

DISHONEST EVALUATIONS: AN ETHICS-BASED ANALYSIS

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Dishonest Evaluations: An Ethics-Based Analysis

The purpose of this paper is to demonstrate how the Army can reduce dishonest Noncommissioned Officer Evaluation Report (NCOER) information, specifically height and weight data, using a rules, outcomes, and values ethical analysis. Senior NCO promotion board After Action Reports (AARs), since 2014, have commented on a pattern of deliberate variance in height and weight data throughout Soldiers' careers, indicating manipulation to meet the standards of Army Regulation 600-9. The FY14 SFC promotion board, for example, discovered Soldier's heights "varying by as much as three inches...to remain within body composition," while the FY15 SFC board AAR more pointedly describes Soldiers height increases "often corresponding with an increase in weight," (Secretariat, 2014, p. 3; Secretariat, 2015, p. 3). The FY16 Master Sergeant board noted NCOs "progressively getting taller with each rating period" (Secretariat, 2016, p. 3). This pattern shows a widespread willingness of some Noncommissioned Officers (NCOs) to tell "white lies" in their duties as raters or senior raters, adjusting data to help subordinates but undermining the Army's evaluation system. When viewed through the three ethical lenses (rules, outcomes, and values), the ethical problem of false data on NCOERs can be solved by aggressive communication of standards and punishments if they are violated, automating the input of NCOER height and weight data from a centralized database, and random third-party execution of height and weight evaluations. The cause and impact on the force require this comprehensive solution.

Root Cause and Impact on Force

The root cause of deception on NCOERs is a phenomenon known as ethical fading. Ethical fading occurs when a Soldier convinces himself that concepts of right or wrong don't apply to a situation that otherwise represent a serious ethical dilemma (Strategic Studies, 2015).

Pressure to protect a Soldier's career, an environment where dishonesty is pervasive or unwillingness to "fail" a Soldier during a height/weight evaluation all combine to blind the Soldier to their own ethical failure; the Soldier knows they are violating an administrative requirement, and the implications to the rated Soldier, but does not see the moral components of their action (Tenbrunsel, 2004). For an NCOER, ethical fading occurs when the rater sees height and weight data not as an ethical obligation but as just another meaningless burden that should not be used to harm the rated Soldier. Ethical fading is empowered when there is psychological distance between the Soldier and the actual act of lying (Strategic Studies, 2015). In the case of NCOER data, this distance is the difference between the seemingly harmless act of sloppy measurement of a Soldier's height (giving him an inch or two extra) and actually lying to the Soldier's CSM that the Soldier meets height and weight requirements. Ethical fading leads to decisions which lack integrity and courage, blinding Soldiers to how their lack of integrity impacts the force.

This ethical problem impacts the force in three ways: allowing the progression of Soldiers who fail to meet Army standards, contributing to the growing epidemic of obesity in the Army, and, finally, fostering an environment where NCOs live in hypocrisy of the values they must live by. First, NCOs who have falsely recorded height and weight data on their NCOER are looked at more favorably on promotion boards. The FY16 MSG promotion memorandum of instruction to board members, for example, instructs members to find the most physically fit leaders who "maintain standards" and who "lead by example," (ACoS, G1, 2016, p.3). A "No" on an NCOER, indicating failure to meet height and weight standards, would flag a Soldier from promotion and prevent the escalation of their career. Second, lying on height and weight data gives the Command and Soldier a false impression of their physical fitness. A recent study

showed the Army to have record levels of obesity in its ranks, with one in ten Soldiers overweight (Tilghman, 2016). Finally, NCOs must be the ethical standard bearers of their units. Lying, regardless of how serious or innocuous the lie is perceived, erodes the credibility of the NCO Corps and makes leaders hypocrites who will fail to have the respect of their Soldiers on the battlefield. The rules-based ethical lens shows a clear path to restoring the Corps' credibility.

Rules-Based Analysis: The Regulations Are Clear

A rules-based analysis reveals regulatory guidance for collecting and annotating height, weight and AFPT data on NCOERs, and a need to aggressively see these standards enforced. Army Regulation 600-9 (AR 600-9) clearly states how Soldiers should be weighed and their body composition assessed. AR 600-9, paragraph 3-4, for example, details how the results are recorded (either on a DA Form 705 or centralized roster for weight, and on a DA Form 5500 or 5501 if a body fat assessment is required) (AR 600-9, 2013). The regulation's Appendix B also has unambiguous directions on how height and weight are collected, as well as collection of data to determine body fat composition (such as "the Soldier will stand on a flat surface with the head held horizontal," and specific rules for when to round up or down up to a half inch in height) (AR 600-9, Appendix B, p. 20). These clear rules leave no room for a Soldier's height to fluctuate by several inches throughout their career.

Next, the Army requires this height, weight and body composition data to be recorded on the Soldier's Noncommissioned Officer Evaluation Report (NCOER). Department of the Army Pamphlet 623-3, table 3-9 again contains clear, unambiguous language that leaves no discretion to raters as to what information must be recorded. Raters must record the data collected under AR 600-9 "as of the unit's last record weigh-in" on Part IV, block b, DA Form 2166-9-2 (the revised NCOER form required for Senior NCOs) (DA Pam 623-3, table 3-9, p. 101). When

viewed through the rules ethical lens, the standards are well-defined and easily accessible to any Soldier conducting either a weigh-in or completing an NCOER. The ethical lapses must either occur with the Soldiers conducting the weigh-in or the rater. A solution must combat ethical fading by clearly conveying standards and show Soldiers they are not merely entering the wrong administrative data but violating Army regulations, punishable by the Uniform Code of Military Justice. An outcomes ethical lens discards these clear, unwavering standards in favor of seeking an outcome which benefits the most Soldiers.

