



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

■
Docket No. 2366-22
Ref: Signature Date

██████████
██████████
██████████

Dear ██████████:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 6 July 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 26 May 2010 you enlisted for 8 years in the U.S. Naval Reserve and entered active duty on 24 August 2010.

On 16 June 2015 you were issued official change duty orders (BUPERS order: 1675) while stationed in ██████████, with an effective date of departure of July 2015. Your ultimate activity was ██████████ for duty under instruction with an effective date of arrival of 18 August 2015 and a graduation date of 31 Mary 2017. On 27 July 2015 you arrived to ██████████ for duty under instruction.¹

¹ In accordance with Program Authorization 115B of October 2011, selectees entering a training program will incur a minimum active duty obligation of three years for the first year or any part of the first year of training, and six months for each additional six months or any part of six months of additional training.

On 26 September 2016, Commanding Officer, █
█ notified █ Specialty Leader that you were strongly recommended for Residency. Your current academic success indicated that you were a highly competitive applicant for the program.²

On 21 April 2017, you were issued official new appointment orders (BUPERS order: 1117) while residing at █. Intermediate activity (1) was █ for temporary duty under instruction with an effective date of arrival 5 June 2017. Intermediate activity (2) was █ for temporary duty with an effective date of arrival 8 July 2017. Intermediate activity (3) was █ for temporary duty under instruction with an effective date of arrival 13 August 2017. Ultimate activity was █ for duty with an effective date of arrival of September 2017.

You were honorably discharged from active duty from the U.S. Navy and were issued a DD Form 214 for the period of 24 August 2010 to 11 May 2017 upon accepting commission in same branch of service.

On 12 May 2017, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/4) in the active U.S. Navy as a Lieutenant Junior Grade with a day of rank 12 May 2017 with a designator code of 2300 (Medical Service Corps Officer).

On 15 September 2017, you transferred from █, and arrived to █
█ for duty.

On 4 October 2019, you received a certificate of residency upon completion of residency training in U.S. Navy Diagnostic Medical Physics for the period of 27 September 2017 to 4 October 2019.

On 21 January 2020, you were issued official change duty orders (BUPERS order: 0210) while stationed in █, with an effective date of departure of September 2020. Your ultimate activity was █ for duty with an effective date of arrival of October 2020.

On 27 January 2020, █ Specialty Leader Head, █ Bureau of Medicine and Surgery informed you that you were accepted straight into the Medical Physics residency program from your Medical Service Corps (MSC) In-service Procurement Program (IPP) master's degree at █ which the Navy paid for and you incurred a 4-year obligated

² In accordance with DoDI 6000.13 of 30 December 2015, Long-Term Health or Health-Related Education and Training Active Duty Obligation (ADO). For long-term health or health-related education and training programs: (a) Participants of partly funded long-term baccalaureate degree education or partly funded non-degree education and training in a military or civilian institution (i.e., participants receive only pay and allowances from their Military Department) will incur an ADO of 2 years for the first 2 years or portion thereof. Participation for periods of more than 2 years will result in an additional ADO of 26 weeks for each additional half-year or portion thereof. An ADO incurred for non-degree producing education or training may be served concurrently with an ADO incurred for the Armed Forces Health Professions Scholarship Program (AFHPSP).

Time spent in military internship or residency training or other similar health related education and training programs as identified in the health professions special and incentive (HPS&I) pay plan will not satisfy an AFHPSP or Financial Assistance Program ADO.

service. The residency program was an additional two years of training or full-time in-service training which your command did not allow you to participate in other activities and fully considered you in a "training status" exactly as the other Duty Under Instruction (DUINS) students. You were afforded the same privileges as a DUINS student during that time and were not pulled for hot-fill positions when needed due to your "training" status when you could have been, based on the type of orders you sent him. Furthermore, on 29 January 2020, he explained to you that he believed that because you were in the training Unit Identification Code (UIC) at the hospital and not the regular UIC and you were rated against other residents and not the regular MSC officers, you were considered a DUINS student and not in a duty status.

On 1 October 2020, you transferred and arrived to █ for duty.

On 23 May 2022, Bureau of Medicine and Surgery responded to █ that you completed four months of short-term trainings from June 4, 2017 to September 15, 2017. The training opportunities were required and were credited towards your graduate degree obligation, leaving three years and eight months remaining on your original Obligated Service Date (OSD). You were in residency at █ from September 27, 2017 to October 4, 2019 in the Navy Diagnostic Medical Physics program. You received an obligation of three years and six months for the residency, to be served concurrently with your initial MSC-IPP four year obligation. However, time spent in residency does not count towards payback of an obligation, therefore your time in residency did not count towards any of your obligations. Active Duty Obligations (ADO) will be fulfilled in the order in which they are incurred unless otherwise specified. No portion of an ADO may be satisfied during any period of long-term health or health-related education or training. Your obligation after residency gave you an OSD of November 1, 2023. You were credited for the initial four months of short-term training you completed before your residency, which changes the OSD to July 1, 2023.

You requested to correct your OSD to October 2021. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion that time spent at █ should have counted towards your OSD due to your orders not being Full Time In-Service, nor did you apply for DUINS. However, the Board majority concluded that despite the type of orders you received, you were in the training UIC at the hospital and you were rated against other students, not other MSC officers; therefore, you were considered a DUINS student and you incurred additional obligated service for your health related training. Furthermore, your time in residency does not count towards fulfilling your obligation. Finally, the Board concluded that you were properly credited for the short term training you completed prior to your residency and that your new OSD is 1 July 2023.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in

mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

7/23/2022



Deputy Director

Signed by: 