

Army Evaluation Report

Appeals and Formats

What should I appeal?

If you receive an evaluation report which you firmly believe is an inaccurate or unjust evaluation of your performance and potential, or one that contains administrative errors, that report may be a candidate for an appeal. Likewise, a report that was not rendered in accordance with the Army Regulation in effect at the time of preparation may be considered for appeal.

If you are simply dissatisfied with receiving a good report (for example with nothing but favorable comments) because you believe it should be better, you should be aware that it is difficult to successfully challenge the judgment of your rating officials with clear and convincing evidence that you deserve better. Even if successful, the remedy applied would probably be to remove the portions proven inaccurate or unjust, rather than raising the scores or block placements.

In deciding what to appeal, you must consider early on whether you can gather useful evidence in support of an appeal. Your self-authored statement alone does not suffice as evidence of an inaccurate, unjust or administratively flawed evaluation report. Remember, the report as accepted by DA is presumed to be correct until you prove that it is not.

When should I appeal?

The first step in the Army Redress System is the commander's inquiry. The primary purpose of the commander'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. A secondary purpose is to obtain command involvement in clarifying errors or injustices after the ER or NCOER is accepted at HQDA. However, in these after-the-fact cases, it 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. The inquiry must be completed not later than 120 days after the signature date of the senior rater (OER) or reviewer (NCOER) or authenticating officer (AER). Additional information concerning the commander's inquiry is contained in Section II, Chapter 6, AR 623-3.

The second step is submission of an ER appeal. You should begin preparation of an appeal as soon as possible after receiving an evaluation report with which you have good reason to strongly disagree. Some appellants find reluctance on the part of would-be supporters still serving under the same rating chain to provide statements; this should be taken into consideration. Waiting too long, however, adds to the difficulty of locating those who might offer support or in gathering records that might serve as evidence.

Appeals on reports prepared on the OER, NCOER or AER must be submitted within three years of the completion date. This restriction will only be waived under exceptional circumstances. Administrative appeals will continue to be considered regardless of the period of the report. However, the likelihood of successfully appealing a report diminishes, as a rule, with the passage of time. Prompt submission is, therefore, recommended. If you are requesting a waiver, you will need to add a paragraph to your cover memorandum requesting a waiver and a brief explanation on why you waited beyond the time limit to submit an appeal. The Special Review Board will approve or disapprove your request for waiver.

What are my chances of successfully appealing an evaluation report?

Your success in appealing a report will depend largely on your effort to present clear and convincing evidence that the evaluation is inaccurate or unjust. The best evidence is obtained from third parties who were in a position to observe your performance from the same perspective as your rating officials.

Statistics are not published on the approval/disapproval rate of evaluation report appeals. Statistics do not reflect a true picture of the effectiveness of the program. Some appeals are received at HQDA that only meet the minimum requirements of the regulation for acceptance and processing while many others are well documented and reflect the efforts of the individual who is appealing a report. To portray a picture of the appeal approval rate by using statistics that are comprised of the cases containing minimal evidence and the cases containing quality evidence would only present a distorted picture on the effectiveness of the appeal program.

Because each evaluation report is unique, each appeal is unique. It is important to remember that the evaluation redress system is designed to correct error or injustice, not weakness. Evaluations that reflect duty performance not on a level with previous or subsequent reports are not presumed to be in error. The bottom line is that the success of your appeal depends mainly on you!

Preparing to appeal

Having decided what and when to appeal, you should begin laying the groundwork by a thorough review of the appropriate Army regulation in effect at the time the challenged report was prepared. Using your copy of the challenged report, you should note any instances where provisions of the governing regulation were not followed. You may want to seek assistance from your local S1 or staff judge advocate in accomplishing this task. While minor inconsistencies or irregularities in the preparation of an evaluation report are not usually the sole basis for removal, they do add to the overall consideration of the merits of an appeal. Some serious irregularities, such as improper rating officials, may, in and of themselves, warrant full or partial relief.

What type of evidence do I need?

Evidence submitted includes statements from third parties and/or rating officials, and often includes documents from other sources (investigations, inspections, etc.). There are no constraints on type and amount; however, Chapter 6, AR 623-3, provides fairly extensive guidance as to what will or won't be especially helpful. Generally speaking, that guidance addresses evidence in terms of its relevance to the contested report and an appellant's contentions. Vantage points and firsthand knowledge are important factors in selecting third parties to support an appeal. In addition to your evidence, you should also provide a self-authored statement as an enclosure to your appeal. In this statement provide as much information concerning what you accomplished during the rating period, any problems you encountered and your relationship with the rating officials. This will be your only opportunity to present your side of the story since the board will not contact you or allow you to appear in person.

