

Qualitative Management Program (QMP)

The following information provides information for soldiers seeking legal assistance to appeal a DA-Imposed Bar to Reenlistment Under the Qualitative Management Program (QMP), pursuant to AR 601-280, Chapter 10. Even though you may have a bar imposed by your immediate commanders, a Department of the Army (DA) bar to reenlistment may also be imposed. After reading this information sheet, you should be able to write an appeal following the guidelines set forth below. In order to comply with the time limits (60 days from your notification), you should begin immediately. The Legal Assistance Office will be best able to assist you prepare an adequate appeal if you follow the guidelines below.

A QMP is a DA-level bar to reenlistment affecting senior NCOs and not intended to be rehabilitative. It means you have been identified through a DA screening program as "failing to meet the Army standards for performance, conduct, attitude, and potential for advancement."

Options: Normally the first commander in the rank of LTC or higher in your chain of command will interview you and present you with the required QMP notification and documents supporting the bar. He will counsel you on what options are available to you. You should receive an "Administrative Instructions" form detailing your options. They are:

- a. Appeal within 60 days. If the appeal does not arrive at the U.S. Army Enlisted Records and Evaluation Center (USAEREC) within 60 days after notification of the QMP, you will be separated 90 days after the receipt of the QMP notice, or your normal ETS, whichever is sooner. If you appeal you will not be separated pending the appeal. If you have less than 90 days until your normal ETS you may ask for an extension to file and process the appeal. If you desire half separation pay you must select this option.
- b. Request discharge within 90 days after the receipt of the QMP notice (no appeal).
- c. Request immediate retirement if you have at least 20 years of service.
- d. Request extension to achieve retirement eligibility. You may request extension only if you have 17 years and 9 months of active service as of the date of receiving the QMP notice. You must retire by the last day of the month in which you achieve 20 years of service.

You will initial the option you have chosen, then sign and date the Statement of Option, DA Form 4941-R within 7 days. If you choose to appeal, you have 45 days from the date you were notified to submit an appeal to your commander so as to arrive at USAEREC through command channels WITHIN 60 DAYS. Allow yourself time to draft and organize your appeal and secure a legal assistance appointment (call 242-5084/3). Therefore, you have a limited time from the date you are notified to gather all of your information and prepare your appeal. If you do not submit an appeal or request early separation your commander must initiate separation proceedings NLT 60 days from receipt of the QMP notice.

Separation Pay: Soldiers who are separated due to QMP are authorized half separation pay, whether or not they appeal the DA-Imposed bar. See DA Circular 635-92-1. If you do not wish to appeal the QMP, you will select option two on the DA Form 4941-R requesting discharge. You will then be separated NLT 90 days of being notified of the QMP (AR 635-200, para 16-8). For further information regarding your individual entitlement and amount of separation pay contact DFAS at 242-6370, building 272. If you wish to appeal the QMP, consider the guidance set forth below.

Grounds for QMP: AR 601-280, Chapter 10, states that the QMP program is based on the premise that reenlistment is a privilege for those whose performance, conduct, attitude and potential for advancement meet Army standards. A board at the DA level reviews the performance portion of your Official Military Personal File (OMPF), DA Forms 2A and 2-1 and

other authorized documents. The board evaluates past performance, and estimates the potential of each soldier to determine if continued service is warranted.

The board looks for the following professional traits: personal ethics and morals, competence and duty performance, physical fitness, military bearing, leadership, training, responsibility, and accountability. An excellent resource on professional traits is DA Pamphlet 600-25, US Army Noncommissioned Officer Professional Development Guide. The board will then make a determination whether continued service is warranted. If a DA bar to reenlistment is imposed, the QMP packet will contain a list of documents, such as EER/NCO-ER's, AER's, letters of reprimand, Article 15's and other documents, which identify areas of weakness and constitute the basis of the QMP action.

