

Exhibit 8

to Plaintiffs' Further Supplemental Brief in
Support of Plaintiffs' Motion for Summary
Judgment

Case No.: 1:20-cv-01104-ESH

Army Regulation 623–3

Personnel Evaluation

Evaluation Reporting System

**Headquarters
Department of the Army
Washington, DC
14 June 2019**

UNCLASSIFIED

SUMMARY of CHANGE

AR 623–3
Evaluation Reporting System

This major revision, dated 14 June 2019—

- o Adds commandants' responsibilities (para 1–4*b*).
- o Adds recordkeeping requirements (para 1–5).
- o Rescinds requirement for United States Army Reserve major generals to receive evaluation reports (paras 1–7*a* and 3–2*b*(1)).
- o Identifies new DA Form 1059–2 (Senior Service and Command and General Staff College Academic Evaluation Report) as an applicable evaluation report form for specific military Service schools (paras 1–8*a*(4)(*b*) and 3–50).
- o Further clarifies rater qualification when serving in a command position (para 2–5*b*(1)).
- o Adds policy exemption to date of rank requirements for chief warrant officers five serving in a commandant or deputy commandant position (para 2–5*b*(9)).
- o Changes senior rater qualification requirements for chief warrant officer four promotable and chief warrant officer five (para 2–7*a*(15)).
- o Includes “Yes” or “No” box checks on DA Form 1059 (Service School Academic Evaluation Report), DA Form 1059–1 (Civilian Institution Academic Evaluation Report), and DA Form 1059–2 to indicate if a Soldier did or did not adhere to the Army’s Sexual Harassment/Assault Response and Prevention, Equal Opportunity, and Equal Employment Opportunity Programs (para 2–12*j*).
- o Clarifies policy when loss of a rating official or rated Soldier occurs in an academic environment (para 2–19*c*(2)).
- o Requires DA Form 67–10–2 (Field Grade Plate (O4 – O5; CW3 – CW5) Officer Evaluation Report) be rendered for all promotable chief warrant officers four and chief warrant officers five, regardless if serving in a nominative position, in support of talent management (para 3–2).
- o Includes Army physical fitness test, height and weight, overall grade point average, skill identifier codes, and joint education credit data fields on DA Form 1059 and DA Form 1059–2 to assist in talent management (paras 3–13*b* and 3–13*c*).
- o Includes new rater’s assessment on DA Form 1059 and DA Form 1059–2 aligned with the Army’s Leadership Requirements Model emphasizing the assessment process and leadership responsibilities (para 3–13*b*(6)).
- o Includes a new four tier reviewer “Overall Academic Achievement” box check system on DA Form 1059 and DA Form 1059–2 (paras 3–13*b*(6)(*a*) through 3–13*b*(6)(*d*)).

Requires raters on DA Form 1059, DA Form 1059–1, and DA Form 1059–2 to enter completed projects that may have potential value to the Army in support of talent management (paras 3–13*b*(11), 3–13*c*(8), and 3–13*d*(5)).

- o Includes Army physical fitness test, height and weight, and overall grade point average data fields on DA Form 1059–1 to assist in talent management (para 3–13*d*).

- o Includes new reviewer assessments on DA Form 1059 and DA Form 1059–2 to emphasize the importance of the reviewer’s assessment process and leadership responsibilities (para 3–13*e*).
- o Includes data fields on DA Form 1059 and DA Form 1059–1 to list up to three utilization tour or follow-on assignments based on Soldiers’ demonstrated aptitude in support of talent management (para 3–13*f*(7)).
- o Includes listed reasons for submitting DA Form 1059 and DA Form 1059–2 (para 3–15).
- o Includes new requirements for a DA Form 1059–1 “Initial” evaluation report for Soldiers attending long-term civilian education programs exceeding 24 months (para 3–16*c*(3)).
- o Updates referral for DA Form 1059, DA Form 1059–1, and DA form 1059–2 to a rated Soldier (para 3–28).
- o Mandates enclosures to DA Form 1059, DA Form 1059–1, and DA Form 1059–2 be .pdf, .jpg, or .tiff format for acceptance as an authorized attachment to the completed evaluation (para 3–36*c*).
- o Redefines which Service schools will render a DA Form 1059 (para 3–50).
- o Defines significant administrative errors actionable for an administrative appeal (para 4–7).
- o Moves and combines previous command roles into paragraph 1–4 (formerly para H–2).
- o Further clarifies Army National Guard use of “P” identifier in conjunction with designated rank on evaluation reports (para H–3 through H–6 and H–8).
- o Incorporates Army Directive 2018–07–8, Prioritizing Efforts—Readiness and Lethality (Update 8), by eliminating multi-source assessment and feedback requirements (throughout).
- o Rescinds Army Directive 2016–06, Commander 360 Program, by incorporating Army Directive 2018–07–8. The Commander 360 Program was a sub-program of multi-source assessment and feedback requirements that were eliminated by Army Directive 2018–07–8 (throughout).
- o Incorporates Army Directive 2018–10, Authorizing Use of DA Form 1059–2 (Senior Service and Command and General Staff College Academic Evaluation Report) for the U.S. Army War College (throughout).
- o Incorporates the use of Evaluation Entry System as the primary method for generating, submitting, tracking, and processing all academic evaluation reports for military service schools and civilian institutions (throughout).

