

# NCOER/OER APPEALS

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Your evaluation report may be a candidate for appeal if you receive one that you firmly believe is inaccurate, unjust, contains administrative errors, or was not rendered in accordance with Army Regulations. An evaluation report that has been accepted for inclusion in your official records is presumed to be administratively correct, have been prepared by the proper rating officials, and represent the rating officials' considered judgment and opinion. Thus, it is your burden to produce facts and evidence that clearly and convincingly establishes the necessity for deletion or amendment of the report.

Successful appeals usually include statements from Soldiers, supervisors, or others who were in position to observe the rated performance and who can provide facts and evidence challenging the report's conclusions

A Soldier may want to request a Commander's Inquiry. This Inquiry serves two basic purposes. First, it is intended to provide a greater degree of Command involvement in preventing obvious injustices to the rated Soldier before the report becomes part of the Soldier's official record.

Secondly, while the Inquiry is not a substitute for the appeal process, it may also clarify errors or injustices after the report has been accepted at HQDA. Army Regulation 623-3, paragraph 6-3 through 6-6 discusses Commander's Inquiries.

## Are there different types of appeals?

Yes. There are two basic types of appeals. Those based on administrative error and those based on substantive error. Substantive error appeals must be submitted within 3 years of the report's "thru"

Administrative error appeals will be considered regardless of the period of the report. However, it is extremely rare for a report to be deleted or removed from a Soldier's Soldier's official record based on an administrative error. Also, because these reports play a significant role in a Soldier's promotion, schooling, or assignments, it is usually not a good idea to delay the submission of an appeal.

## How do I prepare my appeal?

Army Regulation 623-3 provides examples of basic administrative and substantive appeal memoranda. Identify the specific portion(s) of the report which you are contesting and state your objections. Be clear, brief, and specific.

Remember your supporting evidence will be used to justify your appeal so your basic memorandum need not be lengthy.

## Where do I send my appeal?

It depends on whether it is an administrative or substantive appeal and whether you are an officer or enlisted Soldier on Active or Reserve Duty. Army Regulation 623-3 contains all correct mailing addresses.

## What happens if my appeal is denied?

You may seek relief from the Army's Board for Correction of Military Records (ABCMR) under certain conditions. Army Regulation 15-185 provides the procedures and policies pertaining to this Board.