



SECRETARY OF THE ARMY  
WASHINGTON

03 DEC 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2010-10 (Enhancement of the Promotion Review Board Process)

1. Meeting the leadership needs of our Army demands that we promote the best qualified officers. Officers must meet statutory requirements for exemplary conduct, set forth in Title 10, United States Code, section 3583. To this end, Department of the Army policy mandates the review of promotion lists to ensure that no officer is promoted when there is cause to believe that he or she is mentally, physically, morally or professionally unqualified or unsuited to perform the duties of the next higher grade to which he or she was selected for promotion. The Promotion Review Board (PRB) process is a critical element of the Army's officer promotion program. It is my intent to ensure a robust PRB process that thoroughly examines information adverse to an officer and carefully weighs such information in making recommendations to me as to whether an officer should be retained on, or removed from, a promotion list. Mindful of my commitment to informed decision making, the significant institutional interest and investment in officer promotions, and the imperative to ensure appropriate due process for individual officers affected by the PRB process, I hereby issue the following policy.

2. Notwithstanding any provision of extant regulation, pamphlet, policy, standard operating procedure or common practice, the following shall apply to all PRBs convened under provisions of Army Regulation (AR) 600-8-29 (Officer Promotions), chapter 8; AR 135-155 (Promotion of Commissioned Officers and Warrant Officers Other Than General Officers), paragraph 3-18; and AR 135-156 (Reserve Component General Officer Personnel Management), paragraph 5-4.

a. Information to be Provided to the Officer and the PRB. In all cases referred to a PRB on the basis of adverse information set forth in an inquiry or investigation by U.S. Army Criminal Investigation Command (CID) or the Department of the Army Inspector General (DAIG), CID and DAIG shall provide to the Office of the Deputy Chief of Staff, G-1 (ODCS, G-1) or the General Officer Management Office (GOMO), as appropriate, a complete copy of the base report of the inquiry or investigation from which the adverse information is drawn, redacted in accordance with the Freedom of Information and Privacy Acts to ensure maximum disclosure while protecting witness identities as authorized by law and regulation. The ODCS, G-1 or GOMO, as applicable, shall forward the report to the officer at issue for review in advance of the PRB, in accordance with procedures set forth in AR 600-8-29, paragraph 8-6; AR 135-155, paragraph 3-18(a)(2); or other applicable statute, regulation or policy. A complete, properly redacted copy of the base report of inquiry or investigation,

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together with any response submitted by the officer, shall be provided to the PRB for its review and consideration and shall be appended to, and become part of, the PRB file submitted through senior Army leaders to the Secretary of the Army for decision.

b. Modifications to the Standard PRB Memorandum of Instruction. PRB memoranda of instruction will be modified to:

- Emphasize that all information provided to the members of the PRB is For Official Use Only and may not be further disseminated absent the specific written approval of the DCS, G-1.
- Include a warning that taking or threatening to take unfavorable personnel action or withholding favorable personnel action in reprisal against a person who has made a protected communication to CID or DAIG may constitute a violation of whistleblower protection or other laws or regulations.

c. Require Documentation of Votes and Rationale. In making a recommendation as to whether the officer under consideration by the PRB should be retained on, or removed from, the promotion list, each member of the PRB shall complete an individual vote worksheet on which the member shall record his or her recommendation and a brief explanation of the rationale underlying that recommendation. The vote worksheets shall be anonymous; no member of the PRB shall be required to record his or her name or identifying information on the worksheet. The vote worksheets, together with a transcription of each member's recommendations and rationale (to ensure readability), shall be collected and submitted through senior Army leaders to the Secretary of the Army for review and consideration. Each senior leader may consider the vote worksheets and transcriptions in making his or her recommendation to the Secretary. Member vote worksheets and transcriptions shall not be made a permanent part of the PRB report and file and shall not be retained after the Secretary's decision in a particular case. This requirement is in addition to, and does not displace, the requirement that each member of the PRB sign the PRB report.

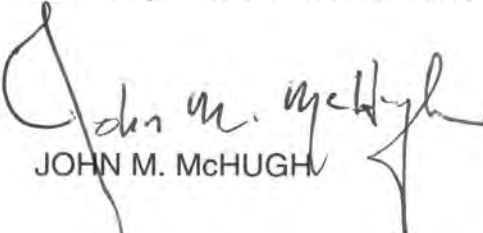
d. Require Documentation of Rationale for Recommendations to the Secretary of the Army. Each senior Army leader who reviews the PRB and makes a recommendation to the Secretary of the Army as to whether the officer at issue should be retained on, or removed from, the promotion list, shall record both his or her individual recommendation on the document provided for that purpose and the rationale underlying that recommendation. In making his or her recommendation and setting forth his or her rationale, a senior leader may consider any information or matter the PRB considered; the vote worksheets the PRB members completed, as applicable; the certification by the Director of Military Personnel Management; and the recommendations and associated rationale of senior Army leaders already recorded. Senior Army leader recommendations and rationale shall not be made a permanent part

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of the PRB report and file and shall not be retained after the Secretary of the Army's decision in a particular case.

3. Except as set forth below with regard to general officers, the Director of Military Personnel Management shall ensure that officers referred to a PRB are the subject of a suspension of favorable personnel action in accordance with AR 600-8-2 (Suspension of Favorable Personnel Actions (FLAGS)), from the time the officer is referred to a PRB until the appropriate official takes final action to retain the officer on, or remove the officer from, the promotion list. The Director of Military Personnel Management will ensure that the officer's "flagged" status and the basis for the imposition of the FLAG are communicated to the "flagged" officer and to appropriate officials and organizations within the Army and the Department of Defense. The Director, GOMO will ensure that general officers referred to a PRB are appropriately identified and managed.

4. The provisions of this directive are effective immediately. The next revision of AR 600-8-29, AR 135-55, AR 135-56 and the DCS, G-1, Officer Selection Board Support Standard Operating Procedures shall incorporate the terms of this directive.

  
JOHN M. McHUGH

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