Headquarters
Department of the Army
Washington, DC
14 June 2019

***Army Regulation 623–3**

Effective 20 June 2019

Personnel Evaluation Evaluation Reporting System

By Order of the Secretary of the Army:

MARK A. MILLEY
General, United States Army
Chief of Staff

Official:


KATHLEEN S. MILLER
Administrative Assistant
to the Secretary of the Army

Armed Forces and U.S. Coast Guard officers, officers of Allied Armed Forces, and employees of the U.S. Government who serve as rating officials in the performance of their personnel management responsibilities as established by this regulation and in accordance with applicable Joint, Department of Defense, and civilian personnel management policy. It does not apply to retirees. This regulation applies during mobilization in conjunction with the Personnel Policy Guidance published for each operation and issued by Headquarters, Department of the Army.

Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff, G–1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent has delegated this approval authority to the Commanding General, Human Resources Command, who may further delegate this authority to a division chief, Human Resources Command, in the rank of colonel or the civilian equivalent. Human Resources Command is a direct reporting unit to the proponent agency. Activities may request a waiver to this regulation by providing justification which includes a full analysis of the expected benefits and must include a formal review by the activ-

ity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix I).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Deputy Chief of Staff, G–1 (DAPE–ZA), 300 Army Pentagon, Washington, DC 20310–0300.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Commander, U.S. Army Human Resources Command (AHRC–PDV–E), 1600 Spearhead Division Avenue, Department 470, Fort Knox, KY 40122–5407.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

History. This publication is a major revision.

Summary. This regulation prescribes the policy and tasks for the Army's Evaluation Reporting System, including officer, non-commissioned officer, and academic evaluation reports focused on the assessment of performance and potential. It includes policy, operating tasks, and rules in support of operating tasks.

Applicability. This regulation applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. It also applies to Department of the Army Civilians, and to U.S.

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*This regulation supersedes AR 623-3, dated 04 November 2015; and AD 2016-06, dated 3 February 2016.

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Glossary

Chapter 1 Introduction

Section I

Overview

1–1. Purpose

This regulation prescribes the policy for completing evaluation reports and associated support forms that are the basis for the Army's Evaluation Reporting System (ERS). This includes DA Form 67–10–1 (Company Grade Plate (O1 – O3; WO1 – CW2) Officer Evaluation Report), DA Form 67–10–2 (Field Grade Plate (O4 – O5; CW3 – CW5) Officer Evaluation Report), DA Form 67–10–3 (Strategic Grade Plate (O6) Officer Evaluation Report), and DA Form 67–10–4 (Strategic Grade Plate General Officer Evaluation Report), hereafter referred to collectively as DA Form 67–10 series (officer evaluation report (OER)). It includes DA Form 67–10–1A (Officer Evaluation Report Support Form) and DA Form 2166–9–1A (NCO Evaluation Report Support Form), hereafter referred to collectively as support forms. This regulation prescribes DA Form 2166–9–1 (NCO Evaluation Report (SGT)), DA Form 2166–9–2 (NCO Evaluation Report (SSG – 1SG/MSG)), and DA Form 2166–9–3 (NCO Evaluation Report (CSM/SGM)), hereafter referred to collectively as DA Form 2166–9 series (noncommissioned officer evaluation report (NCOER)). Further, this regulation prescribes DA Form 1059 (Service School Academic Evaluation Report); DA Form 1059–1 (Civilian Institution Academic Evaluation Report), and DA Form 1059–2 (Senior Service and Command and General Staff College Academic Evaluation Report), hereafter referred to collectively as DA Form 1059 series (academic evaluation reports (AERs)). DA Form 67–10 series (OER), DA Form 2166–9 series (NCOER), and DA Form 1059 series (AER) are hereafter referred to collectively as evaluation reports. Procedures, tasks, and steps pertaining to the completion of each evaluation report and support form are contained in DA Pam 623–3.

