or her right to file an appeal to the OER/NCOER/AER.
4. The point of contact for this memorandum is (POC's name, phone number, email address).

(Signature block of the commander  
or commandant)

Note: The Commander's/Commandant's Inquiry report will be limited to a one-page memorandum that can be filed with the DA Form 67-10 series OER/DA Form 2166-9 series NCOER/DA Form 1059. The memorandum must stand alone without reference to other documentation.

Figure 4-1. Sample format for a Commander's or Commandant's Inquiry report

*h.* If the CDR finds no fault with the evaluation, then the CDR's or Commandant's Inquiry is filed locally and a copy given to the rated Soldier. There is no requirement to send the CDR's or Commandant's Inquiry forward to HQDA.

#### 4-6. Tasks

Operating tasks for conducting a CDR's or Commandant's Inquiry are outlined in table 4-1.

**Table 4-1**  
**Steps in conducting a Commander's or Commandant's Inquiry**

Step	Work center	Action required
1	Requester	Submit a written request for a CDR's or Commandant's Inquiry indicating specifically the injustices and/or regulatory violations contained in the OER, NCOER, or AER in question. Request is to be submitted to a CDR above the designated rating chain.
2	CDR or commandant	If, after looking into the allegations, no error, violation of the regulation, or wrongdoing is found, advise the individual requesting the inquiry and take no further action other than ensuring that the evaluation is forwarded to HQDA, as expeditiously as possible. If the CDR desires, he or she may retain a written record of the inquiry (for example, a memorandum for record). It is not necessary for the CDR to notify HQDA if there are no discrepancies found in the evaluation report.
3	CDR or commandant	If an error, violation of the regulation, or wrongdoing has occurred and the evaluation has not been forwarded to HQDA, the CDR or commandant will return the evaluation with the inquiry results to the senior rater or reviewer, as applicable. The CDR or commandant will ask that the report be corrected to account for matters revealed in the inquiry. This will be done with regard for the restrictions on command authority and influence (see paras 1-11 and 4-5c). When the report has been corrected, it will be sent to HQDA with no reference to the action taken by the CDR or commandant (for example, the OER, NCOER, or DA Form 1059 only is forwarded); the results of the inquiry will remain with the CDR.
4	CDR or commandant	If the report has not yet been forwarded to HQDA and the CDR or commandant and the rating chain members cannot agree on the need for change in the report, the CDR or commandant will forward the evaluation report and the results of the inquiry to the appropriate agency (see app F).
5	CDR or commandant	If the CDR or commandant finds that a report already forwarded to HQDA contains errors, or is in violation of this regulation, he or she will forward the results of the inquiry to the address indicated in step 4, above. Sufficient documentation, such as report and statements, will be attached to justify the conclusion.

### Section III

#### Evaluation Appeals

#### 4-7. Policies

- a.* An evaluation report accepted for inclusion in the rated Soldier's AMHRR is presumed to—
- (1) Be administratively correct.
  - (2) Have been prepared by the proper rating officials.
  - (3) Represent the considered opinion and objective judgment of the rating officials at the time of preparation.
- b.* Appeals based solely on statements from rating officials claiming administrative oversight or typographical error of an OER, NCOER, or AER will normally be returned without action unless accompanied by additional substantiating evidence.
- c.* The rated Soldier or other interested parties who know the circumstances of a rating may appeal any evaluation report that they believe is incorrect, inaccurate, or in violation of the intent of this regulation.
- (1) Other interested parties are limited to representatives of the following:
    - (a) DCS, G-1.
    - (b) HRC.
    - (c) Office of the Surgeon General.
    - (d) Office TJAG.
    - (e) Office of the Chief of Chaplains.
    - (f) NGB.
  - (2) Other individuals knowing of an alleged rating injustice will contact one of the above agencies or the rated Soldier.
- d.* An appeal begun by any party on behalf of an appellant will be referred to the appellant for concurrence and comment before it is submitted.

