

Boards, Commissions, and Committees

Army Grade Determination Review Board

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SUMMARY of CHANGE

AR 15-80

Army Grade Determination Review Board

This is a new publication which governs the actions and composition of the Army Grade Determination Review Board. It governs--

- o The purpose, related references, explanation of abbreviations, and responsibilities of the Army Grade Determination Review Board (sec I).
- o Procedural guidance used by the Army Grade Determination Review Board to process cases (sec II).
- o The composition of the Army Grade Determination Review Board and procedures for forwarding cases for review. (sect III).

Boards, Commissions, and Committees

Army Grade Determination Review Board

By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR.
General, United States Army
Chief of Staff

Official:

R. L. DILWORTH
Brigadier General, United States Army
The Adjutant General

History. This UPDATE printing establishes a new Army regulation which is effective 15 November 1986. This publication has been reorganized to make it compatible with the Army electronic publishing database. No content has been changed.

Summary. This regulation governs the actions and composition of the Army Grade Determination Review Board established by

General Order No. 16, dated 16 July 1985. The Board determines or recommends the highest grade satisfactorily held for service/physical disability retirement, retirement pay, and separation for physical disability.

Applicability. This regulation applies to members of the Active Army, Army National Guard (ARNG), and the U.S. Army Reserve (USAR), not on active duty, in the grade of Major General and below.

Proponent and exception authority. Not applicable.

Army management control process. This regulation is not subject to the requirements of AR 11–2. It does not contain internal control provisions.

Supplementation. Supplementation of this regulation and establishment of forms other than DA forms is prohibited without prior approval from the HQDA (SFRB), Room 1E487, The Pentagon, WASH DC 20310–1801.

Interim changes. Interim changes to this

regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration date unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this regulation is the Office of the Secretary of the Army. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (SFRB), WASH DC 20310–1801.

Distribution. Distribution of this issue has been made in accordance with DA Form 12–9A–R requirements for AR 15-series publications. The number of copies distributed to a given subscriber is the number of copies requested in Block 23 of the subscriber's DA Form 12-9A-R. AR 15–80 distribution is D for Active Army, ARNG, and USAR.

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Section I Introduction

1. Purpose

This regulation establishes policies, procedures, and responsibilities of the Army Grade Determination Review Board.

2. References

Related publications are listed below.

- a. AR 135–175, Separation of Officers.
- b. AR 135–178, Separation of Enlisted Personnel.
- c. AR 135–180, Qualifying Service for Retired Pay Nonregular Service.
- d. AR 135–215, Periods of Service on Active Duty.
- e. AR 635–40, Personnel Separation, Physical Evaluation for Retention, Retirement, or Separation.
- f. AR 635–100, Personnel Separations, Officer Personnel.
- g. AR 635–120, Personnel Separations, Officer Resignations and Discharges.
- h. AR 635–200, Personnel Separations, Enlisted Separations.

3. Explanation of abbreviations

- a. AD—active duty.
- b. ACRB—Army Council of Review Boards.
- c. AFS—Active Federal Service.
- d. AGDRB—Army Grade Determination Review Board.
- e. HQDA—Headquarters, Department of the Army.
- f. OMPF—Official Military Personnel File.
- g. UCMJ—Uniform Code of Military Justice.
- h. USAR—U.S. Army Reserve.

4. Responsibilities

- a. The Secretary of the Army retains the prerogative to accomplish grade determinations without referral to the Army Grade Determination Review Board.
- b. The Director, Army Council of Review Boards will supervise the Army Grade Determination Review Board (AGDRB), without exercising review authority over the decision and/or recommendations of the Boards, nor will the duties as Director abridge his or her responsibilities as a board member.

5. Authority

The AGDRB reviews cases referred for purposes of Secretarial grade determinations under the following statutes or other similar statutes: title 10, United States Code, sections 688(b), 1212(a), 1370, 1371, 1372, 1374(b), 1401, 1402, 3963, and 3964.