It is important to remember that an EER/NCO-ER may be listed as a basis, even if you received the maximum rating. This will be the case for soldiers who are overweight or who do not pass the Army Physical Fitness Test (APFT). Your appeal must convince DA that, despite the QMP packet evidence, you meet the standards and should be retained.

Punishment under the UCMJ early in a soldier's career, at the grade of specialist and below, is not considered unless a clear and continuous pattern of misconduct is evident in the record. Boards may not select soldiers for QMP action if the soldiers were selected for promotion or senior military schooling by a prior board, and no new adverse information has been added to the soldier's file since that selection. Also there are no quotas in the QMP program. Indicators that increase the chance of selection are:

- Continued poor performances as shown on NCOER's
- Failure of a course under the NCO Education System for other than academic reasons
- Receipt of a general officer letter of reprimand for DUI or for some other serious offense
- Conviction by court martial or other UCMJ action occurring later in a soldier's career
- Failure to maintain appropriate weight standards or not making satisfactory progress in the weight-control program after a six-month period, unless medically justified; or
- Failure of two or more current APFT's, without medical justification

Submission of your appeal: Your appeal must include, as a minimum, a copy of the memorandum of notification (to include the enclosure listing the basis for the bar), your OMPF fiche which was sent with the QMP packet, and a current certified copy of your DA Forms 2A and 2-1. You may get a certified copy of your DA Forms 2A and 2-1 from the custodian of your MPRJ (201 file) at the Military Personnel Division located at Building 616. Be sure to inform the records clerk that you are requesting the copies for a QMP so as to ensure the documents are properly certified. The certification must state that it is for a QMP appeal or DA will not accept it. You must also submit an appeal for each EER/NCO-ER or AER that is listed as a basis for this QMP action. Use the EER/NCO-ER information sheet to prepare your EER/NCO-ER and AER appeals. Follow the guidelines set forth in that worksheet to prepare the EER/NCO-ER and AER appeal.

Grounds for your appeal: You must show in your appeal that the QMP is based on either material error or on documented improvement in your performance or both. Material error would include adverse documents that do not belong in your file, documents that should have been removed or destroyed prior to convening of the selection board, or documents that should have been placed in your restricted fiche. You must have the proof to substantiate your claim of material error. To show documented improvement in performance you must have evidence to substantiate your claim of improvement such as improved EER/NCO-ER's, civilian and military education, awards, certificates, letters of appreciation and commendation and other pertinent documents. If you face a QMP for physical fitness or overweight reasons, you must show that you have passed the APFT and that you are within the weight standards of AR 600-9. You will need official documents to substantiate your claims. It is up to you to procure these documents. Refer to the summary check list below to see what documents you need.

What your appeal should contain:

- a. Your appeal must be in memorandum format. It must contain certain administrative data and state specifically that it is a QMP appeal. It should then state the grounds for your appeal in an organized way, referring specifically to documents and statements you have attached. If appropriate, you should divide your discussion into matters of material error and evidence of improved performance. You should conclude with a statement of how you meet the Army's standards for NCO's and why you should be retained.
- b. There is no specific length for an appeal. A good guideline is to be thorough, but not repetitive.
- c. In your appeal statement you must explain why you are worth retention in the U.S. Army. State what military and civilian schooling you possess. What kind of course grades did you receive? What sort of assignments have you held? Were they leadership or critical positions? Explain your job and what you did to improve your subordinates, area or unit. What awards or medals have you received? What did you do to merit the award or medal?
- d. You must also state in your appeal why you feel that you possess the traits desirable of an NCO in today's Army. The traits are personal values, competence, physical fitness/military bearing, leadership, training, and responsibility and accountability. Explain why you are an asset and what your potential for future service is. Try to address specifically as many of these traits as possible. You must put yourself in the most desirable light possible. You have to convince DA that you should remain in the U.S. Army.
- e. You must also supply letters of support from your current (and prior) supervisors, first sergeants, sergeant majors, company commanders, and other co-workers. Use the attached sample letter as a guide for letter of support. Appeal boards rely strongly on the recommendations of the entire chain of command.
- f. The appeal packet will then be forwarded through command channels to Commander, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE-RP-Q, Fort Benjamin Harrison, Indiana 46216-5301. That agency's phone number is DSN 699-3704/3705 or (317) 542-3704/3705.

