

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 February 2025

DOCKET NUMBER: AR20230010413

APPLICANT REQUESTS: correction of the thru date of his DA Form 67-10-1 (Officer Evaluation Report (OER)) rated time from 17 May 2023 to 15 February 2023.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DA Form 67-10-1 (OER)
- Emails from U.S. Army Human Resources Command (AHRC)
- Military Personnel (MILPER) Message 22-425

FACTS:

1. The applicant states after explaining to his chain of command the gravity and necessity of applying the correct thru date to his OER, the chain of command failed to do so. The result of this action was the denial of the OER being available for consideration by the major (MAJ) selection board for Fiscal Year (FY) 2023 (see MILPER Message 22-425). The failure to provide this opportunity was further compounded by this particular evaluation, along with a host of other evaluations senior rated by the same commander, to be withheld by Headquarters, Department of the Army (HQDA) pending investigation for improprieties by the senior rater in the conduct of his ratings. The compounded issues of the incorrect thru date, failure to code as a complete the record OER, and the added delay by the HQDA investigation into the senior rater negatively impacted the chances of his promotion by limiting the information in the above-mentioned OER. The delay in reporting this was to exhaust all available opportunities to correct this issue at his immediate level.

2. The applicant provides the following documents:

a. Emails from AHRC, 12 July 2023, which state in pertinent part:

(1) As a part of an AHRC review of "Churning" which is defined as rendering multiple short reports, during a rating period to increase a profile count and manipulate senior rater and rater profiles, this report has been identified for possible

violation of profile count inflation. Consequently rating officials need to ensure the reason for submission follows Army Regulation 623-3 (Evaluation Reporting System).

(2) If the applicant feels the return of the OER is in error he could email AHRC and describe justification for submission so they may allow the evaluation to pass to his record. If he would like the report to be removed from his rating history and profile counts decremented, they can action and soft delete the evaluation so it will not encumber the applicant's Evaluation Entry System (EES) screens. If AHRC cannot achieve resolution, they will refer the report for investigation and at a minimum would restart all rater and senior rater profiles to zero to remove any perceived advantage gained.

(3) AHRC is casting a wide net to stop the practice of "Churning" which is to date a minority representation and not indicative of the Army as a whole, the vast majority of rating officials do maintain the regulation standard, upon which the evaluation reporting system heavily relies.

(4) Short reports in this instance are reports that are submitted with reasons such as Change of Duty, Change of Rater, Senior Rater Option (not all inclusive) with the same rating officials, same duties save name of duty and with rating officials whose job title on their personal evaluations are not those stated on the report submitted to HQDA. In some instances, reports have thru dates that include time after the rated Soldier's separation as evidenced by a DD Form 214 (Certificate of Release or Discharge from Active Duty) in the record and the rated Soldier being unavailable for signature on the report.

(5) A second email states, AHRC apologizes if they returned his OER in error, during their efforts to reduce the churning of evaluations. They are pulling the evaluations back to HQDA and will reexamine them unless the applicant notifies them that he wishes them to remove it from EES. There is no evidence the applicant requested the OER be removed from EES.

b. MILPER Message 22-425, which is the FY 2023 Active Component MAJ, Operations, Operations Support, Force Sustainment, and Information Dominance, Promotions Selection Board Zones of Consideration, 28 October 2022, which states in pertinent part, in order to be considered by the board, all mandatory or optional OERs must be received, error free, by the AHRC Evaluations Branch not later than 21 March 2023. To ensure reports are received by AHRC by this date, commanders at all levels must ensure any applicable evaluation reports for eligible officers are expeditiously processed. The entire message is available for the Board's review.

3. The applicant's service record contains the following documents.

a. His DA Form 71 (Oath of Office - Military Personnel) is not available for the Board's consideration; however an NGB Form 22 (Report of Separation and Record of Service) shows he was honorably separated, as an enlisted Soldier, from the Army National Guard on 16 May 2013 for appointment as a commissioned or warrant officer.

b. His Officer Record Brief, 23 November 2022, shows he was promoted to captain on 1 September 2017.

c. DA Form 67-10-1 (OER) for the period of 6 August 2022 through 17 May 2023, shows he was rated for 10 months, and it is a change of rater OER. The applicant signed the OER on 17 May 2023. The entire OER is available for the Board's review.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicants petition and military records, the Board determined that the applicant did not demonstrate by a preponderance of evidence that procedural error occurred prejudicial to the applicant and by a preponderance of evidence that the contents of his DA Form 67-10-1 (Officer Evaluation Report (OER)) rated time from 17 May 2023 to 15 February 2023 are substantially incorrect and support amendment. The Board noted a complete the record evaluation is the sole discretion of the senior rater and the applicant took no action at the time of the evaluation. Therefore, the Board denied relief.

