

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 March 2025

DOCKET NUMBER: AR20240007685

APPLICANT REQUESTS: reconsideration of her previous request for retroactive promotion to sergeant first class/E-7.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- Memorandum; Subject: Qualitative Management Program (QMP) Bar Appeal, [Applicant]
- Statement of Acknowledgement
- Memorandum; Subject: Qualitative Management Program Bar Appeal [Applicant]
- Chain of Command Recommendations
- Character Letter
- Orders Number 174-102 (Promotion to staff sergeant/E-6)
- Letter of Appreciation

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR2001060352 on 21 February 2002.

2. The applicant states she should have been promoted based on merit, instead, a male Soldier who was ineligible for promotion was promoted over her.

3. A review of the applicant's record shows:

- a. On 15 September 1978, she enlisted in the Regular Army.
- b. She was awarded the military occupational specialty of 55B (Ammunition Specialist) and was promoted to the rank of sergeant/E-5.
- c. On 17 February 1986, she was honorably released from active duty and transferred to the United States Army Reserve (USAR) Control Group (Reinforcement).

d. On 18 February 1986 she enlisted in the USAR for a term of 3 years.

e. On 25 October 1987, she entered active duty in the Active Guard and Reserve (AGR) program as a field recruiter.

e. A series of evaluations reflect:

(1) DA Form 2166-6 (Enlisted Evaluation Report) for the period of September 1987 through June 1988, she received an excellent evaluation and received a "promote ahead of peers" recommendation from her rater and senior rater.

(2) DA Form 2166-7 (NCO Evaluation Report (NCOER)) for the period of September 1988 through August 1989 was adverse in nature. In Part IV (Values/NCO Responsibilities (Rater)), her rater annotated "no" in the box that pertained to "is disciplined and obedient to the spirit and letter of a lawful order." She was rated as "Needs Improvement (Some)" in Competence, Leadership, and Training. Her rater made comments such as "lacks the necessary attributes for being a good recruiter and leader," "and "lacks the technical competence to share knowledge with others in the recruiting station." In her rater's assessment of her overall potential for promotion and/or service in positions of greater responsibility, she was rated as marginal, the lowest rating in a three choice rating scheme. Her senior rater assessed her overall performance as "fair," the next to lowest rating in a five choice rating field and assessed her overall potential for promotion and/or service in positions of greater responsibility as "fair."

(3) DA Form 2166-7 for the period of September 1989 through January 1990 closely mimicked that of the NCOER from the previous rating period.

(4) The applicant's records do not contain an evaluation for the period of February 1990 through January 1991.

(5) DA Forms 2166-7 for the period of February 1991 through January 1992, February 1992 through January 1993, and February through July 1993 were good center of mass type evaluations.

(6) DA Form 2166-7 for the period of August 1993 through July 1994 was adverse in nature. Part IV of the form the applicant's rated annotated "no" in the "Is committed to and shows a sense of pride in the unit," "works as a member of the team," "is disciplined and obedient to the spirit and letter of a lawful order," and "has the courage of convictions and the ability to overcome fear - stands up for and does what is right" portion of the NCOER. Her rater states that she "argues frequently with superiors, lacking in NCO traits of "Be, Know, Do," and "questions lawful orders of superiors, fails

to obey verbal orders." Her rater made the comments "lacks planning and organizational skills, fails to coordinate decisions with others, counseled frequently for insubordination this rating period, administrative action taken, does not demonstrate tact, loses control over emotions when pressured, has problems with authority over her subordinate Soldiers, does not develop subordinates either in MOS skills or common military training, failed to qualify with assigned weapon, and will not accept responsibility for failures caused by poor planning and management techniques.

(7) DA Forms 2166-7 for the periods of August through October 1994 and November 1994 through October 1995 were good center of mass type evaluations.

(8) The applicant's records do not contain an evaluation for the period of November 1995 through October 1996.

(9) DA Form 2166-7 for the period of November 1996 through October 1997, her rater commented that "her mannerism portrays low self-esteem, needs to accept responsibility for her actions, careless in manner and actions with accountability of weapons, and will not acknowledge mistakes or failures." She was rated as "success" in all functional areas except "responsibility and accountability," for which she was rated as "needs improvement (much)." In her rater's assessment of her overall potential for promotion and/or service in positions of greater responsibility, she was rated as "marginal." Her senior rater assessed her overall performance as "fair," and assessed her overall potential for promotion and/or service in positions of greater responsibility as "fair." Her senior rater commented that she "needs to develop plans and stay with them, needs to pay close attention to detail, and is seeking self-improvement through civilian education."

(10) The applicant's record does not contain an evaluation for the period of November and December 1997.

