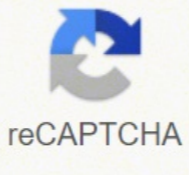




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Army qmp board results

The Army's Qualitative Management Program (QMP) is a powerful force-shaping tool used to deny continued service to NCOs in the rank of SSG through CSM/SGM. While the QMP may be the single greatest threat to an Army NCO's military career, most Soldiers know little about the process until they are notified of selection for QMP. Military Justice Attorneys (MJA) has successfully helped Soldiers fight unjust QMP actions. If you have been notified of selection for QMP, contact us today for your free consultation. OVERVIEW The Army's QMP is a powerful force-shaping tool used by the U.S. Army Human Resources Command (USA HRC) to deny continued service to NCOs whose performance, conduct and/or potential for advancement do not meet Army standards. The QMP's stated intent is to: (1) enhance the quality of the career enlisted force; (2) selectively retain the best qualified Soldiers; (3) deny continued service to nonproductive Soldiers; and (4) encourage Soldiers to maintain their eligibility for further service. The QMP is not intended as a substitute for commanders initiating involuntary administrative separation procedures for misconduct or court-martial, when required. While the QMP is theoretically intended to purge the NCO corps of unqualified Soldiers, in practice, the program has turned HRC's "Soldiers First" motto on its head, casting a wide net and threatening the career of any Soldier who receives so much as an administrative reprimand. QMP SELECTION The Army's QMP is governed by Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations) and Army Directive 2014-06 (Qualitative Management Program). According to these policies, selection criteria for the QMP includes, but is not limited to: Moral or ethical conduct incompatible with the values of the NCO corps and the Army ethic; Lack of potential to perform NCO duties in current grade; Decline in efficiency and performance over a continuing period, as reflected by noncommissioned officer evaluation report or failure of Noncommissioned Officer Education System (NCOES) courses; Recent or continuing disciplinary problems, as evidenced by conviction by court-martial, nonjudicial punishment, or administrative reprimand; or Other discriminators such as imposition of a field commander's bar to re-enlistment, inability to meet physical fitness standards, and failure to comply with requirements of the Army body composition program. Soldiers are typically selected for QMP after the USA HRC receives adverse material for permanent filing in the performance or restricted folder of an NCO's Army Military Human Resource Records (AMHRR). Such adverse material—which must be based on performance or conduct in the Soldier's current grade—may include: (1) a General Officer Memorandum of Reprimand (GOMOR); (2) court-martial conviction or Article 15 punishment; (3) a Noncommissioned Officer Evaluation Report based on a "Relief for Cause"; (4) a Service School Academic Evaluation Report indicating Noncommissioned Officer Education System course failure; or (5) an approved request from a commander with general court-martial convening authority referring an NCO to a QMP screening board. The QMP does not apply to Soldiers who hold the grade of SGT and below, have an approved retirement application, and who were selected for QMP by a previous board and retained on active duty, assuming there are no new bases for QMP since the retention determination. SOLDIER'S RIGHTS Soldiers selected for QMP may submit written matters in extenuation or mitigation to the president of the QMP board addressing their potential for continued service. Soldiers are not permitted to submit "[c]orrespondence that criticizes or reflects on the character, conduct, or motives of any other Soldier." Any matters submitted to the board must be received by the date established in the notification memorandum. The submission of compelling written matters is the Soldier's single best opportunity to convince the QMP board of their potential for continued service. An experienced military attorney can review the evidence and allegations that led to the QMP and help the Soldier craft a meaningful and effective response to the notification. Alternatively, Soldiers who are retirement eligible may submit for voluntary retirement in lieu of being further processed by the QMP. Voluntary retirements must be approved effective no later than the date the Director of Military Personnel Management, Office of the DCS, G-1, approves the results of the QMP board. Soldiers are not entitled to personally appear before a QMP Selection board. QMP SCREENING AND RECOMMENDATIONS Soldiers selected for QMP will be screened by a Headquarters Department of the Army centralized selection board. The board