

How to Prepare a

COMMANDER'S/ COMMANDANT'S INQUIRY

The Ultimate Guide

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How to Prepare a Commander's/Commandant's Inquiry—The Ultimate Guide

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How to Prepare A Commander's / Commandant's Inquiry

The Ultimate Guide

Dramatically Improves Your Possibility for a Successful Inquiry.

Following the steps of this book cannot guarantee your inquiry will be success but it can dramatically increase the possibility of obtaining a successful outcome to your request for a commander's inquiry.

Introduction

It is always best to try and solve issues with an evaluation report at the lowest possible level. First with your rating chain and then within the unit by use of a Commander's or Commandant's Inquiry. This process in most cases addresses the issues or concerns of the Soldier before the report becomes a part of the official record. Doing so:

- Usually prevents the need for submitting an appeal as the issues are typically fixed at this level.
- Should the inquiry come back in your favor and you still need to appeal you, can use the results of the inquiry to support your evaluation appeal.

Commander's Inquiry

During the evaluation process or after it has been completed, when a commander or commandant discovers that an evaluation report (OER, NCOER, AER) rendered by a subordinate or a subordinate command may be illegal, unjust, or otherwise in violation of this regulation, he or she will conduct an inquiry into the matter.

Verifying the Status of a Report at HQDA

Upon receipt of a request for a Commander's or Commandant's Inquiry, the commander or commandant receiving the request will verify the status of the OER, NCOER, DA Form 1059, or DA Form 1059-2 in question.

Placing an Evaluation in a Temporary Hold Status at HQDA During the Inquiry

If the evaluation has been submitted and received at HQDA for processing, but has not been filed in the Soldier's AMHRR, the commander or commandant will notify the Evaluations Appeals Office via email with a request to have the evaluation placed in an administrative temporary hold status until completion of the inquiry (see AR 623-3, app F). (see para 4-3 of AR 623-3).

Definition of a Rendered Evaluation Report

The definition of a rendered evaluation report is one that is authenticated by all designated rating officials with a senior rater's intent to present the final evaluation report to the rated Soldier for authentication, or apply the appropriate statement in the absence or inability for the rater Soldier to authenticate.

Inquiry is Confined to Matters Related to Clarity of the Report

The Commander's or Commandant's Inquiry will be confined to matters related to the clarity of the evaluation report, the facts contained in the evaluation report, the compliance of the evaluation with policy and procedures established by HQDA, and the conduct of the rated Soldier and members of the rating chain.

Unproven Derogatory Information

No reference will be made to an incomplete investigation (formal or informal) concerning a Soldier.

References will be made only to actions or investigations that have been processed to completion, adjudicated, and had final action taken before submitting an evaluation report to HQDA. For example, rating officials are not prohibited from commenting on a court-martial (judicial) if completed, but the comments should focus on the behavior that led to the court-martial rather than the court-martial itself. If the rated Soldier is acquitted at a court-martial, or found not guilty at a nonjudicial punishment proceeding under UCMJ, Art. 15, comments about the underlying incident will not be included in the evaluation.

Referred Reports DA FORM 67-10-series and DA FORM 1059 series

During the referral process, in the referral memorandum, the rated Soldier will be advised that their comments do not constitute an appeal or request for a Commander's or Commandant's Inquiry.

Command Influence Cannot be Used to Alter an Accurate Evaluation

The official does not have the authority to direct that an evaluation report be changed; command influence may not be used to alter the accurate evaluation of a rated Soldier by a rating official that was made in good faith. The procedures used by the commander or commandant to process such an inquiry are described in chapter 4 of AR 623-3.

Protects Army's Interest and Ensures Fairness to Soldier

An OER, NCOER, DA Form 1059, or DA Form 1059-2 may have administrative errors or may not accurately record the rated Soldier's potential or the manner in which they performed their duties. The Evaluation Report Redress Program protects the Army's interests and ensures fairness to the evaluated officer or NCO.

Avoids Impugning the Integrity of the Rating Chain Without Cause

At the same time, it avoids impugning the integrity or judgment of the rating officials without sufficient cause.

An Inquiry is not a Prerequisite for the Submission of an Appeal

Rated Soldiers may seek an initial means of redress through a Commander's or Commandant's Inquiry. A Commander's or Commandant's Inquiry is not a prerequisite for the submission of an appeal but may provide information to assist in a decision due to appeal.

Who May Report Errors, Injustices, Illegalities?

Alleged errors, injustices, and illegalities in a rated Soldier's evaluation report may be brought to the COMMANDER's by the rated Soldier or anyone authorized access to report (see para 4-4 of AR 623-3).

Separate and Distinct Actions (Commander's Inquiry and Appeals)

A Commander's or Commandant's Inquiry and an evaluation report appeal are separate and distinct actions. Rated Soldiers may seek an initial means of redress through a Commander's or Commandant's Inquiry. A Commander's or Commandant's Inquiry is not a prerequisite for the submission of an appeal but may provide information to assist in a decision due to appeal. (see para 4-2 of AR 623-3).

Primary Purpose of Inquiry

The primary purpose of a COMMANDER's Inquiry is to provide a greater degree of command involvement in preventing obvious injustices to the rated Soldier and correcting errors before they become a matter of permanent record.