e. The results of a CDR's or Commandant's Inquiry under paragraph 1-11 do not constitute an appeal. They may be used, however, in support of an appeal.

f. An appeal will be supported by substantiated evidence (see para 4-11). An appeal that alleges an evaluation report is incorrect, inaccurate, or unjust without usable supporting evidence will not be considered. The determination regarding adequacy of evidence may be made by HQDA, Evaluation Appeals Branch (AHRC-PDV-EA), NGB-HRP-R (Appeals Section), or the appropriate State AG (ARNG).

g. The BN and/or BDE S1 or administrative office servicing the rated Soldier's unit may request minor administrative changes to an accepted evaluation report. However, the request will be accompanied by substantiating evidence. The type of evidence that could be used includes an official copy of DA Form 4037 (Officer Record Brief) or enlisted record brief, orders, or duty appointment documents. These requests are not appeals. See DA Pam 623-3 for information on appeals.

h. Appeals based on administrative error only will be adjudicated by HQDA, Evaluation Appeals Branch (AHRC-PDV-EA), for Regular Army, USAR, and when necessary, for ARNG evaluation reports. Appeals based on administrative error for ARNG evaluation reports will be adjudicated by NGB (NGB-HRP-R).

(1) Claims of administrative error pertain to—

(a) DA Form 67-10 series OER, parts I, parts II, part III, block a, part III, block b, and part IV, block a.

*Note.* Request for administrative corrections to the "P" identifier utilized in part I, block c "Rank" after 180 days of an OER or NCOER being filed in a Soldier's AMHRR, will not be supported. Requests for administrative corrections to alter the "P" identifier in part I, block c "Rank" will only reflect changes to the "Rater Tendency" report, and "Rater" and/or "Senior Rater Profile" within 180 days of an OER or NCOER being filed to the AMHRR. Requests that are received 180 days or later for OERs or NCOERs filed in the rated Soldier's AMHRR will result in corrections made only to the administrative data contained within the part I, block c of the OER or NCOER, however, no change will occur to the "Rater Tendency" report, "Rater and/or Senior Rater's Profile".

(b) DA Form 2166-9 series (NCOER), parts I, parts II, and part III, block a, part III, block b, and part IV, blocks a and b.

(c) DA Form 1059, items 1 through 12.

(d) DA Form 1059-1, items 1 through 10.

(2) Such claims may include, but are not limited to, deviation from the established rating chain, insufficient period of observation by the rating officials, errors in the evaluation report period, and errors in the APFT and/or height and weight entries.

(3) Nonrated periods of time and missing evaluation reports require special consideration.

*Note.* For evaluation reports on IMA and IRR Soldiers not performing duty, gaps will occur.

(a) A period of undocumented nonrated time resulting in a gap between completed evaluation reports in a Soldier's AMHRR may be administratively corrected upon request from the rated Soldier, unless the period reflects a chain of command's failure to render a mandatory evaluation report that was due (see paras 3-40 through 3-55). In some cases, administratively correcting a "FROM" date on an evaluation report may cause it to be not in accordance with the rules of AR 623-3. When this occurs, the Evaluation Appeals Office will mark "Corrected Copy per HQDA Appeals Office" so the altered "FROM" date will be understood by future selection boards and career managers.

(b) A period of time for which an evaluation report should have been prepared by the rating officials, but was not, will be left as a gap between evaluation reports in the Soldier's file. The Soldier should make every effort to obtain missing evaluation reports from the rating officials. If the Soldier is unable to obtain a missing evaluation report, the Soldier should submit a request for a nonrated time statement in accordance with paragraph 3-33e. Requests submitted under these circumstances will be adjudicated on a case-by-case basis.

*Note.* ARNG-specific nonrated time and missing evaluation reports are addressed in appendix H.

(c) Requests for the administrative correction of evaluation reports at HQDA for nonrated time will be mailed to HRC (AHRC-PDV-EA) (mailing and email addresses are in app F).

