

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2024

DOCKET NUMBER: AR20230006528

APPLICANT REQUESTS: in effect, reversal of his denial of continued service under the Qualitative Management Program (QMP).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record).

FACTS:

1. The applicant states he was selected for QMP. He received a company grade Article 15 in December 2021, but he does not believe he should have been chosen for QMP. He had strong Noncommissioned Officer Evaluation Reports (NCOER) and if he was getting separated, it should have been done in 2021, but he was retained.
2. The applicant's DD Form 149 indicates he provided NCOERs; however, they were not included with the application. The NCOERs will be addressed as part of his service record.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 11 February 2013.
 - b. He was promoted to staff sergeant (SSG)/E-6 on 1 June 2019.
 - c. The applicant received two NCOERs as a SGT which indicated he met the standard as a supply sergeant. He was senior rated as most qualified and highly qualified:
 - 1 October 2017 – 24 April 2018 (Change of Rater)
 - 25 April 2018 – 30 March 2019 (Change of Rater)
 - d. Three additional NCOERs noted the applicant met, exceeded, or far exceeded the standard as a SSG. He was senior rated qualified in the first NCOER and highly qualified for his last two NCOERs as the Property Book Office NCO in charge:

- 31 March 2019 – 29 March 2020 (Change of Rater)
- 30 March 2020 – 29 March 2021 (Annual)
- 30 March 2021 – 7 March 2022 (Change of Rater)

e. On 10 December 2021, the applicant accepted nonjudicial punishment for:

- one specification of wrongfully appropriating money valued at \$1,830, the property of Army Emergency Relief (AER)
- one specification of falsely altering a check with the intent to defraud by changing the date and serial number
- one specification of false official statement by stating he did not change the serial number on the AER check
- one specification of failure to pay said debt.

f. On 23 February 2022, he received an administrative reprimand for his unprofessional conduct as an NCO. Specifically, an inquiry revealed the applicant altered checks, made false statements about altering the check, attempted to cash said check, and failed to make payments on a debt. The reprimand was imposed as punishment under Article 15, Uniform Code of Military Justice (UCMJ) proceedings, and would be filed with the DA Form 2627, Record of Proceedings Under Article 15, UCMJ. It also served as a record of the commander's effort to rehabilitate the applicant.

g. The service record was void of documents pertaining to the applicant's QMP.

h. He was honorably discharged on 1 July 2023. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 10 years, 4 months, and 21 days of active service. He was assigned separation code JGH with the narrative reason listed as "Non-Retention on Active Duty," and reentry code 3. It also shows he was awarded or authorized:

- Army Commendation Medal (3rd Award)
- Army Achievement Medal (6th Award)
- Army Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Korea Defense Service Medal
- Humanitarian Service Medal
- Armed Forces Service Medal
- Noncommissioned Officer Professional Development Ribbon (2nd Award)
- Army Service Ribbon
- Overseas Service Ribbon (3rd Award)

- Expert Marksmanship Qualification Badge with Rifle Bar
- Driver and Mechanic Badge with Driver Wheeled Vehicle Clasp

4. By regulation (AR 635-200), an NCO may seek reconsideration when the underlying basis (qualifying document triggering the QMP notification) is officially modified or changed or when that document is removed by competent authority. The NCO must send a notice of intent to seek reconsideration to HRC within 7 days of receipt of the QMP selection notification memorandum and must submit the request to HRC within 30 days of receipt of the QMP selection notification memorandum (or within 30 days of being informed the document has been modified or removed from his or her AMHRR). The HRC QMP selection notification memorandum provides detailed guidance for submitting requests for reconsideration.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant received NJP and a reprimand, for altering checks, making false statements about altering the check, attempting to cash said check, and failing to make payments on a debt. This derogatory information triggered his selection by the QMP. The QMP is designed to enhance the quality of the career enlisted force; to selectively retain the best qualified Soldiers; to deny continued service to nonproductive Soldiers; and to encourage Soldiers to maintain their eligibility for continued service. NCOs whose performance, conduct and/or potential for advancement do not meet Army standards, as determined by HQDA centralized selection boards responsible for QMP screening, will be denied continued service. The issue presented by the applicant is whether an error or injustice occurred relative to the QMP Selection Board's decision to deny the applicant continued active duty service. Aside from the fact that the Board is not privy to the specific reason the applicant was not retained, the Board agreed that the QMP process stems from a presumption of administrative finality in that adverse documents filed within a Soldier's record are properly filed, administratively correct, and filed pursuant to an objective decision by a competent authority. Soldiers are advised to take action to correct any problems with their record prior to QMP selection.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

■

■ ■

■

■

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Army Regulation (AR) 635-5-1 (Separation Program Designator (SPD) Codes) states SPD codes are three-character alphabetic combinations which identify reasons for and types of separation from active duty. Table 2-3 identifies SPD code of "JGH" with a narrative reason for separation of "Non-Retention on Active Duty," under regulatory authority AR 635-200. Service initiated discharge or REFRAD directed when a member is not recommended for continued active duty because of failure to meet minimum retention standards other than those at their retention control point. Soldiers separated at ETS and denied retention for further service or involuntarily discharged under the Qualitative Management Program (QMP). Soldiers separated as a result of QMP will receive an RE – 3.

2. AR 635-200 (Active Duty Enlisted Administrative Separations), paragraph 16-11, states a Soldier denied continued service under the Qualitative Management Program (QMP) may appeal the determination, request reconsideration of the decision, and request retention on active duty when the underlying basis (qualifying document triggering the QMP notification (see para 6–11c)) is subsequently removed from the NCO's AMHRR or when there is a material error in the NCO's record that was reviewed by the board. Material error is the omission, change, or improper filing of information in the NCO's AMHRR. Additionally, an NCO may seek reconsideration when the underlying basis (qualifying document triggering the QMP notification) is officially modified or changed or when that document is removed by competent authority. The NCO must send a notice of intent to seek reconsideration to HRC within 7 days of receipt of the QMP selection notification memorandum and must submit the request to HRC within 30 days of receipt of the QMP selection notification memorandum (or within 30 days of being informed the document has been modified or removed from his or her AMHRR). The HRC QMP selection notification memorandum provides detailed guidance for submitting requests for reconsideration. HRC will return without action requests for reconsideration that fail to meet these established criteria.

//NOTHING FOLLOWS//