Secondary Purpose of Inquiry

A secondary purpose is to obtain command involvement in clarifying errors or injustices after the evaluation is accepted at HQDA. However, in these after-the-fact cases, this paragraph is not intended to be a substitute for the appeals process, which is the primary means of addressing errors and injustices after they have become a matter of permanent record (see para 3-37 for restrictions on modifications to previously submitted evaluations already accepted by HQDA).

Note: The findings of a Commander's Inquiry can be used in the appeals process as evidence to support the Rated Soldier's position.

Provisions of AR 15-6 Investigations do not Normally Apply

The provisions of AR 15-6 do not normally apply to inquiries of this type. However, the COMMANDER or commandant may determine that the provisions of AR 15-6 apply in specific instances.

Note: Based on the specifics of the situation the Commander can open a 15-6 investigation.

Inquires Do Not Document Differences of Opinion

A COMMANDER's Inquiry will not be used to document differences of opinion among members of the rating chain about a rated Soldier's performance and potential. The evaluation system establishes rating chains and normally relies on the opinions of the rating officials. Rating officials will evaluate a rated Soldier and their opinions constitute the organization's view of that Soldier. However, the COMMANDER may determine through inquiry that the report has serious irregularities or errors. Examples include—

Examples of Serious Irregularities or Errors

- Improperly designated, unqualified, or disqualified rating officials; that is, a rating official not in the published rating chain, a rating official without the minimum required time to render an evaluation report, or a rating official who, through an official investigation, has had a substantiated adverse finding against them that results in their relief or calls into question the rating official's objectivity.
- Inaccurate or untrue statements.
- Lack of objectivity or fairness by rating officials.

Who Conducts the Inquiry

The inquiry will be made by a Commander in the chain of command above the designated rating officials involved in the allegations. In headquarters and other military organizations lacking a Commander the inquiry will be conducted by the next higher official in the rating chain above the designated rating officials involved in the allegations.

Current or Subsequent Commander will Conduct

To ensure the availability of pertinent data and timely completion of an inquiry *conducted after the evaluation in question has been accepted at HQDA for inclusion in the rated Soldier's AMHRR*, the inquiry will be conducted by either the commander or commandant at the time the evaluation was rendered who is still in the command position, or by a subsequent commander or commandant in the position.

Rating Chain Cannot be Forced to Change Evaluations

The official conducting the inquiry will not pressure or force rating officials to change their evaluations.

No Substitution of Rating Chain

The official conducting the inquiry may not evaluate the rated Soldier, either as a substitute for, or in addition to, the designated rating officials' evaluations.

No Changes to the Evaluation Report Will be Made – Forwarding Derogatory Data – Information Would Have Resulted in a Worse Report

The rating chain or official conducting the inquiry will not use the Commander's or Commandant's Inquiry provisions to forward information derogatory to the rated Soldier. For OERs, NCOERs, DA Form 1059, and DA Form 1059–2 only, if the inquiry reveals matters that might have resulted in a lower evaluation of a rated Soldier, the information will be addressed in the memorandum outlining the results of the inquiry by the commander or commandant responsible for the inquiry in accordance with paragraph 3–39 of AR 623-3. No changes will be made to an evaluation report to reflect a lower evaluation of a rated Soldier following the results of a Commander's or Commandant's Inquiry.

Inquiries Must Be Completed Within 60 Days

Requests for inquiry will occur no later than 60 days after the signature date of the rated Soldier (or senior rater, if rated Soldier's signature is omitted) for OERs and NCOERs or reviewing official for DA Form 1059 and DA Form 1059–2.

Results of Inquiry Forwarded to HQDA NLT 120 Days After Signature

The results of the inquiry will be forwarded to HQDA not later than 120 days after the signature date of the senior rater (OER and NCOER) or reviewing official for DA Form 1059 and DA Form 1059–2.

Inquiry Results Forwarded to HQDA will Include

The results of the inquiry forwarded to HQDA will include the findings, conclusions, and recommendations in a memorandum that will be filed with the evaluation report in the rated Soldier's AMHRR for clarification purposes (see fig 4–1 of AR 623-3). The results will include the COMMANDER's or signature, will stand alone without reference to other documentation, and will be limited to one page. Sufficient documentation, such as reports and statements, will be attached to justify the conclusions.

Sample Documents

The sample documents contained in this book representing a Commander's or Commandant's are fairly outrageous. It is rare to see a report of this magnitude. Unfortunately, it does contain many of the issues I have personally worked with and are alleged to have occurred in reports. These incidents also make for interesting examples that will help you develop your write ups

Lessons Learned

Your Goal Should be:

Your goal should be to jump on a Commander's/Commandant's Inquiry as soon as possible to prevent the report from leaving your unit. This allows the report to be corrected at the unit level rather than going forward and potentially being placed in your official file. You have the best possible chance of reaching a reasonable and timely resolution at the unit level.

Remember: Requests for inquiry will occur no later than 60 days after the signature date of the rated Soldier (or senior rater, if rated Soldier's signature is omitted) for OERs and NCOERs or reviewing official for DA Form 1059 and DA Form 1059-2.

Removal Equals Non-Rated Time

Let's say that the evaluation report makes it to your official records and the results of the Commander's Inquiry recommend the report be totally removed from your records. Should you appeal and use the inquiry as supporting documentation and the board substantiates the appeal it is possible the entire report could be removed and then this rating period would become non-rated time.