Request the specific changes you believe are justified by the evidence you provide. Your request may be a combination of changes or total removal of the report. Remember that you must document your request with sufficient evidence to warrant corrective action. The burden of proof is upon the rated soldier.

Appropriate appeal correspondence formats can be found in the regulation; it is recommended that the cover letter be typed, military memorandum on letterhead or white bond paper. In whatever form your appeal is presented, all enclosures should be tabbed and listed for easy reference, they should be cited in the written appeal as evidence to support each contention you are making. An example of an appeal memorandum is located in Chapter 6, AR 623-3.

Submission

Upon receipt of supporting statements and documentary evidence, and before finalizing the appeal, you may wish to have the entire package reviewed by a disinterested third party in whom you have trust and confidence. This third party review will help remove emotionalism and poor logic from your appeal. The appeal should not be submitted until you are satisfied that you have presented a logical, well-constructed case, as fully documented as possible.

Submit the finalized original appeal, plus one complete copy (does not have to be certified) directly to the address listed in the regulation for your component. Verify that all necessary information (i.e., signature, date, mailing address, telephone number, and priority) has been included before forwarding the appeal. All supporting statements must be originals and all documents provided must be original or certified true copies. Certification of documents may be done by your local staff judge advocate or S1. The copy of the

evaluation report does not have to be a certified copy since the official copy is on file in your Officer Military Personnel File (OMPF). If you are aware of the current phone numbers of the rating officials on the contested report, please include them in your appeal correspondence.

Processing and Disposition of Appeals

The Appeals and Corrections Branch of the respective Active, Reserve or National Guard component will review the case upon receipt and either notify you by letter that the appeal has been accepted or that the case is being returned for lack of usable evidence. Administrative appeals will be resolved by the appropriate Appeals and Corrections Branch for your component. Substantive appeals will be further forwarded for final review and decision by the DCSPER Special Review Board (SRB). Upon final determination of the case, the appropriate agency will notify you of the outcome.

The time necessary to process an appeal varies with the type and complexity of the appeal, the volume of appeals being processed at the time your appeal is accepted, and the extent of deliberation required to make an appropriate decision. Some Priority 3 cases will take six months or longer to adjudicate while the Priority 2 and 1 cases will take less time. Processing priorities are explained in the Army regulation. The fact that you are scheduled to be considered by a DA promotion board will not cause your appeal to be expedited or change your priority.

In order to ensure full and just consideration of an evaluation report appeal, the primary members of the rating chain are normally contacted by the SRB for their comments, if necessary. Sometimes this acts to the advantage of an appellant, sometimes not. Because the rating chain was entrusted with the responsibility for rating a subordinate, the information they provide cannot be disregarded. On the other hand, it does not automatically outweigh credible evidence provided by an appellant that refutes the evaluation. HQDA must carefully evaluate and weigh all evidence provided, or available, to arrive at a fair, impartial and just determination. After approving an appeal where the individual was previously non-selected by a DA selection board for promotion, the Special Review Board will also take into consideration whether promotion reconsideration is warranted. The appellant will be informed of this decision when notified of the SRB decision. The outcome of the re-look board will be provided to the appellant by the Promotions Branch.

In all cases, whether the appeal is approved or denied, totally or in part, documentation is placed on the Official Military Personnel File (OMPF). The performance portion of the OMPF is amended to include either (1) a memorandum for record which documents the amendment or explains non-rated time or (2) the HQDA letter which notifies the appellant that his or her appeal has been denied. When the appeal is denied, either totally or in part, a complete copy of the appeal correspondence is placed in the Restricted data.

If the appeal is denied, an appellant may seek new, additional evidence and submit a new appeal or may request relief from the next agency in the Army's redress system, the Army Board for Correction of Military Records (ABCMR). Operation of the ABCMR is governed by AR 15-185. If your case was decided by the SRB, a case summary of the board's consideration is available under the Privacy Act (PA).

A request IAW AR 340-21 for a copy of the case summary under the FOIA/PA should be sent to:

Special Actions Office
ASRB / Army Review Boards Agency
1901 S. Bell Street
Arlington, VA 22202

You may also request a copy by sending an email to schwer@conus.army.mil. Put "FOIA Request" as the Subject Line.

Summary Checklist for the Appellant

Appellant's Letter: Typed, military memorandum on letterhead or white bond paper. Identify in the first paragraph name, rank, branch, SSN, period of report and priority of the appeal. Include a DSN or commercial phone number and correct mailing address. Home address may be used. Use this memorandum to transmit the appeal. Concisely explain the nature of your disagreement and what corrective action is requested. If a detailed explanation of the circumstances of a report is required, add a

statement as an enclosure to the appeal. It is important to remember that the SRB will not contact you, but will more than likely contact the rating officials for their side of the story. Therefore, it is important that you provide the SRB with as much information as possible in your own statement to assist the SRB in their adjudication. List and identify all enclosures. Sign and date the memorandum.

