



# Legal Briefs

From the Fort Knox Legal Assistance Office

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## QUALITATIVE MANAGEMENT PROGRAM (QMP)/DA IMPOSED BAR

Army Regulation 635-200 sets forth the policies and procedures for the Army's retention programs, such as the Qualitative Management Program (QMP).

### What is a Department of the Army (DA) Imposed Bar?

AR 635-200 describes the Department of the Army (DA) imposed bars. A DA imposed bar (QMP) is imposed on Noncommissioned Officers in the rank of Staff Sergeant and above. The purpose of a QMP is to determine if a Soldier is fit for continued service on active duty. Negative information in a Soldier's file that prevents a Soldier's future promotion directly conflicts with the Army's philosophy for Soldiers to acquire a successful military status. Acquiring a successful status in the military shows a commitment to the United States, the Army, citizens, and Soldiers, and, thus, those who cannot do so should be moved out of the Army. In a sense, these bars are part of the Army's "up or out" philosophy.

The Senior NCO selection boards and the QMP boards will consider Regular Army (RA) and United States Army Reserve Active Guard Reserve (USAR AGR) Soldiers in the rank of SSG thru CSM for possible involuntary separation. These NCOs will be considered for denial of continued service when:

A. U.S. Army Human Resources Command (HRC) receives material from one of the following categories for permanent filing in the performance or restricted folder of the NCO's Army Military Human Resource Record (AMHRR) (This material must be based on performance or conduct in the Soldier's current grade): 1) General Officer Memorandum of Reprimand (GOMORs), 2) conviction by court-martial or non-judicial punishment (Article 15), 3) Relief for Cause NCOER, 4) an annotation of "NO" in part IVA (Army Values) on an NCOER, 5) Senior Rater rating of 4 (Fair) or 5 (poor) in the overall performance or potential blocks of an NCOER, and 6) Academic Evaluation Report (DA Form 1059) indicating Noncommissioned Officer Education System (NCOES) course failure.

B. The DCS, G-1, or designee, approves a request from Commanders with General Court-Martial Convening Authority, or their designees, or the Commander, HRC, or designee, for referral of an NCO to a QMP screening board.

C. Failure to graduate from a grade qualifying course (i.e. Advanced Leaders Course or Senior Leaders Course) within 48 months will also trigger the QMP process.

### Who does the QMP process not apply to?

NCOs in the rank of SSG through CSM/SGM are not subject to the QMP process if they: 1) have an approved retirement, 2) were previously retained on active duty by a QMP board (as long as no new basis for QMP consideration is documented since the earlier determination, 3) hold the rank of CSM/SGM and are within 2 years of the retention control point for their rank, 4) are promotable to the next higher grade when the basis for QMP consideration was filed and the offending documents were included in the official file seen by the promotion board.

### Notification Process.

Soldiers subject to denial of continued service under the QMP will be notified, through their chain of command. The notification memorandum will identify the basis for referral and will inform the NCO of his or her right to submit matters to the president of the QMP selection board within 30 days of receipt of the notification memorandum.

Once notified, the Soldier's options include: 1) submit voluntary retirement in lieu of being further processed by the QMP. Voluntary retirements must be approved effective no later than the date the Director of Military Personnel Management (DMPM), Office of the DCS, G-1 approves the results of the QMP board, 2) submit matters to the board president addressing the NCO's potential for continued service. These matters may include letters of support from third parties. Failure to provide correspondence by the established suspense date is not grounds for an appeal. All appeal matters is limited to newly discovered evidence, the subsequent removal of documents from the Soldier's AMHRR, or material error in the Soldier's record that was reviewed by the QMP screening board. The Soldier must send a notice of intent to appeal to USA HRC within 7 days of receipt of the QMP results and must submit the appeal itself to his or her immediate commander within 30 days of receipt of that notification memorandum informing the Soldier that they have been denied continued service.

The Soldier must also note that he cannot appear personally before the QMP board.

Once a rebuttal option is selected and the rebuttal packet is submitted, the Board will review the file, including: 1) AMHRR (performance file and *relevant* documents from the restricted file), 2) the Soldier's Enlisted Record Brief, 3) the Soldier's official photo, and the 4) Soldier's rebuttal packet. The board will consider the following factors about the Soldier in making its decisions: 1) moral and ethical failures, 2) potential in performance of future duties, 3) decline in efficiency and performance over a continued period of time, 4) discipline problems, and 5) other discriminating factors such as the inability to meet height/weight or failure of Army Physical Fitness test (APFT) or the imposition of a field commander's bar to reenlistment.

The QMP board will then consider the rebuttal and render a decision.

### What Legal Assistance Can Do:

We can help evaluate your QMP options and assist with preparation of a rebuttal packet or appeal statement. If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at [http://www.knox.army.mil/garrison/supportoffices/sja/legal\\_assistance.aspx](http://www.knox.army.mil/garrison/supportoffices/sja/legal_assistance.aspx). Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 - 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.