



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02033

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. His Active Duty Service Commitment (ADSC) date reflects 24 October 2028 rather than 24 October 2031.
2. He is able to amend, or append the Retention Special Pay Agreement dated 2 November 2020, to reflect that the ADSC of 24 October 2028 agreement is correct.

APPLICANT'S CONTENTIONS

He submitted a Retention Bonus (RB) - renegotiation contract with an effective date of 26 October 2020 and his service obligation required for the contract was calculated to 24 October 2028. However, an audit was completed in November 2020 which resulted in a recalculation of his ADSC to 24 October 2031. The audit indicated that his ADSC had been miscalculated in 2013 and added three years from a previously terminated contract to the 2020 contract obligation. The audit's recalculation resurrected a service obligation which was terminated in 2013, requiring him to serve the remaining time of the contract.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force major (O-4).

According to the documents provided by AFPC/DP2N and the applicant's records:

With an effective date of 20 August 2012, the applicant signed a Retention Bonus (RB) – Consolidation of Special Pays (CSP) for Selected Health Professions Officers (HPOs) of the Biomedical Sciences Corps (BSC) Contract Request for a four-year Incentive Pay/Retention Bonus, establishing an ADSC of 19 August 2016.

On 10 March 2013, the applicant signed an Armed Forces Health Professions Loan Repayment (AFHLRP) contract, which states a two-year Active Duty Obligation (ADO) would be added to his current ADO of 19 August 2016, giving him a new ADO of 19 August 2018.

On 14 February 2013, the FY13 Biomedical Sciences Corps (BSC) Consolidation of Special Pays (CSP) Pay Plan was released and states, ADSCs for Retention Bonus will be served after (consecutive to) existing ADSCs for initial medical education and training, Accession Bonus, or HPLRP have been completed.

With an effective date of 20 August 2013, the applicant signed a CSP RB BSC Contract Request on 7 August 2013, requesting a four-year IP/RB with an ADSC end date of 19 August 2018; however, based on the consecutive ADSC commitment from his AFHLRP, DP2N indicates that the ADSC end date should have been 19 August 2022.

With an effective date of 20 August 2015, a four-year renegotiated CSP IP/RB contract was signed by the applicant and the applicant was given an obligation start date of 20 August 2017 with an ADSC of 19 August 2021; however, based on the consecutive ADSC commitment from his AFHLRP contract, DP2N indicates he should have had an obligation start date of 20 August 2020 and an ADSC end date of 19 August 2024.

With an effective date of 20 August 2017, a four-year renegotiated CSP IP/RB contract was signed by the applicant and the applicant was given an obligation start date of 20 August 2021 with an ADSC of 19 August 2023; however, based on the consecutive ADSC commitment from his AFHLRP contract, DP2N indicates he should have had an obligation start date of 20 August 2022 and an ADSC end date of 19 August 2026.

With an effective date of 1 February 2019, a six-year renegotiated CSP IP/RB contract was signed by the applicant and the applicant was given an obligation start date of 31 January 2021 with an ADSC of 30 January 2027; however, based on the consecutive ADSC commitment from his AFHLRP contract, DP2N indicates he should have had an obligation start date of 1 February 2024 and an ADSC end date of 31 January 3031.

With an effective date of 26 October 2020, a six-year renegotiated CSP IP/RB contract was signed by the applicant and the applicant was given an obligation start date of 25 October 2022 with an ADSC of 24 October 2028; however, based on the consecutive ADSC commitment from his AFHLRP contract, DP2N indicates he should have had an obligation start date of 26 October 2025 and an ADSC end date of 25 October 3031.

According to the Military Personnel Database System (MilPDS), the applicant's record currently reflects an ADSC end date of 24 October 2031.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C and F.

APPLICABLE AUTHORITY/GUIDANCE

Department of the Air Force Manual (DAFMAN) 36-2100:

4.3.9. Resolving an ADSC discrepancy (Formal Review Process) (OPR: AFPC/DP2LT). It is vital that members and the Air Force quickly resolve ADSC issues surfaced by the member, record reviews, or other means. The FSS does not make the final decision on ADSC issues, but should advise members of the information discovered. The FSS and/or the member ensures a review of the member's record is complete and at a minimum complete the following actions:

4.3.9.1. Review the member's ADSC documentation.

4.3.9.2. Contact the Flight Management Office for record of all flying training the member has completed.

4.3.9.3. Contact the Education Center to verify all ADSCs for tuition assistance are properly recorded.

4.3.9.4. Ensures the Automated Record Management System contains the appropriate AF Form 63 and, if missing, follows the steps in paragraph 4.3.4.

4.3.9.5. The FSS, during initial notification sends the supporting documents to AFPC/DP2LT and requests a review of the ADSC in question.