(4) It should be noted that the rated Soldier's authentication in part II of an OER or NCOER verifies the information in part I. It also confirms that the rating officials named in part II are those established as the rating chain and authenticates the accuracy of the APFT and height and weight entries made by the rater. Appeals based on alleged administrative errors in those portions of an evaluation report previously authenticated by the rated Soldier (parts I, II, and III, block a) will be accepted only under the most unusual and compelling circumstances. The rated Soldier's signature also verifies that the rated Soldier has seen a completed evaluation report. Correction of minor administrative errors seldom serves as a basis to invalidate an evaluation report. Removal of an evaluation report for administrative reasons will be allowed only when circumstances preclude the correction of errors, and then only when retention of the evaluation report would clearly result in an injustice to the Soldier (see fig 4-2 for an example format for a request for minor administrative correction; see DA Pam 623-3 for an example memorandum format for an administrative appeal).



DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNIT NAME  
STREET ADDRESS  
CITY, STATE 12345-0001

(Office Symbol)

(Date)

MEMORANDUM FOR (Appropriate Agency – Appendix F)

SUBJECT: Minor Correction to Evaluation Report for (Rated Soldier's Name, Rank, Social Security Number, Report Period Covered)

1. This is a request for a minor correction to the subject evaluation report.
2. (Identify the specific portion of the requested change; state the entry as it now appears and as it should appear after correction.)
3. (Support the request with related documents, for example, orders, leave and earnings statements, or other documents.)
4. (Unit requests must be limited to very minor corrections to recently-submitted reports. Any significant changes must be requested by the rated Soldier.)
5. (Provide a POC and DSN number, or a commercial number if DSN is not used or if the rated Soldier is an ARNG or USAR Soldier not on active duty.)

# Encls

1. Copy of evaluation report
2. (Number and list enclosures of appropriate evidence)

(Signature block with mailing address, if other than address on letterhead)

Figure 4-2. Sample format for a minor administrative correction memorandum

i. Alleged bias, prejudice, inaccurate or unjust ratings, or any matter other than administrative error are substantive in nature and will be adjudicated by the Army Special Review Board (ASRB) (see para 4-12).

(1) Claims of inaccuracy of a substantive type pertain to—

- (a) DA Form 67-10 series (OER), parts III, block c, parts IV, blocks b, c, d, and e, V, VI, and OER addenda.
- (b) DA Form 2166-9 series (NCOER), parts IV and V and NCOER addenda.
- (c) DA Form 1059, parts 11-15.
- (d) DA Form 1059-1, parts 10-13.

(2) These are generally claims of an inaccurate or an unjust evaluation of performance or potential or claims of bias on the part of the rating officials (see DA Pam 623-3 for examples of formats of substantive appeals).

j. After resolution of the appeal, the appropriate reviewing agency (HQDA for Regular Army and USAR, NGB for ARNG) amends the rated Soldier's records, if appropriate. If the rated Soldier has been nonselected for promotion, the ASRB will also determine if promotion reconsideration is warranted as a result of the change to the evaluation report.

#### **4–8. Timeliness**

*a.* Because evaluation reports are used for personnel management decisions, it is important to the Army and the rated Soldier that an erroneous evaluation report be corrected as soon as possible. As time passes, people forget and documents and key personnel are less available; consequently, preparation of a successful appeal becomes more difficult.

*b.* Substantive appeals will be submitted within 3 years of an evaluation report “THRU” date. Failure to submit an appeal within this time will require the appellant to submit his or her appeal to the ABCMR, in accordance with AR 15–185. Soldiers may apply online to the ABCMR at <http://arba.army.pentagon.mil>.

*c.* The ASRB will not accept appeals that are over 3 years old or appeals from Soldiers who are no longer on active duty or part of the USAR or ARNG. Retirees and/or those who were separated from service should make applications to the ABCMR online at <http://arba.army.pentagon.mil>.

