



KAISERSLAUTERN (KLEBER KASERNE) Legal Assistance Office



OER / NCOER APPEALS

Your evaluation report may be a candidate for appeal if you receive one that you firmly believe is inaccurate, unjust, contains administrative errors, or was not rendered in accordance with AR 623-3 (20 June 2019).

An evaluation report that has been accepted for inclusion in your official records is presumed to be administratively correct, prepared by the proper rating officials, and represents the considered opinion and objective judgment of the rating officials at the time of preparation. The rated Soldier or other interested parties who know the circumstances of a rating may appeal any evaluation report they believe is incorrect, inaccurate, or in violation of the intent of this regulation.

Are there different types of appeals?

Yes. There are two basic types of appeals. Those based on administrative error and those based on substantive error.

Administrative error appeals will be considered regardless of the period of the report. However, it is extremely rare for a report to be deleted or removed from a Soldier's official record based on an administrative error. Appeals based solely on statements from rating officials claiming administrative oversight or typographical error will be returned without action unless accompanied by additional substantiating evidence. Appeals based on administrative error only will be adjudicated by HRC, Evaluation Appeals Branch (AHRC-PDV-EA) for Regular Army, USAR, and for ARNG evaluation reports. Such claims may include, but are not limited to, deviation from the established rating chain, insufficient period of observation by the rating officials, significant errors in the evaluation report period, and errors in the APFT and/or height and weight entries.

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. Claims of substantive inaccuracy or injustice will be reviewed for sufficient supporting documentation and evidence then forwarded directly to the ASRB for adjudication. Appeals should be submitted as soon as possible after the appellant has collected the supporting documentation and/or sufficient evidence and completed a packet in accordance with DA Pam 623-3. In instances when an appeal contains compelling and overwhelming evidence that clearly justifies approval without any doubt, and supports the needs of the Army and/or the Soldier, the Chief, Appeals Branch with approval by the Division Chief who resides over Evaluation Appeals Branch, may adjudicate the appeal request.

Also, because these reports play a significant role in a Soldier's promotion, schooling, or assignments, it is usually not a good idea to delay the submission of an appeal.

A Soldier may want to request a **Commander's Inquiry**. This Inquiry serves two basic purposes. First, it is intended to provide a greater degree of Command involvement in preventing obvious injustices to the rated Soldier before the report becomes part of the Soldier's official record. Secondly, while the Inquiry is not a substitute for the appeal process, it may also clarify errors or injustices after the report has been accepted at HQDA. Army Regulation 623-3, paragraphs 1-11 and 4-3 discusses Commander's Inquiries.

How do I prepare my appeal? Army Regulation 623-3 provides examples of basic administrative and substantive appeal memoranda. Identify the specific portion(s) of the report which you are contesting and state your objections. Be clear, brief, and specific. Remember your supporting evidence will be used to justify your appeal so your basic memorandum need not be lengthy. Successful appeals usually include statements from Soldiers, supervisors, or others who were in position to observe the rated performance and who can provide facts and evidence challenging the report's conclusions.

Where do I send my appeal? It depends on whether it is an administrative or substantive appeal and whether you are an officer or enlisted Soldier on Active or Reserve Duty. Army Regulation 623-3 contains all correct mailing addresses.

What happens if my appeal is denied? You may seek relief from the Army's Board for Correction of Military Records (ABCMR) under certain conditions. Army Regulation 15-185 provides the procedures and policies pertaining to this Board.

If you have further questions, please make an appointment with the legal assistance office by emailing us at: usarmy.rheinland-pfalz.21-tsc.mbx.osja-client-services-kleber@army.mil