Possible Outcomes of an Inquiry Completed at the Unit or School Level

As long as you jump on the inquiry while the report is still at your unit you stand a good chance of getting the report adjusted. Here are some examples of what I have seen happen in the past:

- Rating chain modifies the report to some degree
- Rating chain fully modifies the report to support the Soldier's claim of injustice
- Rating chain refuses to modify the report
- A different rating scheme is put into place. Which is actually against AR 623-3 but to adjust clear cases of injustice I have seen it done. This is definitely a Commander's decision as they will have to justify their decision to senior Commanders.

Note: if counseling is an issue. For example, counseling was not conducted and the rater falsified the counseling dates the remedy for this action is to:

- IAW with DA PAM 623-3 have the senior rater address this issue in their comments. For example: Rater failed to conduct counseling IAW with AR 623-3. Then the rating chain is free to write what they like as they have properly addressed the irregularity IAW the regulation.
- Unit leadership should deal with the rater in some fashion for failing to counsel and attempting to falsify an official record. For example: Counseling the leader and placing a bullet comment on their evaluation report: "Failed to counsel Soldier IAW AR 623-3 and violated integrity by attempting to falsify counseling dates on an official evaluation report" and/or consider UCMJ action.

Upon Completion of the Inquiry

Usually the only outcomes of an inquiry are:

- The issues are resolved to some degree at the unit and the Soldier does not need to file an appeal.
- The report is already at HQDA but not in the Soldier's Official records and is placed on temporary hold. Based on the results of the inquiry it is possible to have the old report recalled and another adjusted/corrected report forwarded to HQDA.
- The report is already at HQDA and filed in the Soldier's Official record. In this case, the inquiry is completed with a Commander's recommendation and forwarded to HQDA for decision.
- The inquiry does not resolve the issues at the unit level. The Soldier can use the results of a substantiated inquiry as supporting documentation for their appeal.

Unreasonable Rating Official

If a rating official is being unreasonable and perhaps holding the Soldier to unreasonable standards the command cannot force the rating official to change the Soldier's evaluation. However, their rating official can counsel the unreasonable rating official that they will hold them to the same unreasonable standards they are holding the Soldier too. Typically, this resolves the problem as the rating official suddenly realizes their standards are unreasonable. They cry foul and state their rating chain is being unreasonable and taking reprisal. Either way the point is made and the situation is fixed.

How to Prepare Your Commander's Inquiry

1. Do not take this action lightly or in haste!
2. Do your research!
3. Read AR 623-3, DA PAM 623-3, Local Evaluation policies and procedures, contact your JAG to see if they have a specific policy or information policy on how Commander's Inquiries will be handled on your post, and look on line for JAG information papers concerning Commander's Inquiries.
4. Develop a list of all your achievements during the rating period. Ensure this list is factual, measurable and cannot be disputed.
5. Develop your timeline. Make a time line from the beginning of the rating period and capture all the key milestones, to include when you requested counseling, if you were counseled, key events that took place etc.
6. Make a list of all the facts associated with your potential inquiry.
7. If you have witnesses to the events obtain statements and supporting documents.
8. Gather documents that support your claim.
 - a. Your support forms
 - b. Your rater's support form
 - c. Your senior rater's support form
 - d. All of your counseling statements
 - e. All of your awards, coins, pats on the back, etc. received during this rating period
 - f. Your achievement list
 - g. Any additional documentation

9. Develop your rationale.
 - a. What points do you want to make?
 - b. How will you argue your points?
 - c. What are the specific facts for each point of argument?
 - d. Does the regulation and/or DA PAM support your arguments?
 - e. If so, how does it support your case?
10. What is the specific and reasonable solution you want to see come out of the inquiry?
11. Be able to justify what this solution is reasonable and justified.
12. Draft your Request: Look at your list of achievements, the timeline, the facts, supporting statements, elements of your research and draft your initial written request for a Commander's Inquiry. If you are not good at writing then have some one that you can trust and is good at writing help you.
13. No Emotions: Ensure the document is free of all emotion. It must focus on the facts, be calm, professional, and as best a possible do not blame others unless it must be stated to illustrate a specific point that could not otherwise be noted.
14. Unintended Consequences: Remember this type of action can have unintended consequences. Make sure you are absolutely truthful, factual, and professional. The last thing you want to do is make matters worse.
15. Disinterested Review: Find a reasonable and disinterested senior leader. Someone you trust. Usually someone that is good at writing and has a lot of experience. Ask them to review your report in confidence. This person does not have to be in your unit. You can even request assistant from the JAG and/or IG. They should be able to give you pointers on how to improve the document. Keep in mind only you can decide what goes into the report as you have to live with the consequences.
16. Document Complete: Once the document, your achievement list, all supporting statements, and supporting documentation is in place you are ready for the next step.
17. Choices: You can choose to approach your rating chain and try to resolve the issue at the lowest possible level or you can choose to submit your request for inquiry.
 - a. Approaching the rating chain – is usually the best possible course of action. No one likes to have someone go over their head. Something you see as a major issue might simply be a misunderstanding, they are happy to correct. You don't have to show them your written request for inquiry. You don't even have to tell them you might submit an inquiry.
 - b. If the rating chain discussion does not result in the outcome you believe is correct then you have to decide if you want to submit the request for inquiry. If you choose to submit it you may need to go back and adjust it. It needs to say that you attempted to resolve the issue with the rating chain and that your attempts were either partially successful or not successful. This shows maturity and professionalism on your part.
18. Request to See the Commander/1SG on open door policy and submit your appeal. It is critical that you are unemotional, calm, professional, and factual. Do not be disrespectful toward your rating chain or make accusations you cannot substantiate. You might state you have a perception about something but be cautious in this area as well. Keep in mind, per the regulation a rendered report is believed to be an accurate and fair report unless just cause is proven.