*d.* Administrative appeals will be considered regardless of the time that has elapsed since the period of the evaluation report and a decision will be made in view of the regulation in effect at the time the evaluation report was rendered. The likelihood of successfully appealing an evaluation report diminishes, as a rule, with the passage of time. Prompt submission is recommended.

#### **4–9. Processing and resolution**

*a.* Receipt of appeals will be acknowledged directly to the originator or requestor. The time required to process an appeal varies greatly depending on the complexity of the issues involved, the age of the evaluation report being appealed, and so on. Appeals are processed in order of priority (see para 4–10) and by date of receipt. Appeals should be submitted no later than 9 months prior to a promotion board convene date.

*b.* Reviewing officials will screen appeals to separate claims of administrative error from claims of inaccuracy or injustice of a substantive nature. Claims of substantive inaccuracy or injustice will be forwarded directly to the ASRB for adjudication. The Evaluation Appeals Branch (HQDA or NGB) (see app F) will verify the priority of the case by obtaining the information from either the Soldier’s AMHRR or the Soldier’s career branch.

*c.* An appeal may be approved in whole or in part, or may be denied, depending upon the merits of the case. The result of a partially approved appeal may not be that requested by the appellant. For example, the board may decide that the evidence justifies removal of the rater’s evaluation, but that the senior rater’s evaluation will remain, as it was not proven inaccurate or unjust. The board will not usually take action that might worsen an appealed evaluation report.

*d.* When the board grants an appeal, in whole or in part, resulting in the removal or substantive alteration of an evaluation report that was seen by one or more promotion boards that previously failed to select the appellant, the ASRB will make a determination whether promotion reconsideration by one or more special boards is justified.

*e.* The reviewing agency will notify each appellant by memorandum of the appeal decision and promotion reconsideration eligibility, if applicable. When an appeal is denied, a copy of the board’s memorandum of notification will be filed in the AMHRR with the contested evaluation report. The appeal correspondence that resulted in a denied or a partially approved appeal will be placed on the restricted portion of the AMHRR. Documents that apply to appeals that are returned without action because of a lack of usable evidence will not be filed in the AMHRR. In the case of an invalidated evaluation report, a memorandum will be placed in the performance portion of the AMHRR declaring the period as nonrated time. In the case where a portion of an evaluation report is removed or corrected, the evaluation report will be corrected and placed in the performance portion of the AMHRR. A notation is placed at the bottom of the report to indicate the evaluation report is a “corrected copy.”

*f.* If the appeal is denied, an appellant may seek new or additional evidence and submit a new appeal, or may submit an application to the next agency in the Army’s Redress System, the ABCMR. The ABCMR is governed by AR 15–185.

#### **4–10. Priorities**

Appeals are processed in the order of priority established by the Evaluation Appeals Branch (HQDA or NGB). The Evaluation Appeals Branch (HQDA or NGB) will assign the level of priority for all evaluation appeals. Reviewing agencies will notify Appellants of the priority level upon preparation and forwarding appeals to the ASRB Agency. Appellants are responsible for notifying the appropriate reviewing agency (HQDA or NGB) of any change in their status that would affect the priority. The Evaluation Appeals Branch (HQDA or NGB) will coordinate with the ASRB Agency to established priorities and update appropriately when priority levels require change based on DA mission requirements. Below represents example priorities, for use as a guide, on how levels of priority are determined.

*a.* *For officers appealing DA Form 67–10 series (OER), DA Form 1059, and DA Form 1059–1.*

(1) First in priority are appeals pertaining to officers who have been—

(a) Twice nonselected for promotion and given a directed discharge, release, or mandatory retirement date within 6 months.

(b) Selected for release within 6 months by an HQDA elimination board or an AGR continuation board.

(c) Recommended for elimination within 6 months. This also applies to officers who have applied for and have been denied voluntary indefinite category.



