

## DENIAL PROCESSING

1. **Denials Process:** The Commander at the level recommending denial of consideration initiates the denial of consideration. The following paragraphs define the approval authorities and processes for each grade plate.

**a. SPC/CPL/SGT (being considered for SGT/SSG):**

(1) The approval authority is the first Battalion (BN) Commander (O5/LTC level commander) in the Soldiers chain of command. The BN Commander will personally approve or disapprove these actions and will not delegate this authority.

(2) Initiate consideration denial on DA Form 4187 (Enclosure 3 – E4/E5 Consideration Denial 4187). The Soldier signs block 9 of the 4187 indicating they have been notified of the recommended consideration denial. The Unit Commander recommends approval approval/disapproval on page 2 of the 4187 and counsels the Soldier on DA Form 4856 (Enclosure 2 – Consideration Denial 4856).

(3) Upon completion of the initial counseling at the unit level, the packet stops processing to allow the Soldier 30 days from the date of the counseling to provide a rebuttal and consult with a judge advocate if the Soldier so desires. Upon completion of the 30 days, combine any documentation provided by the Soldier on their behalf with the DA Form 4187 and DA Form 4856 and forward to the BN Commander for approval.

(4) The BN Commander approves/disapproves the denial of consideration in block 11 of the 4187 and signs in block 13. If the BN Commander approves the denial, the documentation is forwarded to J1 EPS assets mailbox ([ng.mn.mnarng.mbx.assets-j1-epm@mail.mil](mailto:ng.mn.mnarng.mbx.assets-j1-epm@mail.mil)). If the BN Commander disapproves the denial, the Soldier is processed for EPS consideration IAW paragraph 5 of the 2018 EPS MOI.

**b. SSG/SFC (being considers for SFC/MSG):**

(1) The approval authority for this grade plate is the first Brigade (BDE) Commander (O6/COL level Commander) in the Soldier's Chain of Command. The BDE Commander will personally approve or disapprove these actions and will not delegate this authority.

(2) Initiate consideration denial on DA Form 4187 (Enclosure 4 – E6\_E7 Consideration Denial 4187). The Soldier signs block 9 of the 4187 indicating they have been notified of the recommended consideration denial. The Unit Commander recommends approval approval/disapproval on page 2 of the 4187 and counsels the Soldier on DA Form 4856 (Enclosure 2 – Consideration Denial 4856).

(3) Upon completion of the initial counseling at the unit level, the packet stops processing to allow the Soldier 30 days from the date of the counseling to provide a

rebuttal and consult with a judge advocate if the Soldier so desires. Upon completion of the 30 days, combine any documentation provided by the Soldier on their behalf with the DA Form 4187 and DA Form 4856 and forward to the BN Commander for their recommendation.

(4) The BN Commander recommends approval/disapproval on page 2 of the 4187 and forwards the denial consideration packet to the BDE Commander.

(5) The BDE Commander approves/disapproves the denial of consideration in block 11 of the 4187 and signs in block 13. If the BDE Commander approves the denial, the documentation is forwarded to J1 EPS assets mailbox ([ng.mn.mnarnq.mbx.assets-j1-epm@mail.mil](mailto:ng.mn.mnarnq.mbx.assets-j1-epm@mail.mil)). If the BDE Commander disapproves the denial, the Soldier is processed for EPS consideration IAW paragraph 5 of the 2018 EPS MOI.

**c. MSG (being considered for SGM):**

(1) The approval authority for this grade plate is The Adjutant General (TAG). TAG will personally approve or disapprove these actions and will not delegate this authority.

(2) Initiate consideration denial on DA Form 4187 (Enclosure 5 – E8 Consideration Denial 4187). The Soldier signs block 9 of the 4187 indicating they have been notified of the recommended consideration denial. The Unit Commander recommends approval approval/disapproval on page 2 of the 4187 and counsels the Soldier on DA Form 4856 (Enclosure 2 – Consideration Denial 4856).

(3) Upon completion of the initial counseling at the unit level, the packet stops processing to allot the Soldier 30 days from the date of the counseling to provide a rebuttal and consult with a judge advocate if the Soldier so desires. Upon completion of the 30 days, combine any documentation provided by the Soldier on their behalf with the DA Form 4187 and DA Form 4856 and forward to the BN Commander for their recommendation.

(4) The BN Commander recommends approval/disapproval on page 2 of the 4187 and forwards the denial consideration packet to the BDE Commander.

(5) The BDE Commander recommends approval/disapproval on page 2 of the 4187 and forwards the denial consideration packet to the J1 EPS assets mailbox ([ng.mn.mnarnq.mbx.assets-j1-epm@mail.mil](mailto:ng.mn.mnarnq.mbx.assets-j1-epm@mail.mil)).

(6) TAG approves/disapproves the denial of consideration in block 11 of the 4187 and signs in block 13. J1 EPM forwards TAG decision back down through the chain of command. If TAG disapproves the denial, the Soldier is processed for EPS consideration IAW paragraph 5 of this MOI.

2. **Appeals Process:** Appeals of consideration denial are forwarded through the next higher level Commander for recommendation. The appeal authority is the Adjutant General. Steps for appeal are as follows:

a. The Soldier initiates the appeal within 30 days of notification of the denial on a formal memorandum and provides any additional information not considered by the denial authority. This memorandum is routed through the denial authority and BDE Commander (if the denial authority was lower than the BDE Commander) for The Adjutant General.

b. Each level of the chain of command on the THROUGH line of the memorandum indicates their recommendation via line through endorsement on the memorandum. Each Commander may submit a separate memo as part of the appeal packet to explain their recommendation to the Adjutant General. The chain of command has a maximum of 30 days from the date the Soldier submits the appeal to submit appeal to the Adjutant General.

c. The BDE Commander submits the appeal with all supporting documentation to the J1 EPS assets mailbox ([ng.mn.mnarnq.mbx.assets-j1-epm@mail.mil](mailto:ng.mn.mnarnq.mbx.assets-j1-epm@mail.mil)) within the allotted 30 days.

d. J1 EPM prepares TAG decision memo and submits the appeal through the Senior Enlisted Advisor to TAG within seven days of receipt.

e. TAG approves/disapproves the appeal. J1 EPM forwards TAG decision back down through the chain of command. If TAG approves the appeal in favor of the Soldier, the Soldier is processed for EPS consideration IAW paragraph 5 of the 2018 EPS MOI. If the promotion boards have already been completed, the Soldier is eligible for consideration through a Standby Advisory Board (STAB). If TAG disapproves the appeal and upholds the denial, the Soldier is notified by the chain of command and no further action is required.

3. Maintain denial of promotion consideration documents (DA 4187 and DA 4856) at the unit level and at the approval level for no less than five years. These documents are inspectable items and must be available upon request by the proper authority.

4. All denial documentation must be submitted with the Promotion Eligibility Roster (PER) to the J1 EPM assets mailbox ([ng.mn.mnarnq.mbx.assets-j1-epm@mail.mil](mailto:ng.mn.mnarnq.mbx.assets-j1-epm@mail.mil)). Any Soldiers denied consideration on the PER without supporting documentation submitted to J1 EPM assets mailbox will be boarded at the scheduled promotion board and included on the promotion list. Reference enclosures 9 and 12 for submission and suspense dates.

5. Approved denials of consideration expire with the promotion list for which initiated.