

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20240002295

APPLICANT REQUESTS:

- removal of his noncommissioned officer evaluation report (NCOER), covering the period 2 October 2020 thru 12 July 2022, from his Army Military Human Resource Record (AMHRR)
- a personal appearance before the Board

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Correction of Military Records)

FACTS:

1. The applicant states he was given a relief for cause NCOER by his rater/senior rater. He was out of the unit for two years and did not work for the senior rater, who took command well-after he was out of the company.

2. A review of the applicant's service record shows:

- a. He enlisted in the Regular Army on 23 March 2007.
- b. He served in Iraq from 15 October 2009 to 28 June 2010 and in Afghanistan from 8 May 2012 to 4 March 2013 and 1 July 2019 to 24 March 2020.
- c. He received a "Relief for Cause" NCOER, covering 22 months of rated time, from 2 October 2020 to 12 July 2022, for his duties as a Drill Sergeant while assigned to Company C, 262nd Quartermaster Battalion. His rater was the company first sergeant. His senior rater was the company commander.
- d. The relevant DA Form 2166-9-2 (NCOER), Part IV (Performance Evaluation, Professionalism, Attributes, and Competencies) shows he did not meet the standard in two of the rated areas, "Character" and "Presence," for an overall performance rating of "Did Not Meet Standard."
- e. Comments from his rater included:

- failed to adhere to the regulations and guidelines set forth while serving in a position of great responsibility and trust
- failed to maintain professional bearing; received negative citation due to inappropriate communication with trainee
- [the applicant's] disposition addressed signs of favoritism as well as signs of fostering an inappropriate relationship with a trainee

f. In Part V (Senior Rater Overall Potential) the senior rater commented that the applicant's relief was directed by the brigade commander for suitability.

g. The NCOER required a supplementary review. The reviewer was the U.S. Army Quartermaster School Commandant, Brigadier General M.B.S. No supplementary review comments were included on the NCOER.

h. The applicant was honorably discharged on 1 March 2024, by reason of non-retention on active duty. He completed 16 years, 11 months, and 9 days of net active service this period.

3. There is no available evidence showing he requested a Commander's Inquiry regarding the subject NCOER. Likewise, there is no indication he appealed this NCOER through the U.S. Army Human Resources Command.

BOARD DISCUSSION:

1. 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 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 the DA Form 2166-9-2 (NCO Evaluation Report), are substantially incorrect and support removal. The Board noted he does not provide proof of following the procedures established in AR 623-3 by initiating a commander's inquiry if he believed his evaluation was unjust or in error. Therefore, the Board denied relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	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.

X

//signed//

CHAIRPERSON
Signed by:

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 (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 623-3 (Evaluation Reporting System) prescribes the policies for completing evaluation reports that support the Evaluation Reporting System.

a. Paragraph 1-9 (Assessments of performance and potential on evaluations) states reports are assessments on how well the rated Soldier met duty requirements and adhered to the professional standards of the Army officer or NCO Corps. Performance will be evaluated by observing action, demonstrated behavior, and results from the point of view of the values, leadership framework, and responsibilities identified on the evaluation forms, counseling forms, and as explained in Department of the Army Pamphlet 623-3 (Evaluation Reporting System).

b. Paragraph 1-11 (Commander or Commandant's Inquiry) states when it is brought to the attention of a commander or commandant that a report rendered by a subordinate or by a member of a subordinate command may be illegal, unjust, or otherwise in violation of this regulation, that commander will conduct an inquiry into the matter. The commander's inquiry will be confined to matters related to the clarity of the evaluation report, the facts contained in the report, the compliance of the evaluation with policies and procedures established by Headquarters, Department of the Army, and the conduct of the rated Soldier and members of the rating chain. The results of the commander's inquiry may be provided to the rating chain and the rated Soldier at the appointing official's discretion.

c. Paragraph 3-2 (Evaluation report requirements) states rating officials have a responsibility to balance their obligations to the rated individual with their obligations to the Army. Rating officials will make honest and fair evaluations of Soldiers under their supervision. On the one hand, this evaluation will give full credit to the rated individual for his or her achievements and potential. On the other hand, rating officials are obligated to the Army to be discriminating in their evaluations so that Army leaders, selection boards, and career managers can make intelligent decisions.

d. Paragraph 3-36 (Modification to previously submitted reports) states evaluation reports accepted for inclusion in the official record of a Soldier are presumed to be administratively correct, have been prepared by the proper rating officials, and

represent the considered opinion and objective judgment of the 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. Paragraph 3-55d (Relief for Cause) states the "Relief for Cause" NCOER must specifically indicate who directed the relief of the rated NCO and the rating official directing the relief will clearly explain the reason for the relief in his or her portion of the NCOER.

f. Paragraph 4-11 (d) 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. 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 injustices at the time the report was rendered. The results of a Commander's or Commandant's Inquiry or Army Regulation 15-6 (Procedures for Administrative Investigations and Boards of Officers) investigation may provide support for an appeal request.

//NOTHING FOLLOWS//