Note: Keep in mind the rater and senior rater determine what information and how that information is worded on the report. For example: You might have graduated with your associate degree with honors and a 4.0 GPA. They may simply comment that you obtained your associates degree. This may not be fair but it would be legal and would be something you could contest on your inquiry to show bias on behalf of the rating chain.

Possible Reasons for Filing a Commander's Inquiry

You can request an inquiry for any number of reasons. Below are a few of the common reasons that inquiries are usually requested.

- Falsified Counseling dates
- Counseling not conducted
- Rater and/or Senior Rater failed to provide support forms
- Rating chain failed to provide appropriate guidance
- Failure to annotate significant achievements
- Clearly bias rating official
- Improper rating chain
- Lack of a published rating scheme
- Unqualified rating official
- Lack of objectivity
- Untrue or inaccurate statements

Your Emotions—Get Rid of Them

When it comes time to prepare your request for inquiry the request must be: professional, unemotional, calm, and factual. By doing this you ensure the best possible chance of success. Take a piece of paper, draw a line down the middle. Mark one column as Factually Supported and Mark the other as Potentially Useful. Place information in the correct column.

- a. Just begin making a list of anything that comes to your mind.
- b. Once you have your lists complete, look at the Potentially Useful column and see if there is any truth to this comment. Is it opinion? Do you have proof? Is this factual or are you reaching? If you use this as part of your inquiry; can it be used against you? Will it damage your integrity? If so, don't use it. Use ONLY what you can prove and only what you can prove!
- c. When writing your request for inquiry place items in your request in a sequential order. Make it easy for the Commander to review the documentation and enclosures. The request should be clear and concise. Have someone you trust read over your request, identify errors, emotional phrases, etc. Then reword or remove as appropriate.

Defending Your Claim

When preparing the inquiry, you need to be able to defend your statements by referencing how it violates AR 623-3, DA PAM 623-3, another Army Regulation, policy, and/or standard. You must also make sure you look for information the rating chain, reviewer, and/or commander might use to defeat your logic or reference of the regulation. Most rating chains have not read the regulation. Most want to do what is right and just. Occasionally you run into a problem either because of 1) Lack of experience, 2) ignorance or 3) because of emotions. Either way you want to make sure you are prepared. This means placing the rating chain in a position to defend their ratings and actions. If they are wrong, they will have to answer to the Commander. Let's look at an example:

AR 623-3 states the rater determines what is placed on the evaluation report (para 3-7b(3)). The rater is also bound by duty/responsibility to prepare a fair, accurate, and just report.

Let's say that you completed your associate's degree, got by name recognition from the Brigade Commander during the BDE inspection for getting 9 out of 9 superior ratings during the inspection, and your Platoon PT program raised the average PT score by 25 points, increased the platoon PT average for 235 to 265. However, none of this is on your evaluation report. Obviously, there is something that needs to be checked because these items were not mentioned. This should send off red flags to the Commander.

While the rating chain may go back and place these items on the report, they may choose very mild adjectives to describe them. It is critical you think your way through this and describe the statement you might like to see. Describe it in a manner that provides the highest rating but are factually accurate. For Example:

- Completed Associates Degree in 15 months, graduating with a 4.00 GPA, with honors, and Phi Theta Kappa
- Out of 5,000 Soldiers in the BDE; only NCOIC to obtained 9 out of 9 superior ratings on BDE inspection; personally, recognized by BDE CDR
- Developed exceptional PT program, reduced injuries by 15% from the preceding 12 months, raised PLT AVG PT from 235-265/Individual AVG by 25 pts

These bullets if based on facts, would be difficult to rate anything less than a "Far Exceeds, or Exceeds. You must remove your emotions and think through the process.

Smart Rating Chains

A smart rating chain would not write the worse evaluation report possible. They would write an honest and fair evaluation that is accurate but is still not a great report. Should you decide to request an inquiry or appeal, they will be able to justify that they gave you a better report than you most likely deserved. Think about this as you develop your strategy.

Sample Documents:

This book contains sample documents that will help you prepare a Request for Commander's Inquiry that will give you the best possible chance of success if you comply with all the steps above. While this does not guarantee you will be successful it dramatically improves the likelihood of your success.

Commander's/Commandant's Inquiry Pre-Checklist

This checklist is designed to help the rated Soldier determine if they should consider requesting a Commander's/Commandant's Inquiry.

