



Legal Briefs

From the Fort Knox Legal Assistance Office

DEPARTMENT OF THE ARMY BARS TO REENLISTMENT

QUALITATIVE MANAGEMENT PROGRAM (QMP)

Army Regulation 635-200 sets forth the policies and procedures for the Army's retention/reenlistment programs. There are two forms of retention/reenlistment bars: (1) local bars, or (2) Department of the Army (DA) imposed bars that are part of the Army's Qualitative Management Program (QMP). AR 635-200 sets for the policies for bars, called QMPs.

What is a Local Bar to Reenlistment?

A local bar to reenlistment is the administrative tool used to deny reenlistment to substandard Soldiers. Only Soldiers of "high moral character, personal competence, and demonstrated adaptability" to the requirements of military service will be reenlisted into the Army. With that standard, the AR authorizes these bars to be used against Soldiers whose immediate separation is not warranted but whose reenlistment is not in the best interest of the Army. Local bars to reenlistment are imposed by a Soldier's chain of command. The focus of the local bar is not separation, but whether a Soldier should be allowed to serve beyond ETS.

What is a Department of the Army (DA) Imposed Bar?

AR 635-200 describes the Department of the Army (DA) imposed bars. A DA imposed bar (QMP) is imposed on noncommissioned officers of staff sergeant and above. The members of the Sergeant First Class selection board, and the Master Sergeant selection board impose these bars during their periodical reviews on the official files of Soldiers that are eligible for possible promotion. The selection boards may impose the QMP bar if negative information is found in the Soldier's Official Military Personnel File (OMPF) that will prevent future promotion. Negative information may include non-judicial punishment (Article 15s), General Officer Reprimands (GOMORs), and poor career evaluations (NCOERs). The purpose of a QMP is to separate the Soldier from the Army. The philosophy behind doing so is since the Soldier has negative information that will prevent future promotion, they should be moved out of the Army. In a sense, these bars are part of the Army's "up or out" philosophy.

Local Bars Versus Department of the Army (DA) Imposed Bars:

Local bars to reenlistment are imposed by a Soldier's chain of command. The focus is on whether the Soldier should be allowed to serve beyond ETS, not on forcing the Soldier out prior to ETS. DA imposed bars (QMPs) are different. Members of the Sergeant First Class selection board, and the Master Sergeant selection board impose QMPs based on negative information found in the Soldier's file that will prevent him/her from being promoted in the future. The focus of a QMP is separation, because without the possibility for promotion, the Soldier should be moved out of the Army.

More on the DA Imposed Bars and the Qualitative Management Program (QMP):

Procedures:

Once a QMP bar is imposed, the bar and a statement of option are forwarded from the US Army Enlisted Records and Evaluation Center (USAEREC) down through the chain of command to the Soldier's battalion-level commander. That commander presents the bar to the Soldier. The Soldier has 7 days to select an option. Those options include 1) to appeal the QMP with the goal of having the bar removed; 2) to be separated from the Army; 3) to request immediate retirement (Soldiers over 20 years active Federal service); or 4) to be scheduled for retirement (Soldiers with at least 17 years and 9 months of active Federal service). Appeals must be returned to the battalion-level commander within 60 days. The chain of command then has 30 days to forward it, with recommendations for approval or disapproval, back to USAEREC. The QMP appeals board will then consider the appeal and render a decision.

Appeals:

Appeals must argue material error or improved performance. Material error usually exists when 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 weaknesses cited by the selection board, and 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 the commitment to excellence that prompted those promotions, awards, and the excellent NCOERs. In addition, however, the Soldier needs as many supporting statements as possible. The statements should support removal of the bar and should be from past commanders, supervisors, or anyone else knowledgeable of the quality of the Soldier's duty performance. The goal is to paint the picture of a dedicated Soldier who wants to stay in the Army and should stay in the Army.

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 selection board may well remove the bar. Without favorable chain of command action, removal of the bar is unlikely. In every situation, the selection board will evaluate the Soldier's potential for future service and promotion, along with the Soldier's service record up to that date. In that sense, it truly is a total picture decision.

What Legal Assistance Can Do:

We can help evaluate your QMP options and assist with preparation of an appeal statement. If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at www.knox.army.mil/center/sja/. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.

Sources: AR 635-200, Active Duty Enlisted Administrative Separations