



7th Army Training Command Legal Assistance Information

NCOER Appeals

Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

This handout contains the basic information you will need to prepare an appeal to your Noncommissioned Officer Evaluation Report (NCOER). It includes an explanation of what you may appeal, the time limit for appeals, and what information you should include in your appeal. Be sure to use the checklist on the last page to ensure your appeal meets the requirements for review and will not be returned to you without being considered. For additional information, refer to Chapter 4 of Army Regulation (AR) 623-3, Evaluation Reporting System and Chapter 6 of Department of the Army Pamphlet (DAPAM) 623-3, Evaluation Reporting System.

1. What can I Appeal?

Grounds for appeal include: (1) an inaccurate or unjust evaluation of your performance and potential, (2) administrative errors, (3) violation of the Army Regulation in effect at the time of preparation, or (4) a combination of these. If you received a good rating, it is extremely difficult to win your appeal simply because you believe you deserved a better rating. Even if successful, the remedy applied would probably be to just remove the portions proven inaccurate or unjust, rather than raising the block placements.

In deciding what to appeal, you must consider whether you can gather useful evidence in support of your appeal. The report is presumed to be correct until you prove that it is not. Your self-authored statement alone is not sufficient evidence. The fact that the report is not on a level with previous or subsequent periods is not sufficient proof that the report is wrong. Your success in appealing a report depends mainly on your efforts to locate and present clear and convincing evidence that the evaluation is inaccurate or unjust.

2. When can I Appeal?

There is no time limit for administrative appeals. If you want to make a substantive appeal, however, you must do so within three years of the THRU date. You should begin preparation of an appeal as soon as possible. As time passes, people forget and documents and key personnel are less available. The likelihood of successfully appealing a report diminishes with the passage of time.

3. What are the preliminary steps in preparing an Appeal?

The first step in preparing an appeal is to review the Army Regulation that was in effect at the time the challenged report was prepared. The current regulation, AR 623-3, became effective on 5 June 2012. As you look over the regulation, refer to your report. Note any instances where provisions of the governing regulation were not followed. Look for errors such as your name, grade, DODIDN, MOS, inclusive rated period, non-rated periods, duty description and rating chain. You may want to seek assistance from your local Personnel Service Center (PSC) or Legal Assistance Attorney 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, themselves, warrant full or partial relief.

Next, look at the substantive portions of the report. These portions include the numerical scores, block placements, and narrative comments. Make note of each evaluation and narrative comment you have good reason to disagree with.

Make a list of those individuals who were in a position to observe your performance during the rated period. More specifically, identify and list those who can respond to the specific shortcomings or incidents for which you were faulted. Also, identify those who knew the expectations and demands of your rating officials and your working relationship with them; for example, the BN CSM in support of a rated Operations Sergeant.

Make a list of any records or reports that might serve to refute portions of the challenged evaluation. Try to recall whether any inspections or investigations occurred during that time. Published rating schemes are useful to contest the correctness of the evaluation officials. Other documents that might be helpful include: APFT results, medical records verifying your height and weight, leave and earnings statements, and orders.

4. How do I collect Statements and Documents?

Once you've listed the individuals and records that might support your appeal, you must locate them. For individuals still on active duty, check in the Global Address List (GAL) and with your local PSC to find out who has a copy of the US Army Locator on your

installation. Make arrangements to either review that file, or have someone review it for you. If you know the person retired or otherwise left active duty, send your correspondence to HQDA, ATTN: DACF –FSR at 2461 Eisenhower Avenue, Alexandria, VA 22331-0521 (for retirees), or to the National Personnel Records Center at 9700 Page Blvd., St. Louis, MO 63132-5260 (other than retirees).

You must include the individual's full name and SSN along with the correspondence you want forwarded. To protect the privacy of individuals no longer on active duty, these agencies will normally forward correspondence to the appropriate individual rather than provide an address. When requesting addresses, always indicate that your request is for official use in support of an evaluation report appeal.

