



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

██████████
Docket No. 5160-23
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 1 February 2024. 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. In addition, the Board considered the advisory opinion contained in Bureau of Medicine and Surgery memorandum 5400 Ser N13/23UN11504 of 18 August 2023 and your response to the opinion.

On 11 May 2007, you were awarded Doctor of Medicine from ██████████.

On 11 May 2007, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as a Lieutenant with a day of rank 11 May 2006 with a designator code of 2100 (Staff Corps Officer billet requiring Medical specialty).

On 20 June 2012, you transferred from ██████████, and arrived to ██████████
██████████ on 1 July 2012 for duty (Residency).

On 25 February 2014, you were issued official change duty orders (BUPERS order: 0564) while stationed in ██████████ with an effective date of departure of June 2014. Your ultimate activity was ██████████ for duty with an effective

date of arrival of July 2014 with a Projected Rotation Date (PRD) of July 2017. Report as BSC: 02580 HS RES.

On 27 June 2014, you transferred from [REDACTED], and arrived to [REDACTED] on 18 July 2014 for duty (Fellowship).

On 6 November 2014, Commanding Officer, [REDACTED] notified Commanding Officer, [REDACTED] that, "[REDACTED], MC, USN has voluntarily withdrawn from the Pulmonary Critical-Care fellowship training program at [REDACTED], effective 6 November 2014. [REDACTED] has had a change in personal and professional goals and feels that it is in his best interest and that of the program to withdrawal from residency training. [REDACTED] is in good academic standing at this time with no concerns noted as his performance. [REDACTED] has carefully considered this decision in counseling with his program director, advisor, and the Director for Professional Education. They supported his request to withdraw from graduate medical, education and the Graduate Medical Education Committee reviewed and unanimously accepted his request for voluntary withdrawal from training."

On 18 November 2014, Commanding Officer, [REDACTED] notified Commander, Naval Personnel Command (PERS-4415P) that, "[REDACTED], a Pulmonary Critical-Care fellow at [REDACTED] has voluntarily withdrawn from training, effective 6 November 2014, per [REDACTED] letter 1500 Ser 14DPE of 6 November 2014.

In accordance with the provisions of DoD Instruction 6000.13 of 30 June 1997, [REDACTED] has incurred a three year and 11-month active duty obligation for participation in Navy Graduate Medical Education. His obligated service date is adjusted from July 2022 to November 2018."

On 19 December 2014, you were issued official change duty orders (BUPERS order: 3544) while stationed in [REDACTED] with an effective date of departure of January 2015. Your ultimate activity was [REDACTED] for duty with an effective date of arrival of February 2015 with a PRD of August 2017. Report as BSC: 11110 Internist.

On 28 January 2015, you transferred from [REDACTED], and arrived to [REDACTED] on 20 February 2015 for duty.

On 17 June 2015, Chief, Bureau of Medicine and Surgery notified you via Commanding Officer, [REDACTED] that, "Pursuant to the authority in OPNAVINST 7220.17 and NAVADMIN 226/14, your letter 7220 of 29 May 2015 with enclosure is approved for Internal Medicine for four years at \$35,000 per year effective 1 July 2015. You are required to maintain privileges and practicing the specialty listed during the period of this agreement. Failure to do so could result in recoupment of unearned funds.

Based on our records and the information you submitted in your request for Multiyear Special Pay (MSP), you have an obligation of November 2018 for training, and your new obligated service date for this MSP is November 2022.

This contract is binding upon approval and receipt of your first payment. The fiscal year this MSP service agreement becomes effective determines your eligibility for ISP in the amount of \$20,000 for the duration of this MSP service agreement.”

On 1 June 2017, you were issued official change duty orders (BUPERS order: 1527) while stationed in [REDACTED] with an effective date of departure of August 2017. Your ultimate activity was [REDACTED] for duty with an effective date of arrival of September 2017 with a PRD of September 2020.

On 25 August 2017, you transferred from [REDACTED], and arrived to [REDACTED] on 1 September 2017 for duty.

On 18 June 2019, BUMED, Director, Total Force notified you via Commanding Officer, [REDACTED] that, “Pursuant to the authority in OPNAVINST 7220.17 and NAVADMIN 295/18, your letter of 1 June 2019 with enclosure is approved for General Internal Medicine for four years at \$35,000 per year effective 1 July 2019.

Based on our records and the information you submitted in your request for RB, you have an obligation service date of November 2022 from your previous contract and your new obligated service date for this RB agreement is November 2026.

This contract is binding upon approval and receipt of your first payment. The fiscal year this RB service agreement becomes effective determines your eligibility for the rate of IP in the amount of \$43,000 for the duration of this RB service agreement.”

On 1 July 2020, you transferred from [REDACTED], and arrived to [REDACTED] on 7 July 2020 for duty.

On 7 July 2023, you transferred from [REDACTED], and arrived to [REDACTED] on 17 July 2023 for duty.

On 25 January 2024, Military Personnel Plans & Policy (N132) notified BCNR that, “[REDACTED] residency and Fellowship dates as verified in FLT MPS are as follows: [REDACTED]: 1 July 2012 - 27 June 2014, and [REDACTED]: 18 July 2014 - 28 January 2015.

The time from the member’s fellowship does not count towards his residency Active Duty Obligation (ADO). The member was accepted into a different program which acquired its own obligation. The obligations are served consecutively.”

Per [REDACTED] Advisory opinion, Enclosure 3, paragraph 4 (d.) (3) (a) of the DODI 6000.13 of 30 December 2015 explicitly states, “A Service member attending sponsored

[graduate professional education (GPE)] in a military or affiliated program will incur an ADO of one-half year for each half year or portion thereof; however, the minimum ADO is 2 years.” Further, the instruction states, “The GPE ADO will be serviced consecutively with other ADOs incurred for additional GPE training.”

You requested to reduce your Active-Duty Obligation date to November 2024 or February 2025, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you trained for only 3 months and did not complete the program; therefore, you should have incurred time for only that which you completed. Furthermore, you claim that, “The language in my active duty agreement was unclear and I understood that my obligation was 6 months for every 6 months trained with a minimum of 2 years ONLY IF PROGRAM COMPLETED.” However, the Board concluded that you completed GPE in the form of a residency which incurred a two year ADO. Subsequently, you enrolled into a fellowship program and requested to voluntarily withdraw from the program after less than six months of training. DODI 6000.13 states that the *minimum* ADO for GPE is two years. The GPE ADO will be served consecutively with other ADOs incurred for additional GPE training. Additionally, you accepted MSP effective 1 July 2015 and upon acceptance, you agreed that you had a new obligation to November 2022. Furthermore, you accepted RB effective 1 July 2019 and upon acceptance, you agreed that you had a previous obligation to November 2022 and a new obligation to November 2026 under the RB agreement. The Board determined that although you did not complete the fellowship program, the Navy calculated your ADO correctly because 2 years ADO is the minimum required under DODI 6000.13. Furthermore, when you accepted payment for each bonus, you agreed to each obligation listed. Therefore, a change to your ADO is not appropriate. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

2/12/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]