4.3.9.6. Upon receipt of AFPC/DP2LT's review response, the FSS notifies the member of the results and provides a copy to the member.

4.3.9.7. If the member disagrees with the AFPC/DP2LT ADSC decision, the FSS will notify AFPC/DP2LT. AFPC/DP2LT will forward the case to AFPC/DP3DA for an additional review. (T-2).

4.3.9.8. AFPC/DP3DA will then adjudicate the case. If the answer is clear that the member should incur the ADSC, AFPC's adjudication is final. However, if there is any question to applicability, AFPC/DP3DA will forward the case to AF/A1P for further staffing.

4.3.9.9. AF/A1P will facilitate staffing the request to SAF/MR for final adjudication. Note: A proper package should include all relevant information regarding why a member should or should not receive the ADSC.

4.3.9.10. In cases where there is a question regarding applicability of the ADSC, the decision of SAF/MR is binding.

FY13 BSC CSP Pay Plan

1.6. Contract Renegotiation.

1.6.1. Subject to acceptance by AF/SG, an officer with an existing contract may terminate that contract to enter into a new (renegotiated) multi-year contract with a longer obligation at the payment rate in effect at the time of execution of the new contract. Any unearned portion of the terminated contract will be recouped by Defense Finance and Accounting Services (DFAS). Contracts may not be renegotiated to obtain a shorter ADSC, a lower payment rate, or for purposes of assignment or separation.

1.6.2. Single year contracts cannot be renegotiated but should be renewed annually and submitted prior to expiration. Eligibility for payment will terminate upon expiration of the contract unless renewed appropriately by the officer. For example, a single year contract with an

FY20 BSC CSP Pay Plan

1.4. Contract Renegotiation.

1.4.1. Subject to acceptance of the contract, an officer with an existing contract may terminate that contract to enter into a new (renegotiated) multi-year contract with a longer obligation at the pay rate in effect at the time of execution of the new contract. Any unearned portion of the terminated

contract will be recouped. Contracts may not be renegotiated to obtain a shorter ADSC or for purposes of assignment or separation.

1.4.2. Renegotiation of a contract must result in a longer ADSC (contract). Because bonuses are provided in 1 year increments, this means a renegotiation must provide “at least one additional year” of ADSC. Otherwise, providing a member a new contract with a higher rate of pay without any additional consideration for the Government (ADSC) would be tantamount to an unauthorized gift.

AIR FORCE EVALUATION

AFPC/DP2N recommends denying the application. Based on the analysis of the facts, there is no evidence of an error or injustice. The applicant submitted and signed a Renegotiation Incentive Pay (IP)/RB Multi-year contract on 26 October 2020 for six years with an RB ADSC 24 October 2028, and submitted in myPers on 18 November 2020.

The Medical Special Pay office was directed to complete a 100 percent audit on all RB ADSCs which started in July 2020 and completed the audit by December 2020. At the time of contract submission, the applicant’s ADSC was not accurate/correct and based on the audit, DP2N had to adjust and update all his records from 2013 IP/RB multi-year contract to 26 October 2020, correcting his ADSC to 25 October 2031 rather than 24 October 2028. The applicant was under the impression that when renegotiating, the previous contract is terminated which is not the case especially when you have a “Consecutive ADSC” added to your RB. Per FY13 BSC CSP Pay Plan 14 February 2013 paragraph: 4.2.1.4. “The RB ADSC will be served after (consecutive to) existing ADSCs for initial or medical education and training, ABs, or Health Professions Loan Repayment Program (HPLRP) have been completed.” The applicant submitted an IP/RB Multi-Year Contract effective 20 August 2013 for four years, at that time the applicant’s HPLRP ADSC was 20 August 2018 (plus four years), applicant’s RB ADSC was 19 August 2022, and RB ADSC was updated erroneously in Military Personnel Data System (MilPDS) at that time causing all his future records to be incorrect. The applicant was renegotiating every two years and never completed his contract and his RB ADSC commitment. As a result, the RB ADSC was being carried over every time he renegotiated into a new contract.