1–2. References and forms

See appendix A.

1–3. Explanation of abbreviations and terms

See glossary.

1–4. Responsibilities

a. The Deputy Chief of Staff (DCS), G–1 serves as the policy proponent for the ERS and will ensure that the Commanding General (CG), U.S. Army Human Resources Command (HRC) will—

- (1) Act as lead agency for the Secretary of the Army and be responsible for the effective operation of the ERS.
- (2) Exercise final review authority on all evaluation reports received at Headquarters, Department of the Army (HQDA), regardless of component. This includes the following:
 - (*a*) Determining that a report is correct, as submitted, and needs no further action.
 - (*b*) Correcting, or returning to rating officials for correction, reports that may be in error, may violate provisions of this regulation, or would result in an injustice to a Soldier or a disservice to the Army.
 - (*c*) Directing rating officials to submit addenda to reports needing clarification.
 - (*d*) Collecting information to be attached as addenda to reports when such action is necessary.
 - (*e*) Directing commanders to investigate apparent errors or violations of this regulation and to submit their findings and recommendations. These will be attached to the report or otherwise disposed of as the CG, HRC deems appropriate.
- (3) Direct the rendering of evaluation reports when circumstances warrant and other provisions of this regulation do not apply.
 - (4) Clarify policy, grant exceptions to policy, or propose new policy, as the need arises.
 - (5) Dispose of Commander's or Commandant's Inquiries conducted in accordance with chapter 4 and chapters governing the subject evaluation, as deemed appropriate.
 - (6) Process evaluation report appeals and update Soldiers' Army Military Human Resource Records (AMHRRs) accordingly.

b. Commanders and commandants at all levels, and the Chief, National Guard Bureau (NGB) will ensure that—

- (1) A copy of this regulation, or the appropriate web link to this regulation, is available to the rated Soldier and rating officials.
- (2) Rating officials are fully qualified to meet their responsibilities.

1–5. Records management (recordkeeping) requirements

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Army Records Retention Schedule-Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in ARIMS/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

1–6. Levels of work

a. The evaluation function is the responsibility of rating officials, rated Soldiers, battalion (BN) and brigade (BDE) adjutants (S1) or unit personnel administration offices, and HQDA. Manpower officials will use the workload factors (obtained in Manpower Staffing Standards Systems) to determine the manpower authorizations.

b. The focus of this regulation is on the rating chain’s adherence to ERS requirements at every unit supported by an S1/human resources specialist or personnel administration manager.

c. Senior raters of OERs and NCOERs, or the senior rater’s representative, regardless of component (Regular Army, U.S. Army Reserve (USAR), or ARNG), are required to ensure compliance with standards of preparing and forwarding evaluation reports prescribed by this regulation and/or DA Pam 623–3.

d. The appropriate authenticating official, commandant, or civilian academic institution official is required to ensure compliance with standards of preparing and forwarding AERs as prescribed by this regulation or DA Pam 623–3.

Section II**Principles and Standards****1–7. Principles of support**

The ERS will—

a. Evaluate the performance and potential of officers, in the grades of warrant officer one (WO1) through brigadier general (BG), in peacetime and wartime.

b. Evaluate the performance and potential of noncommissioned officers (NCOs), in the grades of sergeant (SGT) through command sergeant major (CSM), in peacetime and wartime.

c. Evaluate the performance of Soldiers during Department of Defense (DOD), civilian educational, medical, or industrial institution programs.

d. Support the Army’s personnel life cycle function.

1–8. Standards of service

a. Evaluation Reporting System overview.

(1) The ERS encompasses the means and methods needed for developing people and leaders. An effective ERS involves the execution of leadership, the establishment of a rating relationship with personal interaction, the conduct of developmental counseling and reviews, and the determination of critical assessments. The Army routinely reviews the ERS to ensure that it remains relevant and in support of its goals.

