

JAG Corps Leaders:

Implementation of the new Evaluation Reporting System (ERS) continues. PPTO will provide updates on issues or developments that impact the evaluation management process. The majority of questions PPTO has received so far pertained to rating chains within the OSJA, dual supervisory situations or specific questions about pooling. We received several questions about limited space available for Senior Rater comments, broadening assignment suggestions, and general concerns about the Evaluation Entry System (EES). Below are some FAQs to help you establish rating chains on your installation. We have attached some rating scheme examples that are permissible under AR 623-3. Additionally, we are providing some thoughts on “broadening assignments” as well as answers and resources for questions about the new system.

Rating Chain FAQs.

- QUESTION/ISSUE:** AR 623-3, paragraph 2-7a(3), now provides that the “senior rater will be the immediate supervisor of the rater” (i.e., the “rater’s rater”). This provision appears to cut the SJA out of many common rating schemes internal to an OSJA. For example, an Administrative Law attorney’s rating chain includes the Chief of Adlaw as Rater and the DSJA as Senior Rater (if the DSJA rates the Chief of Adlaw). Can the SJA serve as Senior Rater for the Adlaw attorney and have the rating chain remain consistent with the provisions of AR 623-3, paragraph 2-7 (designation of the senior rater)?

RESPONSE: Yes. The rating chain most consistent with AR 623-3, and which would include the SJA as Senior Rater in the rating chain, should include the DSJA as the Intermediate Rater. The regulation’s proponent included Intermediate Rater provisions specifically for Special Branches. By including the DSJA as Intermediate Rater, the rating chain is most consistent with AR 623-3, paragraph 2-7. **EXAMPLE:**

RATEE RANK/ POSITION	RATER RANK/ POSITION	RATER'S SUPERVISOR/ POSITION *does not SR Rate CPTs, but can serve as IR	SENIOR RATER RANK/ POSITION
CPT, Legal Asst Attorney/ Special Victim's Counsel	MAJ, Chief, Client Services	LTC, DSJA	COL, SJA
CPT, Trial Counsel (Garrison)	MAJ, Chief of Justice	LTC, DSJA	COL, SJA
CPT, Trial Counsel (Brigade)	MAJ, BJA	BDE XO, LTC/ DSJA, LTC	COL, SJA
CPT, Administrative Law	MAJ, Chief of Admin Law	LTC, DSJA	COL, SJA

It is possible to exclude the DSJA as the IR, but the most consistent application of all relevant provisions of AR 623-3 would include it where appropriate.

2. **QUESTION/ISSUE:** How can an SJA ensure there is technical chain representation in the rating chain for officers assigned to brigades, regardless of where they physically perform their duties?

RESPONSE: Paragraph 2-21 describes dual supervision rating chains and gives great flexibility for leaders and supervisors to work out the rating scheme so that technical experts and commands are represented. As a Special Branch, Judge Advocate OERs are specifically allowed to include an Intermediate Rater as necessary, regardless of whether a dual supervisory situation exists (see paragraphs 2-3f(1)(b) and 2-6)). While Intermediate Raters do not have a “box check,” they can comment on both performance and potential. Appendix D provides additional guidance for BJAs. BJAs “will, whenever possible, be rated by their local staff judge advocate and senior rated by the BCT Commander.” Bottom line: there is no single model for all BJA/ SJA rating relationships because installations are arranged differently, and rank disparity and qualifications of raters and senior raters (time, rank, etc...) make a “one size fits all” standard impossible. SJAs and their leadership teams must remain engaged with G1/S1 teams to establish the appropriate chain at the beginning of the rating period. Within a command or on an installation, SJAs should strive for consistency in rating chains whenever possible.