- (d) Notified for eligibility of a HQDA selection command board within 6 months.
- (2) Second in priority are appeals pertaining to officers who—
  - (a) Have not been selected for promotion at least once but who do not have a mandatory release date within 6 months as a result.
  - (b) Are on a pending promotion list removal as stated in AR 600–8–29. Third in priority are appeals not eligible for higher priority.
    - b. For noncommissioned officers appealing DA Form 2166–9 series (NCOER) and DA Form 1059.*
      - (1) First in priority are appeals pertaining to NCOs who have been—
        - (a) Twice nonselected for promotion in the primary zone of consideration and are within 6 months of discharge, release from service (expiration term of service), or mandatory retirement date.
        - (b) Selected for release under the HQDA Qualitative Management Program or ARNG or USAR Qualitative Retention Program.
        - (c) Selected for release from AGR by an AGR continuation board.
        - (d) Identified for referral within 6 months to an AGR continuation board.
      - (2) Second in priority are appeals pertaining to NCOs who have been nonselected for promotion in the primary zone of consideration at least once, but who do not have a mandatory release date within 6 months.
      - (3) Third in priority are appeals not eligible for higher priority.

#### **4–11. Burden of proof and type of evidence**

- a.* The burden of proof rests with the appellant. Accordingly, to justify deletion or amendment of an evaluation report, the appellant will produce evidence that establishes clearly and convincingly that—
  - (1) The presumption of regularity referred to in paragraphs 3–36*a* and 4–7*a* will not be applied to the evaluation report under consideration.
  - (2) Action is warranted to correct a material error, inaccuracy, or injustice.
- b.* Clear and convincing evidence will be of a strong and compelling nature, not merely proof of the possibility of administrative error or factual inaccuracy. If the adjudication authority is convinced that an appellant is correct in some or all of the assertions, the clear and convincing standard has been met with regard to those assertions.
- c.* For a claim of administrative error, appropriate evidence may include—
  - (1) The published rating scheme used by the organization during the period of the evaluation report being appealed.
  - (2) Assignment, travel, or TDY orders.
  - (3) Electronic BN and/or BDE S1, military personnel office, or administrative human resources documents.
  - (4) Leave records.
  - (5) Organization manning documents.
  - (6) Hospital admission, diagnosis, and discharge sheets.
  - (7) Statements of military personnel officers or other persons who know about the situation pertaining to the evaluation report in question. (See DA Pam 623–3 for samples of formats for a letter requesting a third-party support statement and a prepared third party support statement.)
  - (8) The results of a CDR’s or Commandant’s Inquiry.
  - (9) Other relevant documents.
- d.* For a claim of inaccuracy or injustice of a substantive type, evidence will include statements from third parties, rating officials, or other documents from official sources (see DA Pam 623–3). Third parties are persons other than the rated officer or rating officials who have knowledge of the appellant’s performance during the rating period. Such statements are afforded more weight if they are from persons who served in positions allowing them a good opportunity to observe firsthand the appellant’s performance as well as interactions with rating officials. Statements from rating officials are also acceptable if they relate to allegations of factual errors, erroneous perceptions, or claims of bias. To the extent practicable, such statements will include specific details of events or circumstances leading to inaccuracies, misrepresentations, or injustice at the time the evaluation report was rendered. The results of a CDR’s or Commandant’s Inquiry may provide support for an appeal request.
- e.* To be acceptable, evidence will be material and relevant to the appellant’s claim. In this regard, note that support forms or academic counseling forms may be used to facilitate writing an evaluation report. However, these are not controlling documents in terms of what is entered on the evaluation report form. Therefore, no appeal may be filed solely because the information on a support form or associated counseling document was omitted from an evaluation, or because the comments of rating officials on the evaluation report are not identical to those in the applicable support form or counseling document. While there will be consistency between a rating official’s comments on both forms, there may be factors other than those listed on a support form or counseling document to be considered when evaluating a rated Soldier. In addition, no appeal may be filed solely based on the contention that the appellant was never counseled. Evaluation reports written based on the findings of an AR 15–6 investigation will include a copy of the AR 15–6 investigation as an enclosure to the appeal. In addition, if there was a CDR’s or Commandant’s Inquiry conducted, the results of the inquiry will be added as an enclosure to the appeal.