Section II Procedural Guidance

6. Case processing

- a. For enlisted cases, the AGDRB will make final determinations on behalf of the Secretary of the Army. It will determine the highest grade in which a soldier has served satisfactorily for purposes of service/physical disability retirement, computation of retired pay, or separation for physical disability. Additionally, the AGDRB will review any other cases referred by the Secretary of the Army.
- b. For commissioned officer cases, the AGDRB will recommend to the Deputy Assistant Secretary (DA Review Boards, Personnel Security, and Equal Employment Opportunity Compliance and Complaints Review), for final determination, the highest grade in which an officer has served satisfactorily for purposes of service/physical disability retirement, computation of retired pay, or separation for physical disability. Additionally, the AGDRB will review any other cases referred to it by the Secretary of the Army.
- c. Warrant officer cases will be processed as follows:
 - (1) For advancement to a higher grade after 30 years of service, cases will be administered in the manner cited in *a* above.
 - (2) All other cases will be administered in the manner cited in *b* above.

7. Unsatisfactory service

Generally, service in a grade will not be considered to have been satisfactory when—

- a. The highest grade or rank was a result of a terminal leave promotion.
- b. Reversion to a lower grade was—
 - (1) Expressly for prejudice or cause.
 - (2) Due to misconduct.
 - (3) Caused by nonjudicial punishment pursuant to Article 15, Uniform Code of Military Justice (UCMJ).
 - (4) The result of the sentence of a court-martial.
- c. There is sufficient unfavorable information to establish that the soldier's service in the grade in question was not satisfactory. One specific act of misconduct may form the basis for a determination that the overall service in that grade was not satisfactory, regardless of the period of time served in grade. However, service retirement in lieu of or as the result of elimination action will not, by itself, preclude retirement in the highest grade.

8. Grade determination considerations

The AGDRB will consider each case on its own merits and is allowed substantial discretion in reaching its decision. Determination will be based on the soldier's overall service in the grade in question, either on active duty or other service qualifying the soldier for service/physical disability retirement, receipt of retired pay, or separation for physical disability. Circumstances pertinent to whether such service is found satisfactory in the overall sense include but are not limited to the following:

- a. Medical reasons, which may have been a contributing or decisive factor in a reduction in grade.
- b. Compassionate circumstances.
- c. Length of time in grade.
- d. Performance level.
- e. Other factors.

9. Service in lower grade

The criteria set forth in paragraph 8 do not prevent an individual from being considered to have served satisfactorily in any lower grade or rank previously held. When the soldier served in a grade two or more grades higher than the grade held at time of service/physical disability retirement or separation for physical disability, and determination is made that he or she did not serve satisfactorily in the highest grade, it will be determined that he or she served satisfactorily in the next lower grade unless service in that lower grade comes within the purview of paragraph 8.

10. Period of service

All active duty (AD) or Active Federal Service (AFS) may be considered as continuous or each period of duty may be considered separately if it is to the soldier's benefit.

11. Critical information

The individual whose case is being considered is not entitled to appear before the AGDRB. The AGDRB may consider any evidence relevant to the grade determination regardless of whether the information is part of the soldier's Official Military Personnel File (OMPF). When information to be considered is not part of the OMPF, however, the AGDRB will advise the soldier of the information and provide a reasonable opportunity for comment or rebuttal by the soldier. Such notice and opportunity for response is not required where it is clear that the soldier has been given that opportunity previously with regard to the same information.

Section III Board Composition and Procedures

12. Board appointments

- a. Members of the AGDRB will be appointed by the Director, Army Council of Review Boards (ACRB).
- b. The Director, ACRB will designate a panel of at least three commissioned officers to consider each case, all of whom will be

senior in rank to the soldier and in a grade at least equal to the highest grade held by the soldier. Panel recommendations or determinations will be by majority vote. Three or more commissioned officers constitute a quorum.

c. A recorder will be appointed by the Director, ACRB to review each case and prepare a written evaluation for presentation with the soldier's OMPF and other pertinent documents as provided in paragraph 11 to the panel. The recorder will perform the following:

- (1) For enlisted personnel cases.
 - (a) Record the votes and finalize the case report and directive. This directive includes the rationale for the AGDRB's action.
 - (b) Return the case and the decision of the AGDRB to the originating agency.
- (2) For officer personnel cases.
 - (a) Prepare a letter indicating the AGDRB's recommendation and rationale.
 - (b) Forward the letter and case to the appropriate official for final determination.

13. Forwarding cases for review

Cases for review by the AGDRB should be forwarded to Army Grade Determination Review Board, Room 1E487, Pentagon, WASH DC 20310-1810.

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