(2) The ERS identifies Soldiers who are best qualified for promotion and assignment to positions of greater responsibility. The ERS also identifies Soldiers who will be kept on active status, retained in grade, or eliminated from military service.

(3) The ERS combines major elements of counseling, assessment, documentation, and integration with other personnel functions to meet the needs of the Army, rating officials, and rated Soldiers in their current environments. Its basic foundation—to evaluate today’s Soldiers to select and develop tomorrow’s leaders—will remain consistent.

(a) Rating officials assess a Soldier’s performance and potential against the standards of the Army Leadership Requirements Model containing attributes and competencies, the organization’s mission, and a particular set of duties, responsibilities, tasks, and objectives using a series of box checks, narratives, bullet comments, and evaluation report rating techniques (see ADP/ADRP 6–22). The intent of the ERS is to drive rated Soldiers to meet or exceed the standards. While standards or techniques may change, the ERS will continue to be the most accurate and effective assessment tool and development system possible. It will accomplish its mission of developing people and leaders.

(b) All members of the rating chain, to include the rated Soldier, should participate in relationships necessary to facilitate the leadership, involvement, and developmental counseling needed for an effective ERS.

(4) Under the ERS, a Soldier is evaluated on their performance and potential. The ERS consists of two categories of evaluation reports:

(a) Mandatory and/or optional evaluations. The applicable evaluation report forms are the DA Form 67–10 series (OER) and DA Form 2166–9 series (NCOER). These evaluations focus on a Soldier’s duty performance, or how well a

d. Disclosure. Voluntary. However, failure to provide applicable information may result in delayed, erroneous, or failure of processing evaluation reports.

e. Use of personally identifiable information. Completed forms contain PII and require special handling. When issued and in possession, a Department of Defense identification (DODID) number will be used in lieu of using an SSN.

Chapter 2 The Rating Chain

Section I

Managing the Rating Chain

2-1. Overview

This chapter governs the purpose and development of rating chains based on qualifications and special evaluation report requirements.

2-2. Fundamentals

a. Commanders, commandants, and organization leaders will establish rating chains and publish rating schemes within their units or organizations in accordance with locally developed procedures and ARs. Rating schemes for two-star level commands (or equivalent organizations) and below will be approved by the next higher commander, commandant, or organizational leader. Established rating chains will correspond as nearly as practicable to the chain of command or supervision within a unit or organization, regardless of component or geographical location. Rating schemes will identify the name of the rated Soldier and the effective date for each of the rating officials (date on which the rating official assumed their role as the rating official for the rated Soldier). Rating schemes will be published and made accessible, either manually or electronically, to each rated Soldier and each member of the rating chain. Any changes to a rating scheme will be published and distributed, as required. No changes may be retroactive.

b. Pooling, or elevating the rating chain beyond the senior rater's ability to have adequate knowledge of each Soldier's performance and potential, in order to provide an elevated assessment protection for a specific group, runs counter to the intent of the ERS and is prohibited. Rating schemes created based on pooling erode Soldiers' confidence in the fairness and equity of the ERS and in their leaders. Senior raters must evaluate and identify their best Soldiers based on performance and potential, regardless of the particular position they occupy.

2-3. Rating chain information

a. A rating chain is established by the commander, commandant, or leader of an organization and approved by the next higher commander, commandant, or leader of an organization for two-star level commands (or equivalent organizations). Once established and approved, rating chains are maintained by rating officials to provide the best evaluation of an individual Soldier's performance and potential. A rating chain also ties the rated Soldier's performance to a specific senior or subordinate relationship. This allows for proper counseling to develop the rated Soldier and accomplish the mission. These functions are normally best achieved within an organization's chain of command or supervision.

b. In the absence of a comprehensive published unit rating scheme (such as a duty position residing in the Department of Labor, the Department of Homeland Security, and so on, or an organization fails to establish a rating scheme), the support form can serve as a means to notify the individual Soldier of who is serving as their rating officials.

c. Generally, the evaluation of Soldiers by persons not involved in the chain of command or chain of supervision is inappropriate (see paras 2-19, 2-21, 3-46 and G-5).

d. Special rules for designating rating officials are outlined to cover the death, missing status, relief, incapacitation, or suspension of a rating official (see para 2-19).

e. Special rules governing the rating officials for officers under dual supervision; officers serving in the Chaplain's Corps, the Judge Advocate General's Corps (JAGC), or the U.S. Army Medical Department (AMEDD); and professors of military science are addressed in paragraphs 2-21, 2-22, and 2-23.

f. Specific rules by report include the following:

(1) *DA Form 67-10 series rating chains.*

(a) These normally will consist of the rated officer, the rater, the senior rater, and in some instances, a supplementary reviewer. The senior rater will accomplish the final rating chain review. The rating officials must meet specific qualifications (see paras 2-5 through 2-8 and table 2-1).