f. For DA Form 67–10 series (OERs) and DA Form 2166–9 series (NCOER), appeals that claim an error in the sequencing of OERs into the “Rater Profile”, of NCOERs into the “Rater Tendency”, and for OERs and NCOERs, the “Senior Rater Profile” will not be accepted. The “Rater’s Profile” (OERs only), “Rater Tendency” (NCOER only), and “Senior Rater’s Profile” reflects the total of all OERs and NCOERs on officers and NCOs in a single grade written by the rater and senior rater received as of the day the OER and NCOER is accepted at HQDA. OERs may be delayed in electronic submission, mail handling, and administrative processing. The official “Rater Profile” report and “Senior Rater Profile” report maintained at HQDA on a given day may be different from that in any personal record. Appeals based on differences between privately-kept records and HQDA-maintained “Rater Profile”, “Rater Tendency”, and “Senior Rater Profile” will not be honored. It is incumbent on the rater and senior rater to ensure OERs and NCOERs process at HQDA in the desired sequence. This provision does not apply to DA Form 1059.

g. In evaluating the whole Soldier, rating officials may consider the fact that a rated Soldier is in a zone of consideration for promotion, command, or school selection. Accordingly, a subsequent statement from a rating official that he or she rendered an inaccurate “HIGHLY QUALIFIED”, “RETAIN AS COLONEL” or lower evaluation of a rated officer’s potential in order to preserve a “MOST QUALIFIED”, “PROMOTE TO BG”, or “MULTI-STAR POTENTIAL” rating for other officers (for example, those in a zone for consideration for promotion, command, or school selection) will not be a basis for appeal.

#### **4–12. Army Special Review Board**

a. The ASRB operates within the guidelines established in this regulation. The board, which is comprised of senior officers and NCOs, evaluates and acts on evaluation report appeals. The president and assistant president for each board, under the direct authority and supervision of the Army’s Director of Military Personnel Management, are delegated the authority to take final action on evaluation report appeals on behalf of HQDA. At least three members of the board constitute a quorum for voting on each case. Board recommendations are based on a majority vote. When practicable, cases will be considered by at least one board member whose background is similar to that of the appellant. No members will vote on a case in which they were personally involved or knowingly have any bias for or against the parties involved. To the extent possible, voting members will be senior to the appellant.

b. Board proceedings are administrative and non-adversary; the provisions of AR 15–6 do not apply. Although not bound by the rules of evidence for trials by court-martial or other court proceedings, the board does keep within the reasonable bounds of evidence that are competent, material, and relevant. Neither the appellant nor his or her agent is authorized to appear before the board. The board may obtain more information from the appellant, the rating officials, persons in the chain of command, or anyone thought to have firsthand knowledge of the case. The appellant will generally be contacted by the appropriate Evaluation Appeals Branch (see app F). Normally, the board will not contact those who provided a third-party statement of support unless there is a need for clarification.

#### **4–13. Appeals based on substantive inaccuracy**

a. A decision to appeal an evaluation report will not be made lightly. Before deciding whether or not to appeal, the prospective appellant will analyze the case dispassionately. This is difficult, but unless it is done, the chances of a successful appeal are reduced. The prospective appellant will note that—

- (1) Pleas for relief citing past or subsequent performance or assumed future value to the Army are rarely successful.
- (2) Limited support is provided by statements from people who observed the appellant’s performance before or after the period in question (unless performing the same duty in the same unit under similar circumstances); letters of commendation or appreciation for specific but unrelated instances of outstanding performance; or citations for awards, inclusive of the same period.

b. Once the decision has been made to appeal an evaluation report, the appellant will state succinctly what is being appealed and the basis for the appeal. For example, the appellant will state—