Evidence: Appeals based on technical (administrative) error must be proven by original or certified true copies of appropriate documents, e.g., orders, leave and earning statements, appropriate medical documents verifying height/weight, APFT results (DA Form 705), DA Form 2-1. Claims of inaccurate or unjust evaluations must be supported by originals of statements from knowledgeable observers during the report period. These statements should be signed, dated on letterhead or white bond paper and should be specific in content. Additional statements from rating officials are acceptable, but will not be the sole basis of the appeal. Documents such as ARTEP, AGI, Command Inspection results, etc., may be useful in supporting a substantive appeal. If a Commander's inquiry was conducted, a copy of the findings should be included with the appeal. This also applies to AR-5-6 investigation.

Copies: Original and one duplicate copy. Original packet must include originals of all statements and certified true copies of all other documents, with the exception of the ER copy.

Dispatch: Before mailing, review to be sure all enclosures are included, all signatures and dates are on all documents and address and phone numbers are included. Use the correct HQDA office symbol listed in the regulation and enclose in secure container mailing envelope or heavy wrapping as required. Please refrain from using fancy binders or covers. These only make the appeal harder to handle and take up unnecessary storage space.

Follow-up: You will be notified in writing by the Appeals and Corrections Branch that your appeal was received. Notify HQDA promptly if address or priority changes. Appellants will be notified promptly, in writing, of the decision once it is finalized. Upon final decision, if not totally approved, appellants have further recourse. Appellants may request a copy of the SRB Case Summary, then submit a second appeal strengthened by additional evidence. Information on requesting a copy of the case summary is contained in the first part of this brochure. As an alternative to reconsideration by the SRB, appellants may apply to the Army Board for Correction of Military Records (ABCMR) under the provisions of AR 15-185.

For additional information concerning appeals, please contact one of the following agencies responsible for your particular component.

ACTIVE DUTY OFFICERS:

Commander
U.S. Army Human Resources Command-Alexandria
ATTN: AHRC-MSE-A
200 Stovall Street
Alexandria, VA 22332-0442
DSN: 221-8642/3
COML: (703) 325-8642/3

ACTIVE DUTY NCOs:

U.S. Army Human Resources Command-Indianapolis
ATTN: AHRC-RE-A
8899 East 56th Street
Indianapolis, IN 46249-5301
DSN: 699-3678
COML: (317)510-3678
FAX: (317)510-3745 (DSN 699)

ARMY RESERVE: (Officers/NCOs)

Commander,
U.S. Army Human Resources Command-St. Louis
ATTN: AHRC-PSV-EA
9700 Page Avenue

St. Louis, MO 63132-5200
DSN: 892-3424
COML: (314) 592-0000, Ext. 3424

NATIONAL GUARD: (Officers/NCOs)

Chief, Army National Guard
Readiness Center
ATTN: NGB-ARP-CO
111 S. George Mason Drive
Arlington, VA 22204-1382
DSN: 327-9108
COML: (703) 607-9108

Format for Administrative Appeal

(Letterhead)

(Office Symbol) (Marks Number)

(Date)

MEMORANDUM FOR (Appropriate Agency)

SUBJECT: Evaluation Report Appeal (*Report period*) (*Appellant's Name, Rank, PMOS, SSN*)

1. Under the provisions of AR-623-3, chapter 6, I appeal the evaluation report (Report period). (Include pending personnel actions and appeal processing priority.)
2. This appeal is based solely on administrative error. (Identify each portion of the report with which you disagree. State the entry as it now appears and as it correctly should appear.)
3. (Include certified true copies of related documents to support your request, for example, rating schemes in effect throughout the entire report period, orders, leave and earning statements, APFT score (DA Form 705) or other verifying documents. Original statements from knowledgeable individuals also may support your request.)
4. (Be sure to include a telephone number, preferably DSN. Notify addressee promptly if your address changes.)