Help on your appeal at the Legal Assistance Office: If you desire further assistance, complete your draft and collect all necessary documents. Call 242-5083/4 for an appointment so an attorney can review your draft.

SUMMARY CHECK LIST

1. In the first paragraph of your memorandum state your name, rank, MOS, and social security number (SSN). Include an DSN or commercial number and correct unit mailing address.
2. Bring the correct number of certified copies of your DA Forms 2A and 2-1. You will need one for your own QMP appeal and one for each EER/NCO-ER appeal. You can obtain copies of these documents from the custodian of your 201 file at the Military Personnel Division located at Building 616. Be sure to tell the custodian that you need the copies for a QMP appeal. If you also need copies or an EER/NCO-ER appeal, you may end up with several certified copies of your DA Forms 2A and 2-1.
3. You must bring a copy of each document listed as a basis for this QMP action, i.e. Article 15, EER/NCO-ER, AER, letter of reprimand, etc. Do not come to the Legal Assistance Office without a readable copy of each document. If the document(s) are on microfiche, please find a microfiche reader/printer.
4. Examine your performance fiche thoroughly. Check to ensure that all favorable documents, such as orders for awards, current EER/NCO-ER's, SQT results, successful completion of military schooling (PLDC, BNCOC, ANCOG, MOS enhancement, etc.), and other favorable information

are located on your fiche. If any of these documents are not on your fiche, bring a copy of the documents to the Legal Assistance Office with you.

5. You must provide the Legal Assistance Office with a copy of your appeal to each EER/NCO-ER or AER that is listed as a basis for this QMP. If you do not bring the appeal with you, the Legal Assistance Office will not be able to help you as thoroughly as possible.

6. You must write a short synopsis of each document listed as a basis for QMP. For instance, if an Article 15 is listed as a basis, write down the facts and circumstances surrounding the Article 15 and what you have done to improve yourself and your behavior since imposition of the Article 15. You must do this for each listed basis for QMP.

7. All evidence that you use for your appeal must be an original document or a certified true copy of an original. All statements or affidavits written on your behalf must be originals. If you do not know if a document is useful or not, bring it with you and the Legal Assistance Office can review it with you.

8. Read AR 601-280, Chapter 10; AR 600-9 (if this pertains to you); and other pertinent regulations and materials for insight into the NCO Corps and the QMP selection process. This could prove to be helpful to you since you can tailor your response to the criteria which were used to evaluate you.

9. We emphasize the importance of supplying the Legal Assistance Office with all needed documents and information. You must remember that while your situation is important, many others require similar assistance and only those who provide needed documents can be properly helped.

SAMPLE MEMORANDUM

(OFFICE SYMBOL)
(DATE)

MEMORANDUM FOR Commander, USAEREC, ATTN: PCRE-RP-Q, Fort Benjamin Harrison, Indiana 46216-5301

SUBJECT: Memorandum of Support - (Soldier's Name and SSN)

1. I am the (officer) (NCOIC) in charge of (soldier's name). I have worked with (soldier's name) for (period of time). I am aware that a DA-Imposed Bar to Reenlistment Under the Qualitative Management Program (QMP) has been initiated against (soldier's name). I wish to submit the following on his behalf.

2. (State what you know of the soldier's duty performance. Write about any outstanding incident that sheds a favorable light on the soldier.)

3. (State why you feel the soldier is an asset to the U.S. Army. State why you feel the soldier has the potential to remain in the U.S. Army.)

4. (State why this QMP action should not be imposed against the soldier.)

SIGNATURE BLOCK
DUTY POSITION

RANK, SSN
UNIT