- (1) Whether the entire evaluation report is contested or only a specific part or comment.
- (2) The basis for the belief that the rating officials were not objective or had an erroneous perception of their performance. Note that a personality conflict between the appellant and a rating official does not constitute grounds for a favorable appeal; it must be shown conclusively that the conflict resulted in an inaccurate or unjust evaluation.

c. Most appellants will never be completely satisfied with the evidence obtained. A point is reached, however, when the appellant will decide whether to submit with the available evidence or to forgo the appeal entirely. The following factors are to be considered:

- (1) The evidence must support the allegation. The appellant needs to remember that the case will be reviewed by impartial board members who will be influenced only by the available evidence. Their decision will be based on their best judgment of the evidence provided.
- (2) Correcting minor administrative errors or deleting one official’s rating does not invalidate the evaluation report.

#### **4–14. Preparation**

Steps for the preparation of an appeal are contained in table 4–2. Additional guidance is provided in DA Pam 623–3.

**Table 4–2  
Appeal preparation and checklist**

Step	Work center	Action required
1	Appellant or interested party	Review this chapter and DA Pam 623–3 to determine if an appeal submission is warranted.
2	Appellant or interested party	Prepare the appeal in memorandum format on letterhead or white bond paper.
3	Appellant or interested party	Ensure the appeal identifies the full name, SSN, rank, branch of the rated Soldier, return mailing address (home address is preferred), defense switched network (DSN) or commercial phone number, and official .gov or .mil email address of the appellant.
4	Appellant or interested party	Ensure the first paragraph indicates the appeal is being submitted under the provisions of AR 623–3. The appeal will also— (a) Indicate the period of the evaluation report being appealed. (b) State the basis for the appeal (administrative error, inaccuracy of a substantive type, or both). (c) Cite the processing priority. (d) Reference supporting evidence.
5	Appellant or interested party	Follow the guidelines outlined below when submitting evidence in support of the appeal: (a) Administrative appeals will be proven by original or certified true copies of appropriate documents. (b) Substantive appeals will be supported by originals of typed, signed statements from knowledgeable observers or rating officials during the evaluation report period. (c) Statements from rating officials will not be the sole basis of the appeal. (d) Documents such as Army Training and Evaluation Program, annual general inspection, command inspection results, and so on may be useful in supporting a substantive appeal. (e) Statements provided in support of appeals will be original statements or official copies, if the original document is not provided. (f) A copy of the evaluation report in question will be included in the appeal. (g) Each appeal will be complete when received. An appeal will not be forwarded or considered until all supporting documentation is enclosed. Officials wishing to provide statements in support of an appeal will provide them to the officer concerned and not to the reviewing authority. No action will be taken on miscellaneous, unaccompanied statements or documents received at HQDA. They will be forwarded to the appellant.
6	Appellant or interested party	Submit completed appeal in original and one duplicate copy directly to the appropriate agency: (a) For all Regular Army and USAR appeals: U.S. Army Human Resources Command (AHRC–PDV–EA), Evaluation Appeals, 1600 Spearhead Division Avenue, Department 470, Fort Knox, KY 40122–5407. (b) For ARNG officer and NCO appeals: Chief, National Guard Bureau (ARNG–HRH–A) Evaluation Appeals, 111 South George Mason Drive, Arlington, VA 22204–1373.
7	Appellant or interested party	Before mailing, review to ensure all enclosures are included, all signatures and dates are on all documents, and address and phone number are present. Enclose a copy of the complete original evaluation report and copy of appeal in a secure container, mailing envelope, or heavy wrapping, as required.
8	Appellant or interested party	Notify the appropriate agency promptly if mailing address or priority changes. Appellants are notified, in writing, of appeal decisions. Appellants will receive a copy of the ASRB’s case summary. If appropriate, the appellant may submit a second appeal strengthened by additional evidence. As an alternative to reconsideration, appellants may apply to the ABCMR under the provisions of AR 15–185.