#	Actions	Status		Remarks
		Yes	No	
1.	Read AR 623-3/DA PAM 623-3 as they apply to a Commander's/Commandant's Inquiry			
2.	Read AR 623-3/DA PAM 623-3 as they apply to the Appeal process			
3.	Read AR 623-3/DA PAM 623-3 as they apply to the following areas:			
3a.	Rater requirements: Did the rater complete all of their duties/responsibilities as outlined in the AR/DA PAM? If No, list what items they failed to complete in the remarks section.			
3b.	Senior Rater requirements: Did the senior rater complete all of their duties/responsibilities as outlined in the AR/DA PAM? If No, list what items they failed to complete in the remarks section.			
3c.	Reviewer requirements: Did the reviewer complete all of their duties/responsibilities as outlined in the AR/DA PAM? If No, list what items they failed to complete in the remarks section.			
3d.	Rating scheme requirements: Were the rating scheme procedures followed as outlined in the AR/DA PAM? If No, list what items they failed to complete in the remarks section.			
3e.	Counseling requirements: Did the rater and senior rater complete all of their duties/responsibilities as outlined in the AR/DA PAM? If No, list what items they failed to complete in the remarks section.			
3f.	Did the rated Soldier complete all of their duties/responsibilities as outlined in the AR/DA PAM? If No, list what items they failed to complete in the remarks section.			
3g.	Are there any other aspects of AR 623-3/DA PAM 623-3 that were not followed? For example was a supplementary review conducted? Were there any other procedural errors? What witnesses do you have to support this report was inaccurate?			
4.	Did any member of the rating chain make threatening statements towards your career or evaluation report? If so do you have witnesses? If yes, see if they are willing to write a witness statement.			
5.	Gather copies of your rating scheme, counseling, support form, and any other documents that will support your case and look for other items that might assist in substantiating your inquiry.			
6.	Does the report contain false information like counseling dates that did not take place? If so were you forced to sign the report under pressured with the false dates?			
7.	Other References: You may also want to look for a JAG information paper on Commander's Inquiries, and/or contact the JAG/IG for assistance.			
8.	Review the Commander's Inquiry Guidance and Lessons Learned contained in this book.			
9.	Review Steps in Conducting a Commander's Inquiry in Table 4-1 below.			
10.	With the homework complete you are ready to begin developing your strategy.			

Table 4-1 Steps in conducting a Commander's or Commandant's Inquiry

Step	Work center	Action required
1	Requester	Submit a written request for a Commander's or Commandant's Inquiry indicating specifically the in-justices and/or regulatory violations contained in the OER, NCOER, DA Form 1059, or DA Form 1059 – 2 in question. Submit request to a commander above the designated rating chain. Request must be filed no later than 60 days after the rated Soldier's signature date (or senior rater's signature date, if the rated Soldier's signature is omitted).
2	Commander or commandant	Upon receipt of a request for a Commander's or Commandant's Inquiry, the commander or commandant receiving the request will acknowledge receipt and notify the Soldier. The commander or commandant must verify the status of the OER, NCOER, or AER in question; that is, if the evaluation in question has been submitted and received at HQDA for processing. If the evaluation has been submitted and received at HQDA for processing and not yet filed in the Soldier's AMHRR, the commander or commandant will notify the Evaluations Appeals Office via email with a request to have the evaluation placed in a temporary administrative hold status until completion of the inquiry (see app F).
3	Commander or commandant	If, after looking into the allegations, no error, violation of the regulation, or wrongdoing is found, advise the individual requesting the inquiry. Take no further action other than ensuring that the evaluation is forwarded to HQDA as expeditiously as possible. If the commander desires, they may retain a written record of the inquiry (for example, a memorandum for record). It is not necessary for the commander to notify HQDA if there are no discrepancies found in the evaluation report.
4	Commander or commandant	If an error, violation of the regulation, or wrongdoing has occurred and the evaluation has not been forwarded to HQDA, the commander or commandant will return the evaluation with the inquiry results to the senior rater or reviewer, as applicable. The commander or commandant will ask that the report be corrected to account for matters revealed in the inquiry. This will be done with regard for the restrictions on command authority and influence (see paras 1 – 11 and 4-5c). When the report has been corrected, it will be sent to HQDA with no reference to the action taken by the commander or commandant (for example, the OER, NCOER, DA Form 1059, or DA Form 1059 – 2 only is forwarded); the results of the inquiry will remain with the commander.
5	Commander or commandant	If the report has not yet been forwarded to HQDA and the commander or commandant and the rating chain members cannot agree on the need for change in the report, the commander or commandant will forward the evaluation report and the results of the inquiry to the appropriate agency (see app F). The results of the inquiry remain with the evaluation when processed to the Soldier's record.

Request for Commanders Inquiry Example



DEPARTMENT OF THE ARMY
C BATTERY, 1ST BATTALION 35TH FIELD ARTILLERY
3282 HERO DRIVE
FORT STEWART, GA 31313

OFFICE SYMBOL

DATE

MEMORANDUM FOR Commander, C Battery, 1/35 FA, Fort Stewart, GA. 31313

SUBJECT: Request for Commander's Inquiry Regarding Evaluation Report for Thomas, Joseph, SSG, 123-45-6789, Report Period 20160101-20170315