(b) For specialty branches (Chaplain Corps, JAGC, and AMEDD), dual supervisory situations, and/or situations in which the rater's immediate supervisor would be the logical senior rater, but does not meet senior rater eligibility requirements as outlined in table 2-1, a rated officer's rating chain may involve another level of supervision, or dual supervision and assigned different duties by two qualified but separate chains of command or chains of supervision throughout the entire rating period. In these situations, an intermediate rater is designated as a technical expert in the chain of command between the rater and senior rater (see para 2-6).

(c) For USAR troop program unit (TPU), drilling individual mobilization augmentee (DIMA), individual mobilization augmentee (IMA), and drilling Individual Ready Reserve (IRR) officers who conduct required training away from the host unit, the intermediate rater may be the rated officer's supervisor at the training organization.

(d) In some cases, a rated officer's rating chain may have a qualified rating official or supervisor who serves as both rater and senior rater (see para 2-20).

(e) Some cases exist when a supplementary review may be required for evaluations. In these cases, a uniformed Army advisor will be identified and included in the rating chain (see para 2-8a(2)).

(2) *DA Form 2166-9 series rating chains.*

(a) These normally will consist of the rated NCO, the rater, the senior rater, and a supplementary reviewer as provided in paragraphs 2-15 through 2-18. The senior rater will accomplish the final rating chain review. The rating officials must meet specific qualifications (see paras 2-5, 2-7, 2-8, and table 2-1).

(b) In some cases, a rated NCO's rating chain may have a qualified rating official or supervisor who serves as both rater and senior rater (see para 2-20).

(c) Some cases exist when a supplementary review may be required for evaluations. In these cases, a uniformed Army advisor will be identified and included in the rating chain (see para 2-8a(2)).

(d) In most cases, NCOs will have one chain of command or supervision within a single organization. The NCO rating chains will not include an intermediate rater.

(3) *DA Form 1059 series rating chains.* These rating chains will consist of the authorized rater and a reviewing official as designated by the commandant or appropriate civilian academic authority (see para 2-9).

Section II

Rating Chain Development and Maintenance

2-4. General rules for establishing rating chains

a. The rating chain for a rated Soldier will be established at the beginning of the rating period. This allows the rated Soldier and rating officials to properly execute their roles and responsibilities in the evaluation process. Rating officials must meet grade requirements, as well as time in position, in order to render evaluation reports.

b. Commanders, commandants, and organization leaders are responsible for ensuring valid rating schemes are established. Rating schemes for two-star level commands (or equivalent organizations) and below will be approved by the next higher commander, commandant, or organizational leader.

c. When commanders, commandants, and organization leaders establish rating chains, they will ensure pooling of the rated population does not occur.

d. It is essential that rating officials meet and maintain the required eligibility criteria throughout the rating period. If the rated Soldier's grade changes during the rating period, rating officials must still meet the eligibility requirements in order to be authorized to render an evaluation report on a rated Soldier when one is due. If eligibility criteria are not met, evaluation reports will not be processed at HQDA.

e. When necessary, rating chain exceptions to policy must be requested at the earliest possible date and cannot be implemented until approved by HQDA (for exceptions see para 2-7a(8)).

f. Specific requirements for rating officials are addressed in this section and in specified appendixes of this regulation.

g. Commanders, commandants, and organization leaders may use the Evaluation Entry System (EES) Rating Chain Tool to establish and publish rating chains with units and organizations.