To locate records and reports, write to the S-I or Adjutant of your former unit and request copies of documents applicable to you or your job. If an inspection report was prepared by a higher headquarters, write to that headquarters. In each request, state that it is for official use in conjunction with an evaluation report appeal.

While awaiting the addresses and documents requested, prepare the letters you intend to send to solicit support for your appeal. DAPAM 623-3 shows sample letters in Figures 6-4 and 6-5. In your letters, you should identify yourself and why you are writing. It is a good idea to include a copy of the report and identify the specific portions you are contesting. You should advise the person to identify his or her position during the period of the challenged report and the degree of observation of your performance and interaction with your rating chain during the same period. Most importantly, you should ask the person to offer any first hand observation or knowledge that might refute any of those portions of the report being challenged. In this regard, a statement that merely says you were "a good soldier," without refuting the shortcomings for which you were faulted, does not provide convincing support for your appeal.

Once you receive the addresses you requested, mail or email your letters requesting support. As a courtesy and to encourage a speedy response, you should include a stamped return envelope. Also include a copy of the format for a letter of support shown in the regulation (see AR 623- 3, Figures 6-4 and 6-5).

5. How do I start writing My Appeal?

DA PAM 623-3 contains several examples of formats for appeals. (See DA PAM 623-3, Figures 6-1-6-3) Your appeal should be a typed, military memorandum on letterhead. In whatever form your appeal is presented, all enclosures should be tabbed and listed for easy reference. You should also refer to them in the written appeal as evidence to support each contention you are making. Your appeal will not be processed unless you identify your name, rank, DODIDN, period of the report, and the

priority of your appeal. Include a DSN or commercial phone number, official email address (.mil) and current mailing address. In order to keep the appeal as confidential as possible, you may wish to use your home address.

Identify the specific portion(s) of the report which you contest and clearly state your disagreement. The evidence you will provide must justify the specific changes. You may request a combination of changes to the report or total removal of the report. 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. Your self-authored statement is your only opportunity to talk to the Board since the Board will not contact you.

6. How do I submit my Appeals?

Before submitting the appeal, ask a trustworthy person to review the entire packet. This third party review will help remove excessive emotion and poor logic from your appeal. You should not submit your appeal until you are satisfied that it is logical, well-constructed, and as fully documented as possible. Mail the finalized original appeal and one complete copy directly to the appropriate address for your component. All supporting statements and documents provided must be original or certified as a true copy. Documents may be certified by your PSC.

ACTIVE DUTY/RESERVE:

U.S. Army Human Resources Command (AHRC-PDV-E) 1600 Spearhead Division
Avenue, Dept. #470
Fort Knox, KY 40122-5704

NATIONAL GUARD:

Chief, National Guard Bureau (ARNG-HRH)
(Evaluation Appeals)
1411 Jefferson Davis Highway
Arlington, VA 22202

7. How are Appeals processed?

The Evaluation Appeals Branch of the respective Active, or National Guard component will review the case and notify you that the appeal has been accepted or that the case fails to meet the minimum requirements for an appeal and is being returned to you. Administrative appeals are resolved by the Evaluation Appeals Branch for your component. Substantive appeals are forwarded for final review and decision by the Army Special Review Board (ASRB). Upon final determination of the case, the appropriate agency will notify you of the outcome. Notify the agency in writing if your address or the priority of your appeal changes. Do not make frequent calls to check on the appeal.

Upon final decision, if your appeal is not totally approved, you have further recourse. If the ASRB decided your case, you may request a copy of the ASRB Case Summary under the Freedom of Information Act/Privacy Act (FOIA/PA). This may enable you to submit a second appeal or reconsideration strengthened by additional evidence. To request a copy of the case summary in accordance with AR 340-17 and AR 340-21 under the FOIA/P A write to:

Commander, PERSCOM
ATTN: TAPC-ALS
200 Stovall Street
Alexandria, VA 22332-0400

As an alternative to reconsideration by the ASRB, you may apply to the Army Board for Correction of Military Records (ABCMR) under the provisions of AR 15-185.