Enclosures
1. Copy of report
(number

on

evidence)

(Signature block)
(Mailing address, if other

and list encls than address

letterhead) of appropriate

Format for Substantive Appeal

(Letterhead)

(Office Symbol) (Marks Number)

(Date)

MEMORANDUM FOR Appropriate Agency, ATTN:.....(*Appropriate address*)

SUBJECT: Evaluation Report Appeal (*Report period*) (*Appellant's name, rank, BR, SSN*)

1. Under the provisions of AR 623-3, chapter 6, I appeal the evaluation report (*Report period*). (Include your current promotion/career status, pending personnel actions and appeal processing priority.)
2. The basis of this appeal is substantive inaccuracy, (Use this paragraph to briefly identify the specific portion of the report and the basis of your disagreement. Avoid general allegations. Be clear, brief, and specific. If a detailed explanation is essential to your appeal, include your own statements as an enclosure to the appeal. Limit the information in this letter to basic facts. Be sure to support your appeal with relevant statements from knowledgeable observers.)
3. (Request the specific corrective action you believe is justified by the evidence you provide. Your request may be a single change to one portion or removal of the entire report. Your request must be supported by sufficient evidence to warrant such correction.) (If the ER exceeds the 5 or 3 year limit as outlined in paragraph 6-7, add a paragraph explaining why a waiver should be granted. Only exceptional justification will be accepted by the SRB who is the approval authority on the waivers.)
4. (Provide a telephone number, preferably DSN.)

Enclosures

1. Copy of report (number and list encls of appropriate evidence)
than address on letterhead

(Signature block)

(Mailing address if other

Format for Combined Administrative & Substantive Appeal

Letterhead)

(Office Symbol) (Marks Number)

(Date)

MEMORANDUM FOR Appropriate Agency, ATTN:.....(*Appropriate Address*)

SUBJECT: Evaluation Report Appeal (*Report period*) (*Appellant's Name, Rank, BR, SSN*)

1. Under the provisions of AR-623-3, chapter 6, I appeal the evaluation report (*Report period*). (Include your current promotion/career status, pending personnel actions and appeal processing priority.)
2. This appeal is based on claims of both administrative and substantive error..... (Identify the specific portion of the report you believe is in error. State the entry as it now appears and as it should appear. Support your claim of technical error with certified true copies of verifying documents, for example, rating

schemes in effect throughout the entire report period, orders, leave and earnings statements, APFT scores (DA Form 705) or other related documents.)

3. The substantive error is(Identify the specific portions of the report and state your disagreement. Be clear, brief, and specific. Limit your explanation to basic facts. If detailed information is essential, add your own statement as an enclosure to the appeal. Provide original statements from knowledgeable individuals, independent of the rating chain. Statements from the rating officials may be added as supplemental information.)

4. (Request the specific changes you believe are justified by the evidence you provide. Your request may be a combination of changes or total removal of the report. Remember that you must document your request with sufficient evidence to warrant corrective action.) (If the ER exceeds the 3 year limit as outlined in paragraph 6-7, add a paragraph explaining why a waiver should be granted. Only exceptional justification will be accepted by the SRB who is the approval authority on the waiver.)

5. Provide a telephone number, preferably DSN.

Enclosures

1. Copy of report (number and list encls of appropriate evidence)
than address on letterhead)

(Signature block)

(Mailing address if other

Letter Requesting Third Party Support

(Letterhead)

(Office Symbol) (Marks Number)

(Date)

Dear ()::

SUBJECT: Evaluation Report Appeal (*Report period*) (*Appellant's Name, Rank, PMOS, SSN*)

The purpose of this letter is to seek your assistance in my effort to successfully appeal an evaluation report rendered for the period..... through....., while I served as (*appellant's duty position*).

(In the body of the request letter cite those portions of the contested report you would like to have addressed by the recipient of the letter. You may wish to also enclose a copy of the contested report. Request that the addressee follow the sample format for a third party letter of support and include a copy of that sample.)

(To be of assistance to the addressee, you may wish to enclose a self-addressed, stamped envelope and mention in the letter that this has been done.)

(In closing, you may wish to urge a prompt response and thank the addressee in advance for any and all assistance he/she might provide.)

Sincerely

Enclosures

than address

(Signature block)

(Mailing address if other

on letterhead)

Third Party Support Letter

(Letterhead)

(Office Symbol) (Marks Number)

(Date)

MEMORANDUM FOR: *

SUBJECT: Supporting Statement for Evaluation Report Appeal of *(Appellant's Name, Rank, SSN)*

(During the period from..... through..... I served as *(author's duty position and unit of assignment)*. In that position, I observed *(appellant's name)*, followed by words describing the frequency or closeness of observation, including, if appropriate, whether author was knowledgeable of the working relationship between the appellant and the rating chain or their expectations of him/her.)

(In the body of the support memorandum/letter, relate any first-hand knowledge of events and circumstances that might be of assistance to the appellant in attempting to individually refute the specific shortcomings for which he/she was faulted on the contested evaluation report.)

(Provide a telephone number, preferably DSN, where you may be reached by the Board, if clarification is necessary.)

(Signature block)

*Memorandum may be addressed to either the rated Soldier, whom it may concern, or the agency that will adjudicate the appeal. However, the statement **must** be provided to the rated Soldier for inclusion with the appeal.

Source: the US Army Human Resources Command