reviews the performance portion of the Soldier's OMPF, Personal Qualification Record, Enlisted Record Brief, and other authorized documents related to the Soldier. The board will also review any written matters submitted by the Soldier. This material is reviewed by the board to evaluate the Soldier's past performance and potential for continued performance, resulting in a recommendation on whether the Soldier should be retained in the Army. QMP board recommendations are sent to the Director of Military Personnel Management, Office of the Deputy Chief of Staff, G-1, or his/her designee, who is authorized to approve the recommendations of the QMP boards. APPEALING A QMP DETERMINATION A Soldier who is denied continued service by the QMP may appeal the decision and request retention on active duty. Appeals can be extremely difficult and are generally limited to newly discovered evidence, the subsequent removal of documents from the Soldier's AMHRR, or material error in the Soldier's record that was reviewed by the QMP screening board. An experienced military justice attorney can be the difference between a successful and unsuccessful appeal. USA HRC has stated that "98-99% of the appeals that [they] receive do not meet submission guidance as identified in the denial of continued service memorandum" and are returned to the Soldier without further action. MJA has won appeals resulting in both termination of the QMP action and removal of the underlying adverse information. Soldiers must send a notice of intent to appeal to USA HRC within 7 days of receipt of the QMP results notification memorandum and must submit the appeal itself through proper channels within 30 days of receipt of the notification of denial of continued service. Soldiers selected for denial of continued service who do not submit a request for voluntary retirement or voluntary discharge, who are not pending a decision on a QMP appeal, or whose QMP appeal was unsuccessful, will be involuntarily discharged. CONTACT MJA TODAY The Army's QMP is a powerful force-shaping tool which can destroy a Soldier's military career. MJA has successfully helped Soldiers fight unjust QMP actions. If you have been notified of QMP, contact one of our military defense lawyers today to learn more about your rights. The purpose of this message is to provide guidance and procedures in support of the Qualitative Management Program (QMP). QMP boards will be held in conjunction with the F22 Headquarters Department of the Army (HODA) noncommissioned officer (NCO) evaluation boards and consider Regular Army (RA) and U.S. Army Reserve Active Guard Reserve (USAR AGR) Soldiers in the rank of Staff Sergeant (SSG) thru Command Sergeant Major (CSM) for possible involuntary separation. As a matter of equity, NCOs who have been subsequently reduced below SSG remain eligible when the basis for referral occurred as a SSG or higher rank. The QMP board process starts upon the permanent filing of material in the performance or restricted folder of an NCO's Army Military Human Resource Record (AMHRR). These NCOs will be considered for denial of continued service when: U.S. Army Human Resources Command (HRC) receives material from one of the following categories for permanent filing: General Officer Memorandum of Reprimand (GOMOR). This includes memorandums of reprimand issued by a general officer and those directed for filing in the AMHRR by a general officer. Conviction by court-martial or punishment under Article 15, Uniform Code of Military Justice (UCMJ). Relief for Cause noncommissioned officer evaluation report (NCOER). Academic Evaluation Report (DA Form 1059) indicating Noncommissioned Officer Professional Development System (NCOPDS) course failure a second time. For more information & procedures, see MILPER Message 21-411. Army QMP (Qualitative Management Program) Boards are governed by AR 635-200, paragraph 16-11 and MILPER messages that are published for each specific board. Army QMP Boards are the Army's way of terminating NCOs who may have questionable character. Essentially, any E6 and above with "bad paper" (i.e. GOMOR, Article 15, NCOER) in their official military record (OMPF/AMHRR) is at risk. E5s and below are not eligible to be separated under the QMP. Of note, AR 635-200 was updated in June of 2021, something that many members of the Army, including senior leaders, appear to be unaware of. These updates DID change the Army QMP process. NCOs are wise to review the current procedures and not rely on those who are unaware that they have changed. The QMP board operates under something called the "presumption of administrative finality." Essentially, any document in an NCO's OMPF/AMHRR is going to be presumed to be administratively correct and filed pursuant to an objective decision by a competent authority. This basically means that an NCO has