1. In accordance with AR 623-3, paragraph 4-3, I respectfully request a Commander's Inquiry for the evaluation report listed in the subject line above. **INSERT STATEMENT A or B. A.** In addition, AR 623-3, paragraph 4-4a states "the primary purpose of the Commander's Inquiry is to provide a greater degree of command involvement in preventing obvious injustices to the rated Soldier and *correcting errors before they become a matter of permanent record.*" In an effort to prevent the injustices contained in this report from becoming part of my permanent record, I respectfully request the processing of the report be stopped until the inquiry is complete. DA PAM 623-3 para 5-1a(1), states the report suspense date is 90 days after the "THRU" date of the evaluation. Based on my calculations the report must arrive at HQDA on or before 20170615. Since we have ___ working days remaining until the report is due at HQDA, I trust that you will find my request both reasonable and achievable. It is my request that this report remain at the unit until your investigation is complete and a reasonable solution is reached. **OR B.** My report was forwarded to the Human Resource Command (HRC) before I had the opportunity to pursue a Commander's Inquiry. In accordance with table 4-1 located in AR 623-3, pg. 91, Step 2, I respectfully request the HRC processing center be contacted immediately in order to obtain the filing status of my evaluation. If the evaluation is not in my official records, I request the report be placed on administrative hold as AR 623-3 directs. Appendix F of AR 623-3 contains HRC points of contact responsible for the Commander's Inquiry administrative hold process.
2. The evidence and information presented will support my claim that the evaluation report contains serious irregularities, errors, untrue statements, and lacks objectivity/fairness. In addition, it also contains information my rater knew to be false, but chose to enter on my report.
3. Background: I was assigned to C BTRY 1/35th FA on 1 January 2016. I was verbally informed by the orderly room NCO that SFC Roberts would be my rater and 1LT Jenkins would be my senior rater. I spent the month of January making observations, taking notes, and learning the platoon and unit rhythm. I expected to receive my initial counseling sometime in the next 30 days as directed in AR 623-3. Unfortunately, this was not the case.
4. Counseling:

a. Despite my best efforts and numerous requests, I was not counseled until November and December 2016. These are the only counseling statements I received and evidence will show these counselings were reprisal for reporting a dangerous fuel leak in our motor pool area which was being covered up by SFC Roberts.

b. In mid-February 2016, I asked SFC Roberts and 1LT Jenkins for a copy of their support forms and asked when we could schedule my initial counseling. SFC Roberts laughed at me and stated, "Boy support form, I ain't got one and won't have one". 1LT Jenkins told me he would be leaving at the end of February 2016, so his support form was not relevant. Then SFC Roberts said in the presence of witnesses, something like: as far as your initial counseling goes we got too much going on to be worried about paper counseling. Just do what I tell you and you will be fine. Since my rating chain would not provide their support forms, I prepared my support form as best I could in the absence of their input. I also spoke with other SSGs in the unit with similar duties in an effort to develop a realistic support form based on unit mission and goals. I also began keeping an achievement file for SFC Roberts and my future senior rater so they could review it when preparing future counseling sessions and my evaluation report.

c. In the presence of witnesses, I verbally requested my rater conduct formal counseling sessions on the following dates: 01 February and 5 March. The following individuals were present and heard my verbal request for counseling: SGT Anderson, SFC Clyde, and WO1 Nye. On 12 April and 01 May. I requested SFC Roberts conduct my initial and follow up counseling via email (see enclosure 1). As mentioned above, I did not receive my first counseling until 10 ½ months into the rating period (or 60 days prior to the end of the rating period). I was consistently told throughout the rating period by SFC Roberts that I was a stellar performer. He said this on many occasions in the presence of others.

d. I received two counseling statements one 5 February 2017 and the other on 2 March of 2017. The issues discussed in these counseling sessions (see enclosure 2) clearly have unrealistic and in some cases ambiguous requirements. In two cases, I was assigned duties and responsibilities already assigned to another Soldier within the platoon who at the time was being rated for these responsibilities. I only received these counseling statements after identifying a safety issue that had gone uncorrected for over a month. In the presence of witnesses SFC Roberts clearly articulated he would "Make ME PAY" for reporting the issue. His actions are clearly retribution against me for doing my job. I requested my rater counsel me on at least four separate occasions and never received a counseling session. Yet with 60 days left in the rating period and after SFC Roberts stated I would pay- I received two counseling statements that were not accurate, fair, or timely. He used these two sessions to justify his false claims and inaccurate ratings on my evaluation report.

e. False Counseling Dates- If you examine the evaluation report, you will see that fraudulent counseling dates were entered on the report. SFC Roberts knew two of these dates to be false, as no counseling was conducted, and he knew the two he conducted were inaccurate and a false representation of the facts (see enclosure 3).

f. Senior Rater Review- At no time during the rating period was I assigned a senior rater. In addition, the senior rater procedures outlined in AR 623-3 and/or DA PAM 623-3 were not followed. Furthermore, the senior rater listed on my evaluation report was not qualified to rate me, IAW AR 623-3, nor was he in a position to interact with me or observe my performance. Therefore, I would like to know how he arrived at his rating of my performance and potential. WO1 Nye was in the best position to observe my performance.

g. Rating Chain- I was never provided a copy of my rating chain. I inquired on three occasions about my rating chain and received no response. The individuals listed on the rating chain as my senior rater and reviewer never met me and did not have knowledge of my performance/potential. My rater, SFC Roberts, clearly provided a fraudulent and inaccurate report.

h. Failure to Provide Credit- I provided SFC Roberts with a copy of my support form and other supporting documentation, (see enclosure 4), listing my achievements during the rating period. He looked at me and loudly stated in the presence of witnesses: "I determine what goes on your evaluation report". While I understand he determines what information is placed on the evaluation report he has a duty and responsibility to be fair and objective. This report leaves out significant achievements. For example: I completed my associates degree during this rating period, I received nine out of nine commendable ratings during the Brigade Inspection, and developed a physical training program that raised the overall platoon PT Score from 235-265, and reduced injuries by 15% from the previous year, (see enclosure 5). None of this was mentioned on my evaluation report.

i. Refusal to Sign Evaluation Report- Finally SFC Roberts submitted my evaluation report stating that I had refused to sign it. This is absolutely false. I never saw my report and only discovered it had been submitted to the S-1 shop on 15 March 2017. It is my belief he took this action to ensure the report was in my official records before, I discovered the report had been prepared and filed.

