

Evaluation Redress Options (continued...)

Human Resources Command.

Appeals of a substantive error include bias, prejudice, inaccurate or unjust ratings, or any other matter that is not an administrative error. Generally these claims are made up of unjust evaluations of performance and claims of bias by the rating official. Substantive appeals must be filed within three years of the OER or NCOER "THRU" date. Only under exceptional circumstances will an appeal be reviewed after the deadline. Substantive appeals will be adjudicated by the Deputy Chief of Staff, G-1 Special Review Board.

The review board may approve an appeal in whole or in part, or it may deny the appeal. If the appeal is approved in whole, the evaluation will be removed from your OMPF and you will have unrated time for the period of the evaluation. The review board may also remove portions of the evaluation, such as removing the rater's evaluation but leaving the senior rater's evaluation. Generally, the board will not take action that could worsen your OER or NCOER.

For further information see AR 623-3, paragraph 6-10, for processing priority of appeals, and paragraph 6-11, for burden of proof and evidentiary information. Lastly, if you are having trouble deciding whether to appeal an NCOER or OER, take a look at AR 623-3, paragraph 6-13, and Department of the Army Pamphlet 623-3, Chapter 6.

If you have any concerns about the issues addressed above, make an appointment to see a Legal Assistance Attorney at the Kaiserslautern Legal Services Center by calling DSN 483-8848 or Civilian 0631-411-8848. We can help you determine which avenue of redress is appropriate and help draft evaluation appeals.

"Viktoria" Moving Company Goes Bankrupt

by CPT Yolanda Williams

Viktoria Speditionsgesellschaft GmbH & Co. KG, a German moving company that has served the U.S. military community for many years, has filed for bankruptcy. Don't panic! The U.S. Army Claims Service, Europe, has issued guidance on how to handle claims involving Viktoria.

If your personal property was shipped by Viktoria and you suffered loss or damage, the Kaiserslautern Claims Office can assist you in giving the requisite notice as long as you bring in your DD Form 1840/1840R or other notice document within 75 calendar days of delivery. They will dispatch the notice document for you.

Claimants whose property was delivered by Viktoria will not file their claim directly with Viktoria or the bankruptcy attorney. Instead, they will file and settle their claim with their local military claims office under the provisions of Army Regulation 27-20.

Beginning on September 1, 2011, Gosselin Logistics, another German carrier, began delivering shipments that were originally picked up, but were not delivered, by Viktoria. The procedures for giving notice of damage and filing claims are different for these shipments. The Kaiserslautern Claims Office's claims examiners stand ready to assist claimants in dispatching their DD Form 1840/1840R or other notice document to the appropriate recipients, and in filing their claims directly against Gosselin.

For more information, contact the Kaiserslautern Legal Services Center Claims Office at DSN 483-8414/8862 or Civilian 0631-411-8414/8862, or e-mail your claims questions to legal@eur.army.mil.