The complete advisory opinion is at Exhibit C.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 13 July 2021 for comment (Exhibit D), and the applicant replied on 9 August 2021. In his response, the applicant contended the audit conducted in late 2020 is in error because it applied a rule which does not explicitly relate to the circumstances of the 2013 contract renegotiation which he submitted. The result of applying this rule to the 2013 contract in the 2020 audit will require him to serve the remaining three years from a 2012 contract which had been terminated when the 2013 contract was executed and for which he received no compensation. This manner of applying the rule causes the contract to violate the “good faith” legal principle by which all contracts - including contracts with the Federal government are required to adhere. The advisory opinion asserted that his service obligation was updated erroneously upon the execution of the 2013 contract because the 2013’s four years must be added after his other ADSCs. However, this goes far beyond the clear intent of ensuring RB and HPLRP obligations are served consecutively and instead requires him to serve three years for

the 2012 contract, which the government terminated and stopped making payment toward when the 2013 RB contract was accepted and executed. Furthermore, the date as calculated and updated in MilPDS when the 2013 contract was executed (19 August 2019), accurately reflected the subtraction of the remaining three years from the terminated 2012 RB contract, the addition of four years for the new 2013 RB contract, plus the two years for HPLRP. Ultimately, the date that was reported in MilPDS following the execution of the 2013 RB contract “renegotiation” (19 August 2019) fully complied with the FY13 Special Pay Plan and the 2009 DoD DTM’s requirement that any RB service obligation be served consecutive to the two-year HPLRP obligation. The 2020 audit introduced error by obligating him to serve three years without compensation for a terminated contract.

The applicant’s complete response is at Exhibit E.

ADDITIONAL AIR FORCE EVALUATION

AFPC/DP2N provided an updated advisory but maintains their recommendation to deny the application; however, they state there is evidence of an error or injustice on the part of the government. In this regard the Special Pays team miscalculated the service commitment for the applicant’s 2015 contract causing the service commitment dates for his future contracts to be in error. However, it is the applicant’s responsibility to read the pay plan, understand their service commitments and ask questions if they are unsure about their medical special pay options. Nevertheless, despite any oversight of either the applicant and or the Medical Special Pays office, the applicant still has an obligation to serve out his service commitment of 25 October 3031.

In addition to the advisory, AFPC/DP2N provided the audit folder which included all the contracts from 2013-2020 along with the corrections to his ADSCs HPLRP Contract.

The complete advisory opinion is at Exhibit F.

APPLICANT’S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 15 April 2025 for comment (Exhibit G), and the applicant responded indicating both the advisory opinion and the December 2020 audit fail to account for the fact that the two-year HPLRP ADSC expiring on 20 August 2018 had been added to the ADSC of a previous four-year retention contract which was terminated on 20 August 2013. That retention contract originally ran from 20 August 2012 through 19 August 2016, and the HPLRP ADSC was added to the end of it, resulting in the cited 20 August 2018. However, because the 2012 retention contract was terminated on 20 August 2013 when the new retention contract was executed, the only remaining service obligations at that time were four years running from 20 August 2013 through 19 August 2017 for the 2013 retention contract and two years from 20 August 2017 for HPLRP. Therefore, the correct final ADSC was 19 August 2019. While the ADSC calculations annotated on the top of the 2013 contract are not described in detail, each subsequent contract was uploaded to his record with an “ADSC Computations” worksheet. In each case, the arithmetic shows step-by- step how consecutive ADSCs were maintained: first, the remaining HPLRP ADSC was deducted from the previous retention contract’s total ADSC to obtain a starting commitment of two years. Next, the new retention contract’s ADSC was added to the HPLRP commitment to obtain a total duration of combined (consecutive) commitments. Then the new final obligation date was calculated by adding the total duration of commitments to the date of the new contract’s execution.

FINDINGS AND CONCLUSION

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. While the Board notes the recommendation of AFPC/DP2N against correcting the record, the Board finds a preponderance of the evidence substantiates the applicant's contentions. The Board notes the Special Pays team miscalculated the service commitment for the applicant's 2015 contract causing the service commitment dates for his future contracts to be in error. Based on the FY13 BSC CSP Pay Plan, the applicant should have been given a consecutive ADSC, which would have begun at the end of his ADSC of 19 August 2018 for his HLRP contract. As such, the applicant should have received a four-year ADSC beginning on 20 August 2018 and ending on 19 August 2022. The Board believes the applicant made decisions based on the error. Therefore, the Board recommends correcting the applicant's records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his Retention Bonus Active Duty Service Commitment reflect 24 October 2028 rather than 25 October 2031.

CERTIFICATION

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2021-02033 in Executive Session on 6 December 2021 and 30 May 2025:

Work-Product	, Panel Chair
Work-Product	, Panel Member
Work-Product	, Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 27 April 2021.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2N, w/atchs, dated 25 June 2021.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 13 July 2021.
- Exhibit E: Applicant's Response, w/atchs, dated 9 August 2021.
- Exhibit F: Advisory Opinion, AFPC/DP2N, w/atchs, dated 6 January 2023.
- Exhibit G: Notification of Advisory, SAF/MRBC to Applicant, dated 15 April 2025.
- Exhibit H: Applicant's Response, w/atchs, dated 21 April 2025.

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Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

7/30/2025

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Board Operations Manager, AFBCMR

Signed by: USAF

AFBCMR Docket Number BC-2021-02033

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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