(11) DA Form 2166-7 for the period of January through December 1999 had no negative ratings, other than her senior rater ranking her overall performance as "fair," and assessing her overall potential for promotion and/or service in positions of greater responsibility as "fair." However, her senior rater stated that she 'was not aware that equipment under her responsibility was missing and needs to prioritize work for job efficiency."

f. On 1 May 1997, the applicant was selected for a Qualitative Management Program (QMP) bar to reenlistment. It states the Department of the Army (DA) QMP Board convened on 4 March 1997, and after a comprehensive review of her military record the Board barred the applicant from further reenlistment in the USAR AGR program. Additionally, it states if she chooses to appeal, it must be done so no later

than 90 days after the completion of the USAR AGR QMP Statement of Options, to her immediate commander.

g. On 5 July 1997, the applicant appealed the bar. In that appeal she stated that the reason cited for her bar was her NCOER's for the periods ending August 1989, January 1990, and July 1994. The basis for appeal was material error and improved performance. In that appeal she admitted "that she had problems as a recruiter," but then chronicled the events leading to her negative NCOER's, and outlined the reasons why her adverse NCOER's did not accurately depict her performance of duty, which included the arguments the applicant has presented to the Board.

h. On 30 September 1998, the U.S. Total Army Personnel Command (PERSCOM) approved her appeal and stated that the applicant would be eligible for promotion consideration on the March 1999 USAR Sergeant First Class Promotion and Selection Board.

i. According to Docket Number AR2001060352, on 2 November 1999, the applicant submitted a request to be retired due to length of service (20 years of active service). That request was approved and she was released from active duty.

j. She was honorably retired from active duty on 29 February 2000. Her DD Form 214 shows she retired at the rank of staff sergeant/E-6.

k. On 21 February 2002, in ABCMR Docket Number AR2001060352, the Board considered the applicant's request for reconsideration for promotion to the rank of sergeant first class/E-7, and, if selected for promotion, that she be given backpay from the date she would have been promoted and that her retired rank/grade be altered to reflect the promotion. The Board denied the request, citing the applicant has failed to submit sufficient relevant evidence to demonstrate the existence of probably error or injustice.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board acknowledged the applicant's contentions that she was denied promotion based on gender bias, asserting that a male Soldier who was ineligible for promotion was advanced over her despite her qualifications and merit.

2. The Board found the applicant had a lengthy and committed career in both the Regular Army and the U.S. Army Reserve, including service in the Active Guard and Reserve (AGR) program. The applicant's record reflects a mix of performance evaluations, including several center-of-mass and favorable reports, as well as multiple adverse Noncommissioned Officer Evaluation Reports (NCOERs) citing concerns with leadership, discipline, accountability, and interpersonal conduct. These adverse evaluations particularly those covering the periods ending August 1989, January 1990, July 1994, and October 1997 documented significant performance deficiencies and were cited as the basis for her selection for a Qualitative Management Program (QMP) bar to reenlistment in 1997. Although the applicant successfully appealed the QMP bar and was made eligible for promotion consideration by the March 1999 USAR Sergeant First Class Promotion and Selection Board, there is no evidence in the record that she was selected for promotion.

3. The Board determined the applicant's retirement at the rank of staff sergeant (E-6) on 29 February 2000 was consistent with her final grade held and the outcome of the promotion process. The Board previously reviewed this matter in 2002 and found no probable error or injustice warranting relief. Additionally, the Board agreed, applicant has not presented new or compelling evidence that would alter the prior determination. While the Board acknowledged her concerns and appreciates her service, the record does not support a finding of error, injustice, or discrimination in the promotion process. Based on this, the Board determined that the applicant's request for retroactive promotion to sergeant first class (E-7) does not warrant relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board found 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 to amend the decision of the ABCMR set forth in Docket Number AR2001060352 on 21 February 2002.

X //SIGNED//

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.

REFERENCE

Army Regulation 600-8-19 (Enlisted Promotions and Reductions) prescribes the enlisted promotions and reductions function of the military personnel system. It is linked to the Army Regulation (AR) 600-8 series and provides principles of support, standards of service, policies, tasks, rules, and steps governing all work required in the field to support promotions and reductions. It provides the objectives of the Army's Enlisted Promotions System, which includes filling authorized enlisted spaces with the best qualified Soldiers.

a. Human Resources Command (HRC), Enlisted Promotions will continuously review selection lists against all information available to ensure that no Soldier is promoted when there is cause to believe that a Soldier is mentally, physically, morally, or professionally unqualified to perform duties of the higher rank.

b. In addition to the paragraph above, Soldiers will be referred to a Standby Advisory Board (STAB) for the following reasons. This list is not all inclusive:

- Article 15, Uniform Code of Military Justice directed for filing in the performance folder
- a memorandum of reprimand placed in the performance folder
- adverse documentation filed in the performance folder
- Soldiers who are flagged in accordance with Army Regulation 600-8-2 and have not met the requirements in the time prescribed by that regulation

c. The selection and promotion process for senior enlisted grades (SFC through sergeant major) is centralized at promotion authority headquarters. All staff sergeants through master sergeants/first sergeants who meet the basic eligibility requirements will be considered for promotion.

d. Selection boards will recommend a specified number of best qualified Soldiers by military occupational specialty (MOS) from the zones of consideration to meet the needs of the Army. The total number selected for each career progression MOS is the projected number the Army needs to maintain its authorized-grade strength. Soldiers who are not selected for promotion will not be provided specific reasons for non-selection.

//NOTHING FOLLOWS//