Outcomes-Based Analysis: Short-Term Help for Long-Term Harm

In an outcomes-based ethical analysis, the ultimate goal is to provide the greatest good for the most people; in the words of John Stuart Mill, the father of outcomes-based ethics, “do whatever results in the greatest utility,” or good to society (Roth, 1994, p. 894). Outcomes-based ethics seeks to avoid pain and find a solution that benefits both the individual and their fellow citizens (Sidgwick, 1886). A rater could justify to themselves adjusting height and weight data on an NCOER, for example, by assuming the lie benefits at least one Soldier (the overweight NCO) and harms no one else, and could help others (the Soldier’s family) from harm. When using outcomes-based ethics, however, Sergeants Major must be certain of who benefits from the decision and who could be harmed; lying on an NCOER may not benefit the rated Soldier at all, and could harm both the Soldier, the NCO Corps, and the Army.

When viewed through the outcomes-based ethics lens, the ethical problem of lying on NCOERs becomes clear. While short-term pain is avoided by giving a Soldier a decent NCOER that avoids the “No” statement on whether height/weight standards have been met, long-term both the Soldier, NCO Corps and the Army as a professional institution is harmed. The Soldier has not been given appropriate consequences of failing to remain fit, and will then progress

through the ranks, possibly to promotion or to school. Further, the deception makes a mockery of the Army's body composition program that invests time and resources into monitoring Soldier fitness and ensuring overall readiness of the force. The solution must benefit the greatest number of Soldiers, with the realistic view that stricter enforcement of height/weight data on NCOERs will negatively impact some Soldiers (stopping promotion, triggering review by a Qualitative Management Program board, or ending their careers). The last lens, Values, will give a final perspective on this solution and reinforce integrity and personal courage in the Army.

Values-Based Analysis: Integrity and Personal Courage In Practice

The Army's application of virtues ethics are the Army Values, defined in ADRP 6-22 as guideposts for Soldiers to "make the right decision in any situation" and "willingly doing what is right," (ADRP 6-22, 2012, p. 3-1, 3-5). The Army Values strive for Socrates' ideal of a virtuous Soldier who does what is right out of instinct (Irwin, 1995). Duty and integrity are two of the seven Army Values most applicable to NCOs lying on NCOER height and weight data. Duty requires Soldiers to "fulfill the purpose, not merely the letter," of orders, fulfilling all their obligations to the Army and doing what is right (ADRP 6-22, p. 3-2). Duty requires Soldiers conducting weigh-ins and raters completing an NCOER to strictly adhere to regulatory requirements. Integrity requires Soldiers to "do what is right, legally and morally," (ADRP 6-22, p. 3-3). Integrity demands all Soldiers involved in the weigh-in and NCOER process to be honest "in word and deed (ADRP 6-22, p. 3-3). The values ethical lens requires a solution which ensures Soldiers are doing their duty to keep the force fit, and instills integrity back into the height and weight and NCOER process. The solution that follows will accomplish this, and meet the requirements of the other two ethical lenses.

Solution

Each ethical lens offers a component to a solution. Through the rules-based ethics lens, the regulatory standards in AR 600-9 and DA Pam 623-3 are clear. NCOs must follow these standards knowing that to fail to do so (in the hope of helping themselves or another NCO) creates an ethical dilemma and violates the Uniform Code of Military Justice. To solve this problem, NCOs must be given instruction on the proper height/weight administrative requirements for an NCOER, and the repercussions (possible punishment under the UCMJ) for falsifying an official record (DA 705, DA 5500 or 5501 or the NCOER itself) and/or violating an Army regulation. Second, the solution must provide the greatest good. The Army must link the NCOER creation process to databases (such as the Digital Training Management System, (DTMS)) to eliminate discretion from the rater as to information placed on the NCOER. This Army-wide solution would provide the greatest good for the force, providing more accurate information on Soldier fitness to promotion boards and raters, and provide harm only to those Soldiers who truly do not meet AR 600-9 standards. Finally, the values-based ethical lens indicates that duty and integrity must be reinforced, and verified they are present in today's NCOs. A third-party (such as a Division or Brigade-level cell of NCOs), capable of inspecting a unit's height and weight records and conducting occasional height and weight evaluations for subordinate units, could reinforce the proper standards and offer accountability that NCOs are truly doing their duty with integrity. This cell would provide an unbiased assessment of a unit's height and weight program, and combined with widely published repercussions of violating Army height and weight policies and regulations, and automated height and weight input onto an NCOER, could eliminate the ethical problems identified by promotion boards since 2014.

Conclusion

The ethical problem of dishonest height and weight information on NCOERs, caused by ethical fading, contributes to the Army's overweight population and promotes a culture of data manipulation to protect Soldiers not meeting basic standards. When viewed through the three ethical lenses, a solution becomes clear. Reiterating standards and the repercussions of not following those standards, linking NCOER height and weight data to training databases, and using unbiased, third party cells to periodically check and conduct unit weigh-ins will solve this problem and bring integrity and accuracy back into the promotions and body composition process.

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