



MOUNTAIN POST LEGAL BRIEF

A Preventive Law Service of The Office of the Staff Judge
Advocate
Headquarters, Fort Carson
Keeping You Informed On Personal Legal Affairs



SEPARATION UNDER THE QMP

Consider these questions and answers to help you determine your rights under DA's Qualitative Management Program.

Q: WHAT IS THE QMP?

A: Army Regulation (AR) 635-200 sets forth the policies and procedures for the Army's Qualitative Management Program (QMP). The objectives of the QMP are to enhance the quality of career enlisted Soldiers, retain the best qualified Soldiers, deny continued service to nonproductive Soldiers, and encourage Soldiers to maintain their eligibility for continued service. Under this program, an Army board periodically reviews the official files of noncommissioned officers in the rank of Staff Sergeant and above to determine if the Soldier's performance, conduct, and/or potential for advancement meets the Army standards. Soldiers identified as not meeting these standards may be denied continued service and involuntarily discharged.

Q: WHAT CRITERIA DOES THE QMP CONSIDER?

A: The QMP board reviews the performance portion (P-fiche) of the Soldier's OMPF, personnel qualification record, official photograph, and other authorized documents to determine whether the Soldier warrants retention. The board considers the following factors: moral and ethical conduct which is incompatible with the values of the NCO corps and Army ethic, lack of potential to perform NCO duties in current grade, decline in efficiency and performance as reflected by the Soldier's NCOERs or failure of NCOES courses, recent or continuing disciplinary problems, or other discriminators, such as, a bar to reenlistment, inability to meet physical standards, or inability to comply with the Army body composition program.

Q: WHAT PROCEDURES DOES THE QMP BOARD FOLLOW?

A: Soldiers selected for denial of continued service by the QMP board are notified via memorandum from the USAEREC Commander through the first LTC or higher in the Soldier's chain of command. The Soldier is provided with administrative instructions and a copy of his/her performance portion (P-fiche) as well as a list of the documents which the board relied upon in making their decision to deny the Soldier continued service under the QMP. The Soldier and Commander must complete the "Statement of Options, Qualitative Management Program" form (DA Form 4941) within 7 days of receiving the QMP memorandum notification.

Q: WHAT IS THE APPEALS PROCESS FOR QMP?

A: Soldiers denied continued service under QMP may file an appeal within 60 days of completing DA Form 4941. The Soldier is only permitted to submit one appeal and no request for reconsideration of a denied appeal is authorized. Each Commander in the Soldier's chain of Command, through the General Court Martial Convening Authority (GCMCA) or general officer commander, will add substantive comments regarding the Soldier's performance and potential and recommend approval or disapproval of the Soldier's appeal.

Q: WHAT IS THE BASIS FOR AN APPEAL?

A: The appeal may be based upon material error or improved performance. Material error usually exists where something has been misfiled in a soldier's OMPF. For example, an Article 15 belonging to John Smith is mistakenly filed in James Smith's file. The appeal simply points out the material error, and asks that the mistake be corrected. Improved performance is the more common ground on which to appeal. Improved performance simply means the soldier has overcome the weakness cited by the selection board, and that separation is not in the best interests of the Army. An example may be a Staff Sergeant who received an Article 15 ten years earlier as a Private. The Staff Sergeant has been promoted several times since, has received several awards, and has received a number of excellent evaluations. Improved performance exists in the form of the motivation, hard work, and commitment to excellence which prompted those promotions, the awards, and the excellent NCOERs. Favorable chain of command

endorsements are crucial for a successful QMP appeal. If the battalion-level commander, brigade-level commander, and a General Officer provide favorable recommendations, the appeal is more likely to be successful and result in the appeal board removing the denial of continued service.

Q: WHAT SHOULD I DO IF I RECEIVE NOTICE OF A QMP DENIAL OF CONTINUED SERVICE?

A: Contact the Fort Carson Legal Assistance Division to arrange for a consultation with a legal assistance attorney. A legal assistance attorney can help evaluate your QMP options and assist with preparation of an appeal statement.

Consultation with Army attorneys is free to eligible clients. If you have questions or need help with legal problems, call the Fort Carson Legal Assistance Office at 526-5572/5573 or come by the office (Building 6222) Monday through Friday from 0900 to 1600 hours. Appointments are made on the last duty day of every week, you can call or walk-in to schedule an appointment.

MOUNTAIN POST LEGAL BRIEF is one of a series of informative handouts from the Fort Carson Legal Assistance Division containing general information on topics that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation. You may schedule a legal assistance appointment by calling the Legal Assistance Division at 719-526-5572.