2-5. Rules for designating a rater

a. *Rater requirements.* The rater will be the immediate supervisor of the rated Soldier responsible for directing and assessing the rated Soldier's performance. The rater will normally be senior to the rated Soldier in grade or date of rank. Commanders will normally rate commanders. Civilian raters for OERs and NCOERs will be officially designated on the established rating scheme. For purposes of this regulation, a civilian supervisor/rating official need not be classified as a supervisor under the Office of Personnel Management classification guidance provided they are responsible for directing

and assessing the rated Soldier's performance. See paragraph G-3 for USAR-specific exceptions to policy regarding rating schemes and rating officials. The following are rater's requirements, by evaluation report type:

(1) *DA Form 67-10 series*. A rater will be an officer of the U.S. Armed Forces, U.S. Coast Guard, Allied Armed Forces, or an employee of a U.S. Government agency (including nonappropriated fund employee). A civilian rater has no minimum grade requirement. The rater will be the supervisor of the rated officer for a minimum period of 90 calendar days. For USAR TPU, DIMA, and drilling IRR Soldiers and ARNG Soldiers, the rater must have served as the supervisor for a minimum of 120 calendar days (see apps G and H).

(2) *DA Form 2166-9 series*. A rater will be an officer or NCO of the U.S. Armed Forces, U.S. Coast Guard, Allied Armed Forces, or an employee of a U.S. Government agency (including nonappropriated fund employee). A civilian rater has no minimum grade requirement. The rater will be the supervisor of the rated NCO for a minimum period of 90 calendar days. For USAR TPU, DIMA, and drilling IRR Soldiers and ARNG Soldiers, the rater must have served as the supervisor for a minimum of 120 calendar days (see apps G and H).

(3) *DA Form 1059 series*. A rater will be the military instructor, facilitator, or civilian course advisor designated by the commandant of the military school or dean of the civilian academic institution that supervises and/or monitors the student's performance and compliance with academic standards.

b. DA Form 67-10 series rater eligibility.

(1) A military rater will be senior to the rated officer by grade or date of rank. An exception is that an officer in a command position may rate an officer over whom they have command authority who is of the same grade and senior by date of rank. In cases when the commander rates an officer of the same grade but senior in date of rank, the rater will attach a copy of the memorandum announcing the assumption of command as an enclosure to the rated officer's OER. (Format and guidance for assumption of command announcements are in AR 600-20.)

(2) A COL serving as a COL-level chief of staff may rate a COL who is senior in date of rank. This does not apply to promotable lieutenant colonels (LTCPs) serving in a chief of staff position or COLs serving as acting chiefs of staff.

(3) In situations such as Joint commands, an officer in a supervisory position may rate an officer who is senior in date of rank provided—

(a) The rater is other than an Army officer.

(b) Each instance is approved, in writing, by the next senior Army member of the command or activity. A copy of the approval will be sent to the appropriate HQDA component as an enclosure to the OER (see app F).

(4) For OERs, a civilian rater has no minimum grade requirement but will be the rated officer's supervisor responsible for directing and assessing the rated Soldier's performance as established on the rating scheme.

(5) Commanders will normally be rated and senior rated by the next higher commander. An exception to this rule is allowed when a staff officer or higher level commander is the logical choice as the commander's supervisor because of functional, geographical, or technical supervision requirements.

(6) Officers who are selected for promotion and who are in authorized positions for the next grade may rate any officer they supervise if, after the rater's promotion, they will be senior to the rated officer.

(7) A rater who has been selected for promotion (that is, whose name is on a promotion list), and who is in an authorized position for the next grade, will be considered to be serving in the next grade. The symbol "P" will be inserted after the current rank on the applicable OER.

(8) A rater who has been selected for promotion (that is, whose name is on a promotion list), but is not in a position authorized for the new grade, will be considered to be serving in the current grade. The symbol "P" will not appear after the current rank on the applicable OER. (See para 2-11 for ARNG-specific requirements.)

(9) Chief warrant officers five (CW5s), assigned as a commandant or deputy commandant, may rate other CW5s serving in instructor and/or departmental positions without regard to date of rank.

c. DA Form 2166-9 series rater eligibility. The military rater will be a SGT or above and senior to the rated NCO by grade or date of rank (see AR 600-20).

(1) NCOs who are selected for promotion and who are in authorized positions for the next grade and/or frocked to one of the top three NCO grades (first sergeant (1SG), SGM, or CSM) may rate any NCO they supervise if, after the rater's promotion, they will be senior in pay grade or date of rank to the rated NCO.

(2) A rater who has been selected for promotion (that is, whose name is on a promotion list), and who is in an authorized position for the next grade, will be considered to be serving in the next grade and may rate any NCO they supervise, if after the promotion they will be senior in pay grade or date of rank to the rated NCO. The symbol "P" will be inserted after the current rank on the applicable NCOER. (See para 2-11 for ARNG-specific requirements.)