EXAMPLE:

RATEE RANK/ POSITION	RATER RANK/ POSITION	RATER'S SUPERVISOR/ POSITION	SENIOR RATER RANK/ POSITION
MAJ, BCT JA	SJA	None	BCT CDR
MAJ, BJA & OIC	SJA	None/ LTC, DSJA / BDE XO	Brigade CDR
MAJ, Contract Support BDE	SJA	None/ Chief Counsel	CSB Commander

3. **QUESTION/ISSUE:** Is there any special guidance for Judge Advocate rating chains for Military Judges, Trial Defense Service, or other organizations where the Senior Rater could have a significant number of JAs in the rating population?

RESPONSE: AR 623-3 contains no special guidance. However, as a Special Branch, SJAs and other JA leaders have regulatory responsibilities that may require them to have significant supervisory oversight for a large population. This is not per se pooling. As a general rule, follow the “rater’s rater” provision of paragraph 2-7, or include intermediate raters if appropriate.

4. **QUESTION/ISSUE:** No more than 4 lines of text appear in the Senior Rater portion of the OER. When printed, the form shows much more room in the SR narrative portion. Is this the same for all users, or is it a technical problem tied to an individual user. 4 lines does not give a Senior Rater enough room to discuss potential.

RESPONSE: For now, all Senior Raters have the same narrative line limitation. Some Senior Raters favor the length and have noted that it requires them to be judicious in their comments. Recently, HRC held a virtual town hall, and many comments focused on this issue. HRC intends to publish responses, which PPTO will forward when available.

The current OER character/ line boundaries are (approximately):

- **Rater** (for Field Grade OERs):
 - Character—4 lines/ @61 words
 - Competencies—7 lines/ @101 words
 - Overall Performance Rating—6 lines/@ 83 words
- **Senior Rater:** (Potential Only):
 - 4 lines/ @66 words

5. **QUESTION/ISSUE:** The EES routinely freezes up. I can only get on the system early in the morning or very late at night. Is HRC aware of the problems with the EES?

RESPONSE: HRC is aware of implementation challenges with EES and the new OER system. HRC is fielding questions about profile management, or any other topic submitted. HRC is hosting town halls at <https://www.facebook.com/#!/ArmyHRC> and intends to publish answers to the many questions received. Please share this link with your Legal Administrators and delegates, as many of the issues will pertain to their roles in the evaluation process.

6. **QUESTION/ISSUE:** What are some suggested broadening opportunities for the Field Grade OER block?

RESPONSE: Broadening for JAs has several interpretations. Ultimately, it depends on the individual officer, her/his assignment pattern and goals. If the assignment pattern is out-of-balance in core legal disciplines or traditional jobs for the officer's rank, broadening could mean an assignment in a particular legal discipline or one that involves a direct opportunity to lead. Broadening could also mean exposure to a different echelon of command, joint service, or specialized legal practice area. Schooling and fellowship opportunities may be appropriate as well. Keep in mind

that the key to a civilian LLM opportunity is selection for resident CGSC. If recommending a civilian LLM, include resident CGSC (and encourage Senior Raters to reflect the same). PPTO has developed a list that includes some suggested broadening opportunities for raters to consider. (See Enclosure.)

TIPS:

- Establish Rating Chains early. SJAs and DSJAs will need to work closely with Brigade/Division/Installation staffs to work through any issues. (Remember that almost all rating chains are approved one level up.)
- Raters provide 4x the narrative comments compared to Senior Raters. Mentor first-time/ new raters.
- Educate non-JA raters about broadening concepts for JAs. CGSC selection is required for civilian LLM and some fellowship opportunities.
- Remind commanders and G1/S1 personnel that SJAs have a regulatory responsibility to supervise the practice of law and professional responsibility at an installation or command (per AR 27-1, ch. 5). Rating chains should preserve the SJA's ability to do so.
- The "pooling" concern is inapplicable to the typical JA rating scheme within an OSJA. The small size of our offices, coupled with the nature of our practice, provide SJA senior raters with unparalleled first-hand knowledge of each JAs performance and potential.
- We are all in this transition together. PPTO will not have data to analyze until we have the results from several boards. The impact of rater & senior box checks, or nuances in language for different blocks on the new forms will remain unknown until enough data is developed to analyze and look for trends.