5. I request you conduct a formal Commander's Inquiry into my concerns and upon verification of these allegations take action to correct my evaluation report so that it adequately reflects my performance and potential during this time period. I also, request SFC Roberts be investigated for falsifying official documents, mistreatment of subordinates, and violation of his integrity. I have attached witness statements, (see enclosure 5). These clearly indicate SFC Roberts's actions are reprisal against me and not an accurate reflection of my performance and/or potential.

6. I ask that you examine this request as if it were your own evaluation report. The point of contact for this memorandum is (POC Name, Phone Number, and Email Address).

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|--|-----------------|
| 5 Encls | Signature Block |
| 1. Emails 2 each | Rank, Branch |
| 2. Counseling Statements | Title, Position |
| 3. Falsified Evaluation Report Counseling Dates | |
| 4. Rated Soldier's Support Form & Supporting Documentation | |
| 5. Witness Statements 1 each | |

Third Party Witness Memorandum Example



DEPARTMENT OF THE ARMY
C BATTERY, 1ST BATTALION 35TH FIELD ARTILLERY
3282 HERO DRIVE
FORT STEWART, GA 31313

OFFICE SYMBOL

DATE

MEMORANDUM FOR SSG Thomas, Joseph C Battery, 1/35 FA, Fort Stewart, GA. 31313

SUBJECT: Supporting Statement for Evaluation Report Appeal SSG Thomas, Joseph, 123-45-6789

1. During the period from 20_6-0101 through 20_70301 I served as a platoon sergeant in C Battery 1/35 FA. In that position my office was located in the same office space as SFC Roberts. This was an open area office space with no walls or dividers of any kind. Therefore, I had daily observations of SSG Thomas' interactions with SFC Roberts for approximately seven hours a day over the course of approximately 10 months. In addition, I had daily personal interaction with SFC Roberts over the course of approximately two years. In one interaction regarding SSG Thomas he specifically shared "he was going to destroy SSG Thomas' career".
2. I witnessed SSG Thomas' numerous requests to be counseled by SFC Roberts concerning his duties/responsibilities and SFC Roberts' expectations of SSG Thomas. While I cannot specify the dates, these requests took place I can say there were at least three verbal requests witnessed by myself and at least two other individuals. In addition, SSG Thomas asked me to review two emails he was sending to SFC Roberts requesting a formal counseling session. He specifically asked that I check the attitude and tone of his email to ensure they were professional, positive, and appropriate. Furthermore, I watched him send these emails on both occasions. I can also state to my knowledge SFC Roberts did not counsel anyone he rated or senior rated. He only began to counsel members of his platoon sometime around January 20___. He once stated in my presence "Counseling is crap, just do what I tell you to do and you will be fine".
3. In January 20___, all of his NCO's and WO1 Nye were sitting in the shop office when SSG Thomas entered the room and informed SFC Roberts of a large leak in our underground fuel storage tank and recommended we immediately evacuate the area, inform the chain of command, and notify emergency services. SSG Thomas was concerned the leak could explode injuring Soldiers and damaging equipment. He also stated the environmental impact appeared to be fairly significant. SFC Roberts became furious and told SSG Thomas to "mind his own f_king business". SSG Thomas explained his additional duty as environmental protection NCO and duties/responsibilities as an NCO obligated him to report such matters. Then SFC Roberts said "well you have reported it smartass, now shut the f_k up". SSG Thomas asked SFC Roberts if he was going to evacuate the area and report the matter. SFC Roberts stated "no and no one in this office will report it either is that clear, you will keep your mouths shut"! SSG Thomas then told SFC Roberts that he would report the matter and recommend the company commander evacuate the area. At this time SFC Roberts jumped up from behind his desk and came within inches of SSG Thomas' face. Then he stated "you are going to pay for making me look bad". SSG Thomas then picked up the phone and reported the matter. It turns out SSG Thomas' assessment was correct. The investigating officer and the head of emergency services stated it was a miracle the fuel had not ignited killing everyone within a 100-meter perimeter. As a result of this incident SFC Roberts received a

General Letter of Reprimand because it appears, he knew about the issue for months and did not to report it. It was only after this incident that NCO's within the platoon started to receive counseling statements from SFC Roberts. I observed SFC Roberts falsifying counseling dates on at least three evaluation reports. I discussed this issue with SFC Roberts and he told me to mind my own business.