DEPARTMENT OF THE ARMY

[add unit information]

[unit address]

CITY, STATE 12345-0001

[add unit mail code]

DATE

MEMORANDUM FOR *(Appropriate Agency – Appendix B)*

SUBJECT: Evaluation Report Appeal *(Appellant's Name, Rank, SSN, Report Period Covered)*

1. Under the provisions of AR 623-3, Evaluation Reporting System, Chapter 4, I appeal the subject evaluation report. *(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 each entry as it 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 rating period, orders, leave and earnings statements, APFT scorecard (DA Form 705) or other valid documents to verify correction of the error. Original statements from knowledgeable individuals also may be included to support your request.)*
4. *(Be sure to include a telephone number, preferably DSN, at which you may be reached. Notify the addressee promptly if your address changes.)*

*(Signature block with mailing address,
if other than address on letterhead)*

Encls

1. Copy of evaluation report
2. *(Number and list enclosures
of appropriate evidence)*



DEPARTMENT OF THE ARMY

[add unit information]

[unit address]

CITY, STATE 12345-0001

[add unit mail code]

DATE

MEMORANDUM FOR *(Appropriate Agency – Appendix B)*

SUBJECT: Evaluation Report Appeal *(Appellant's Name, Rank, SSN, Report Period Covered)*

1. Under the provisions of AR 623-3, Evaluation Reporting System, Chapter 4, I appeal the subject evaluation report. *(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 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 statement 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 evidence you provide. Your request may be a single change to one portion of the evaluation report or removal of the entire report. Your request must be supported by sufficient evidence to warrant the requested correction.) If the evaluation report exceeds the 3-year time limit outlined in paragraph 4-8, add a paragraph explaining why a waiver should be granted. Only exceptional justification will be accepted by the Army Special Review Board who is the approval authority for waiver requests.)*

4. *(Provide a POC and DSN number, or a commercial number if DSN is not used or if the rated Soldier is an ARNG or USAR Soldier not on active duty.)*

(Signature block with mailing address, if other than address on letterhead)

#Encls

1. Copy of evaluation report
2. *(Number and list enclosures of appropriate evidence)*



DEPARTMENT OF THE ARMY

[add unit information]

[unit address]

CITY, STATE 12345-0001

[add unit mail code]

DATE

MEMORANDUM FOR *(Appropriate Agency – Appendix B)*

SUBJECT: Evaluation Report Appeal *(Appellant's Name, Rank, SSN, Report Period Covered)*

1. Under the provisions of AR 623-3, Evaluation Reporting System, Chapter 4, I appeal the subject evaluation report. *(Include pending personnel actions and appeal processing priority.)*
2. This appeal is based on both administrative and substantive error. *(Identify the specific portion of the report you believe is in error. State each 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 rating period, orders, leave and earnings statements, APFT scorecard (DA Form 705) or other valid documents related to your appeal.)*
3. The substantive error is.... *(Identify the specific portion of the report and state your disagreement. Be clear, brief, and specific. Limit your explanation to basic facts. If detailed information is essential to support your appeal, include with your appeal 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 a total removal of the report. Remember that you must document your request with sufficient evidence to warrant corrective action. If the THRU date of the OER or NCOER exceeds the 3-year time limit as outlined in AR 623-3, paragraph 4-8, add a paragraph explaining why a waiver should be granted. Only exceptional justification will be accepted by the SRB, the approval authority for waivers.)*
5. *(Provide a POC and DSN number, or a commercial number if DSN is not used or if the rated Soldier is an ARNG or USAR Soldier not on active duty.)*

(Signature block with mailing address, if other than address on letterhead)

#Encls

1. Copy of evaluation report
2. *(Number and list enclosures of appropriate evidence)*