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.

6/6/2025

X	
CHAIRPERSON	

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 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record; it is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

2. Army Regulation 623-3 (Evaluation Reporting System) prescribes the policy for completing evaluation reports and associated support forms that are the basis for the Army's Evaluation Reporting System.

a. Paragraph 3-7(a) (Rater) states in order to maintain a credible profile, the rater must have less than 50 percent of the ratings for each rank in the "Excels" box. OERs with an "Excels" rating that causes a rater's profile to have 50 percent or more "Excels" rating will be processed with a "Proficient" Headquarters, Department of the Army (HQDA) electronically generated label; however, it will be charged against the rater's profile as an "Excels," and a documented rater profile misfire will occur.

b. Paragraph 3-9(b) (Senior Rater) states in order to maintain a credible profile, the senior rater must have less than 50 percent of the ratings for each rank in the "Most Qualified" box. Fifty percent or more in the "Most Qualified" ratings will be processed with a "Highly Qualified" HQDA electronically generated label; however, it will be charged against the senior rater's profiles as a "Most Qualified" OR it is unresolved, and a documented senior rater profile misfire will occur.

c. Paragraph 3-34c(4) (Preparation and submission requirement) states, in pertinent part, if an event occurs that requires the preparation of an OER (for example "Change of Rater") before the 12 rated months have accumulated, an OER will be rendered with a "Thru" date that corresponds with the event requiring an evaluation. The "Thru" date will be determined by the rated Soldier's circumstances.

d. Paragraph 4-7 states evaluation reports accepted for inclusion in the official record of an officer are presumed to be administratively correct, to have been prepared by the proper rating officials, and to represent the considered opinion and objective judgment of rating officials at the time of preparation. To justify deletion or amendment of a report, the appellant must produce evidence that establishes clearly and convincingly that the presumption of regularity should not be applied to the report under consideration or that action is warranted to correct a material error, inaccuracy, or injustice. Clear and convincing evidence must be of a strong and compelling nature, not

merely proof of the possibility of administrative error or factual inaccuracy. The burden of proof rests with the appellant.

e. Paragraphs 4-11a and b state an evaluation report accepted for inclusion in the official record of a rated Soldier's Official Military Personnel File is presumed to be administratively correct, to have been prepared by the proper rating officials, and to represent the considered opinion and objective judgment of the rating officials at the time of preparation. The burden of proof rests with the applicant. Accordingly, to justify deletion or amendment of a report, the applicant must produce evidence that establishes clearly and convincingly that the presumption of regularity should not be applied to the report under consideration and action is warranted to correct a material error, inaccuracy, or injustice.

f. Paragraph 4-11d states for a claim of inaccuracy or injustice of a substantive type, evidence will include statements from third parties, rating officials, or other documents from official sources (see Department of the Army Pamphlet 623-3 (Evaluation Reporting System)). Third parties are persons other than the rated officer or rating officials who have knowledge of the appellant's performance during the rating period. Such statements are afforded more weight if they are from persons who served in positions allowing them a good opportunity to observe firsthand the appellant's performance as well as interactions with rating officials. Statements from rating officials are also acceptable if they relate to allegations of factual errors, erroneous perceptions, or claims of bias. To the extent practicable, such statements will include specific details of events or circumstances leading to inaccuracies, misrepresentations, or injustice at the time the report was rendered.

g. Paragraph 4-13a(2) states limited support is provided by statements from people who observed the appellant's performance before or after the period in question (unless performing the same duty in the same unit under similar circumstances); letter of commendation or appreciation for specific but unrelated instances of outstanding performance; or citations for awards, inclusive of the same period.

//NOTHING FOLLOWS//