4. On 5 March 20__7, SSG Thomas asked me to review two counseling statements he received from SFC Roberts (note these were after the fuel tank incident). These counseling statements contained misleading and false information. In one counseling he was cited for dereliction of duty, disobeying an order, and failure to maintain basic standards in the following additional duty areas: driver's training NCO and primary key control custodian. When SSG Thomas received this counseling statement he was not responsible for these additional duties nor were any of his subordinates. In May of 20__ these additional duties were evaluated by the brigade inspection team and found completely substandard. However, the individual responsible for these additional duties left SFC Roberts' platoon and the unit with a good evaluation report and no reference was made on his evaluation report for failing the brigade inspection or failing to make corrections as directed by brigade. The counseling statement charging SSG Thomas with failing to perform these additional duties was signed on 26 January 20__. This was the first time SSG Thomas was told he was responsible for these areas. Strangely, the additional duty orders appointing him as the POC were not even signed until 22 February 20__. The orderly room NCO stated SFC Roberts went to the Orderly Room and specifically asked that SSG Thomas be assigned these additional duties. The Orderly room NCO stated this occurred sometime around 15 January 20__ but SSG Thomas was not even notified that he was in charge of these additional duties until late February 20__.
5. Sometime around ____ [INSERT APPROXIMATE DATE/WEEK] a few of us were in the motor bay and observed SFC Roberts and SSG Thomas talking. They were speaking about SSG Thomas' evaluation. At some point I heard SFC Roberts yell "I determine what goes on your f__king evaluation, not you so shut up and get out of my sight".
6. I know 1LT Jenkins was designated as the senior rater for all the NCOs in SFC Roberts platoon, but he departed the unit in the same month that SSG Thomas arrived (January 20__). I also know that due to a shortage of officers and the relief of our previous company commander. we never received a new rating scheme until March 20__ when the new company commander arrived. Therefore, we never received a rating scheme, it was never updated, nor where Soldiers notified of issues concerning the rating chain or scheme.
7. I applaud SSG Thomas for standing up to SFC Roberts, but I am also concerned Soldiers and NCOs of SFC Roberts platoon will pay a heavy price for SSG Thomas' actions as SFC Roberts has a very explosive, threatening, and unfor-giving personality.
8. The point of contact for this memorandum is (POC Name, Phone Number, and Email Address)

Signature Block

Rank, Branch

Title, Position

Note: The memorandum may be addressed to either the rated Soldier to whom it may concern, or the commander. However, the statement must be provided to the rated Soldier for inclusion with his/her appeal inquiry.

SEE DA PAM 623-3, Figure 6-5

Commanders Inquiry Report Supporting Soldiers Claim Example



DEPARTMENT OF THE ARMY
C BATTERY, 1ST BATTALION 35TH FIELD ARTILLERY
3282 HERO DRIVE
FORT STEWART, GA 31313

OFFICE SYMBOL

DATE

MEMORANDUM FOR U. S. Army Human Resources Command (AHRC-PDV-E), 1600 Spearhead Division Avenue, Department 470, Fort Knox, KY 40122-5407

SUBJECT: Commander's/Commandant's Inquiry Report on NCOER Evaluation Report for Thomas, Joseph, SSG, 123-45-6789, Report Period 20160101-20170315

1. In accordance with AR 623-3, Evaluation Reporting System paragraph 4-5g, a Commander's/Commandant's Inquiry was conducted to look into alleged errors, injustices, or illegalities pertaining to the report referenced above. My inquiry focused on: falsification of information, failure to counseling, senior rater procedures, and alleged unprofessional conduct by the rater.
2. As a result of my inquiry, and in accordance with the requirements of AR 623-3/DA PAM 623-3 I have concluded/determined the report as written is biased, contains false information, and does not contain significant achievements known to the rater at the time the report was rendered. Furthermore, I discovered evidence which clearly indicates the rater was not objective in the performance of their duties and responsibilities as outlined in AR 623-3.
3. Specifically the report contained false statements about performance/potential, counseling was not properly conducted, and false counseling documents were prepared in an effort to make it look like counseling took place. The senior rater listed on the report was not qualified to be the senior rater, the rater admitted to knowingly falsifying the report in an effort to damage the rated Soldier's career. Witnesses verified the rated Soldier's allegations.
4. I request this report be removed from the Soldier's Official Military Record, as it does not represent his performance and/or potential during the referenced reporting period. If you are unable to remove this report, I respectfully request this document be added to the evaluation report as an attachment.

Signature Block

Rank, Branch

Title, Position

Commander's Report Not Supporting Soldiers Claim Example



DEPARTMENT OF THE ARMY
C BATTERY, 1ST BATTALION 35TH FIELD ARTILLERY
3282 HERO DRIVE
FORT STEWART, GA 31313

OFFICE SYMBOL

DATE

MEMORANDUM FOR U. S. Army Human Resources Command (AHRC-PDV-E), 1600 Spearhead Division Avenue, Department 470, Fort Knox, KY 40122-5407

SUBJECT: Commander's/Commandant's Inquiry Report on NCOER Evaluation Report for Thomas, Joseph, SSG, 123-45-6789, Report Period 20160101-20170315

1. In accordance with AR 623-3, Evaluation Reporting System paragraph 4-5g, a Commander's/Commandant's Inquiry was conducted to look into alleged errors, injustices, or illegalities pertaining to the report referenced above. My inquiry focused on: INSERT SPECIFICS.
2. As a result of my inquiry, and in accordance with the requirements of AR 623-3/DA PAM 623-3, I have concluded/determined the report as written is accurate as written, and consistent with the requirements of AR 623-3. YOU CAN PROVIDE BRIEF COMMENTS ON BACKGROUND DETAILS, ETC.
3. I recommend that his OER/NCOER/AER be processed as written and filed in the rated Soldier's Official Military Personnel File. The rated Soldier was informed of my findings and recommendations and his/her right to an appeal to this report.
4. The point of contact for this memorandum is the undersigned. I can be reached at: DSN:XXX-XXX-XXXX, COM: XXX-XXX-XXXX CELL: XXX-XXX-XXXX EMAIL: XXX@xxxxx.xxx.

Signature Block

Rank, Branch

Title, Position