EVALUATION REPORT APPEAL

Army Regulation (AR) 623-3, Chapter 4, and Department of the Army Pamphlet (DA PAM) 623-3 outline the procedures for appealing Officer Evaluation Reports (OERs), Noncommissioned Officer Evaluation Reports (NCOERs), and Academic Evaluation Reports (AERs). The Evaluation Report Redress Program consists of several elements at various levels of command: Communication Processes fostered by DA Forms 67–10–1A and 2166–9–1A, Regulatory Requirements, Commander/Commandant Inquiries, Appeals System, and Application to the Army Board for Correction of Military Records (ABCMR). The program protects the Army's interests, ensures fairness to the evaluated officer or NCO, and avoids impugning the integrity or judgment of the rating official without sufficient cause.

A Commander's or Commandant's Inquiry and an evaluation report appeal are separate and distinct actions. The rated Soldier may seek initial redress by requesting a Commander's Inquiry. However, a Commander's Inquiry is not a prerequisite for submitting an evaluation report appeal. If the rated Soldier decides to request a Commander's Inquiry, it should be done first. If the rated Soldier later decides to submit an appeal, the results of the Commander's Inquiry can be used in support.

Option 1: Commander's/Commandant's Inquiry

Commanders (for OERs/NCOERs) or Commandants (for AERs) are required to look into alleged errors, injustices, or illegalities in evaluation reports. A **Commander's Inquiry** is a **written request** to investigate the subject evaluation report, and is submitted to the commander in the chain of command (or military school commandant) above the designated rating officials involved in the allegations. The request should specifically address the issues with the evaluation report (e.g., improperly designated or unqualified rating officials, inaccurate statements, or lack of objectivity by rating officials). Inquiries can prevent and correct errors before they become a matter of permanent record. Though a Commander's Inquiry will not be used to note differences of opinion among the rating chain, the Commander may determine through the inquiry that the report has serious irregularities or errors. However, the Commander will not force or pressure rating officials to change their evaluations, and they may not evaluate the rated individual - either as a substitute for, or in addition to, the designated raters. The results of a Commander's Inquiry may be used in support of an appeal.

- Inquiry requests will occur **no later than 60 days** after the rated Soldier's signature date (or senior rater if Soldier's signature is omitted) for OERs/NCOERs, or reviewing official for DA Forms 1059 and 1059–2

Option 2: Evaluation Report Appeal

The rated individual can **appeal** an evaluation report that is believed to be **incorrect, inaccurate, or unjust.** The decision to appeal should not be made lightly. Before deciding whether or not to appeal, the rated individual should analyze the report objectively. The appellant has the burden of proof and must provide substantial evidence to establish clearly and convincingly that **(1)** the presumption of regularity should not be applied to the subject evaluation report, **and (2)** action is warranted to correct a material error, inaccuracy, or injustice. **Clear and convincing evidence** must be of a strong and compelling nature. 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 will be made by HRC, Evaluation Appeals Branch.

An appeal may be based on either administrative or substantive error, or both. For appeals alleging administrative error (e.g., established rating chain deviation, insufficient period of observation, and APFT or height/weight entry errors), appropriate evidence may include the published rating scheme used during the period, assignment or travel orders, or statements from military personnel with knowledge about the situation. Though, it should be noted that the rated Soldier's authentication in Part II of an OER or NCOER verifies the information in Part I is accurate. It also confirms that the rating officials named in Part II are those established as the rating chain and authenticates the accuracy of APFT and height/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, III, and IV, Block a) will be accepted only under the most unusual and compelling circumstances.

Alleged bias, prejudice, inaccurate/unjust ratings, or any matter other than administrative error are **substantive in nature** and will be adjudicated by the Army Special Review Board (ASRB). For a claim of the **substantive type** (e.g., inaccurate evaluation of performance), evidence will include statements from third parties, rating officials, or other documents from official sources. These statements are given more weight if they come from individuals who had the opportunity to observe the appellant's performance firsthand, as well as interactions with rating officials. Statements should include specific details of events or circumstances leading to inaccuracies or injustice at the time the report was written. The rated individual should succinctly state what is being appealed and the basis for the appeal. The appellant should also state whether the entire evaluation report or only a specific part/comment is contested, and the basis for their belief that the rating officials were not objective or had an erroneous perception of the rated individual's performance. It is important to keep in mind that a mere personality conflict between the appellant and a rating official **does not constitute grounds for a favorable appeal.**

Because evaluation reports are used for personnel management decisions, an erroneous evaluation report should be corrected as soon as possible.

- Requests for **administrative appeal or correction** will be submitted and received **not later than 3 years** of an evaluation report "Thru" date for an error so significant as to affect personnel management decisions, selection board proceedings, and career decisions.

- **Substantive appeals** will be submitted and received **no later than 3 years** of an evaluation report "Thru" date. Failure to submit an appeal within this time will require the appellant to submit their appeal to the ABCMR, in accordance with AR 15–185.

All Regular Army appeals are sent to:

U.S. Army Human Resources Command
Evaluation Appeals (AHRC – PDV – EA)
1600 Spearhead Division Avenue, Department 470
Fort Knox, KY 40122 – 5407

Appeals are sent directly to the deciding agency. Reviewing officials screen appeals, separating claims of administrative error from claims of a substantive nature. Claims of substantive inaccuracy or injustice are reviewed for sufficient supporting evidence, then forwarded directly to the ASRB for adjudication. The rated Soldier must send the original appeal and supporting documentation, along with one duplicate copy. Receipt of appeals will be acknowledged directly to the originator or requester. The time required to process an appeal varies greatly on the complexity of the issues involved and age of the evaluation report being appealed; appeals are processed in order of priority and by date of receipt. The Board will notify the appellant directly of appeal decisions.

This document is for informational purposes only and does not constitute legal advice. For questions concerning evaluation report appeals, please contact the Fort Jackson Legal Assistance Office to schedule an appointment.

For detailed information on this topic, please review Army Regulation 623-3, Evaluation Reporting System (https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN43117-AR_623-3-001-WEB-2.pdf) and Department of the Army Pamphlet 623-3, Evaluation Reporting System (https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN43006-PAM_623-3-000-WEB-1.pdf).

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