the burden of proof to show that the document in question is untrue or unjust; alternatively, an NCO can focus more on their career and subsequent conduct in their response to the board. An NCO can, and probably should, also provide mitigating and extenuating circumstances to the incident the resulting in QMP selection. The process begins by an NCO being notified that because of a permanent filing (i.e. GOMOR, Article 15, NCOER) in their OMPF/AMHRR, they will be considered for separation from the Army at an upcoming Army QMP board. This includes documents in the NCOs unrestricted and restricted sections of their OMPF/AMHRR. NCOs are able to appeal the document in question (the one that triggered the QMP) to have it removed from their OMPF. A successful appeal will either head-off QMP selection or be a powerful argument that the NCO should not be separated under the QMP. Click the links to learn more: GOMOR Appeal, Article 15 Appeal, or NCOER Appeal. HRC first informs the NCO that a "Code 13" has been placed on them, indicating that their record meets QMP consideration. This code also prevents promotion or PCS without HRC approval. QMP boards are now conducted annually, at different times depending on the NCOs rank. Therefore, any NCO with a "Code 13" on them, will be notified at some point in the year that they are undergoing consideration to be separated from the Service under the QMP, and that they will have the opportunity submit any matters in extenuation or mitigation for the board to consider. The date to submit matters is typically published at a later time, in the NCOs promotion MILPER message. The NCO's chain of command is essentially cut off from this process and will not be involved; NCOs should not rely on his/her chain of command to inform him/her of when to submit matters. There is a great deal of responsibility placed on each NCO, and his/her lawyer, to know when and how to submit their matters. The NCO's matters have to be compiled into one PDF and emailed to this email address: usarmy.knox.hrc.mbx.tagd-board-qmp@gmail.mil After an NCO submits their matters in extenuation and mitigation, the Army QMP Board meets and reviews them along with the NCO's entire military record. The QMP Board is charged with reviewing evaluating the "...Soldier's past performance and potential for continued service, leading to a determination of whether the Soldier does or does not warrant retention." Once the board makes its decision (retain or not), the NCO in question will be notified through their chain of command. This is typically done by the Battalion Commander. Under the old process (before the June 2021 change in the regulation), the NCO would be allowed to appeal the decision with additional matters in extenuation and mitigation. The board would convene once again to review any additional matters and make a final determination. If chosen again, the NCO in question would be involuntarily discharged with an Honorable Discharge. Under the new process, the NCO can only request reconsideration if the underlying document that triggered review under the QMP has been removed from their OMPF/AMHRR or some other material error in their official record was discovered. Both of these situations are unlikely, so NCOs are wise to put forth strong matters in mitigation and extenuation the first time and not rely on a request for reconsideration after being chosen for separation. Any NCO separated through the QMP process is given an Honorable Discharge. He/she will also be given a re-entry code that precludes joining the service again. NCOs who have reached 18 years of active service at the time of QMP selection will be allowed to apply for retirement. NCOs with Reserve and Guard Service may be eligible to retire or REFRAD so they do not lose their non-regular retirement; however, the rules in the regulation are complicated and are best discussed with a military lawyer. NCOs notified of a QMP Board have a lot to lose. In addition to being separated when an NCO is within a couple of years of retirement eligibility, NCOs could potentially have to pay back bonuses and special pay. NCOs notified of an Army QMP Board are entitled to legal assistance. Trial Defense Service (TDS) will generally not help and NCOs will be redirected to the Base Legal Assistance Office. The JAGs in these offices are typically in their first term as a JAG and are very new to the military. Furthermore, they are over-worked and usually just give general guidance and offer to review anything that the NCO puts together themselves. NCOs at risk of being separated under the QMP have the option of hiring a Civilian Attorney to assist with their response. This Article was written by Attorney Matthew Barry. Contact The Law Office of Matthew Barry today for a free consultation.



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