(3) A rater who has been selected for promotion (that is, whose name is on a promotion list), but is not in a position authorized for the new grade, will be considered to be serving in the current grade. The symbol "P" will not appear after the current rank on the applicable NCOER.

(4) U.S. Government civilian employees (including nonappropriated fund employees) may serve as raters when there is no immediate military supervisor or when the civilian supervisor is responsible for directing and assessing the rated NCO's performance and in the best position to accurately evaluate the NCO's performance. The civilian rater will be officially designated on the published rating scheme established by the commander, commandant, or organization leader.

(5) SGMs assigned to the chief of senior instructor positions within the resident and nonresident departments of the Sergeants Major Course may rate other SGMs in instructor positions within their specific department without regard to date of rank.

(6) CSMs assigned as Director, Sergeants Major Course or Director, Staff and Faculty who are serving as brigade level CSMs will rate the CSMs assigned as Deputy Director, Sergeants Major Course and Deputy Director, Staff and Faculty who are serving as battalion-level CSMs without regard to date of rank.

(7) ARNG military technicians (MTs) will also be senior in military grade or, if the same grade, senior in date of rank to the rated NCO.

(8) CSMs of table of organization and equipment and table of distribution and allowances (TDA) duty assignment units will be rated by the commander, with the following exceptions, provided rater qualifications are met:

(a) Military community or garrison CSMs may be rated by a deputy community commander or deputy garrison commander.

(b) The assistant division commander or the division or installation CSM may rate the Regular Army CSMs who are commandants of NCO academies.

(c) For ARNG, the Chief, NGB will determine the rating chain for ARNG NCO academy commandants (see para H-7) and state CSMs.

(d) The CG, U.S. Army Reserve Command (USARC) will determine the rating chain for USAR NCO Academy CSMs who are commandants.

d. Academic evaluation report rater eligibility. The rater will normally be senior to the rated Soldier by grade or date of rank. Additional instructions are as follows:

(1) A military or a DOD Civilian employee academic rater is designated by the commandant and is the person who directly oversees and is most responsible for directing and observing the Soldier's progress through a military course of instruction that requires a DA Form 1059 and DA Form 1059-2.

(2) A civilian academic rater is the civilian official designated by the dean or appropriate civilian authority most responsible for directing and observing the Soldier's progress through a civilian course of instruction that requires a DA Form 1059-1.

e. Specialty branch evaluation reports. For chaplains, see appendix C; for JAGC officers, see appendix D; and for AMEDD officers, see appendix E. Appendix E does not apply to ARNG Soldiers.

2-6. Rules for designating an intermediate rater (DA Form 67-10 series only)

This paragraph does not apply to DA Form 2166-9 series (NCOER) and DA Form 1059 series (AER). An intermediate rater is only authorized for use by specialty branches (Chaplain Corps, JAGC, and AMEDD) when there is a level of technical supervision between the rater and senior rater, and/or in dual supervisory situations, and/or in instances when the rater's immediate supervisor is the logical senior rater, but does not meet senior rater eligibility requirements as prescribed within table 2-1. Other unique circumstances require a request for an exception to policy. Written requests for an exception to policy, endorsed by the first commanding general officer (or equivalent) in the organization, will be submitted to the appropriate HQDA component in accordance with the guidance contained in paragraph 2-6c. An intermediate rater will not be added as a rating official to the rating chain in order to elevate the rating chain (in other words, pooling).

a. An intermediate rater will be an officer of the U.S. Armed Forces, U.S. Coast Guard, or Allied Armed Forces, or an employee of a U.S. Government agency (including nonappropriated fund employees). In addition, the intermediate rater will—

(1) Be senior to the rated officer in grade or date of rank. A civilian intermediate rater has no minimum grade requirement but will be officially designated on the established rating scheme.

(2) Be a supervisor between the rater and senior rater in the rated officer's rating chain, unless the rated officer is serving under dual supervision. The use of the intermediate rater is intended to maintain the link between the rater and senior rater in situations where there is a level of supervision between them. Rating chains having no supervisor between the rater and senior rater will not have an intermediate rater.

(3) Be the rater's immediate supervisor and may be any supervisor between the rater and senior rater in the rated officer's chain of command. This rule is waived when the provisions of paragraph 2-21 or appendixes C, D, or E apply. In cases of dual supervision, the designated intermediate rater, if from a nonparent unit, may be senior to the senior rater (see para 2-21).