

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-03649

XXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He receive Medical Incentive Pay and Board Certification Pay (IP/BCP) for an active duty deployment from 24 Apr 20 through 3 Aug 20.

APPLICANT'S CONTENTIONS

He deployed as a physician with United States Central Command (USCENTCOM), and was entitled to IP/BCP totaling \$15,277. The applicant received the entitlement for multiple past deployments; however, neither he nor his chain of command was aware of the new Air National Guard (ANG) administrative process. The National Guard Bureau (NGB) acknowledged the oversight and advised the effected personnel to hold off on a missing pay appeal while they worked on a remedy for the flawed pay order. On 22 Feb 21, the applicant was instructed to submit the appeal to AFBCMR.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air National Guard colonel (O-6).

According to the documents provided by the applicant:

On 15 Mar 20, the applicant signed an *Incentive Pay/BCP Application*, and certified that he qualified for the annual prorated amount of \$49,000 for IP, and \$6,000 for BCP.

On 15 Mar 20, the applicant completed the *Certification of Eligibility Health Professionals Board Certification Pay (BCP) for the Reserve Component (Flight Surgeons)*, and acknowledged that he was eligible for the prorated portion of \$6,000 during the period of 24 Apr 20 through 3 Aug 20.

On 15 Mar 20, the applicant completed the *Written Agreement Health Professionals Incentive Pay (IP) for Flight Surgeons in the Reserve Component*, and acknowledged that he was a fully trained flight surgeon and eligible for the prorated portion of \$49, 000 pro-rated at 1/30th the monthly rate for any period which he was entitled to basic pay pursuant to 37 USC § 204 or 37 USC§ 206.

From 24 Apr 20 through 3 Aug 20, according to Order Number XXXXXX, provided by the applicant, dated 14 Jul 20, the applicant completed active duty – voluntary contingency (MPA) Title 10 USC 12301 (d) orders in support of Operation Freedom Sentinel.

For more information, see the applicant’s complete submission at Exhibit A, the applicant’s military records at Exhibit B, and the advisory at Exhibit C.

AIR FORCE EVALUATION

NGB/SGXP, recommends partially granting the application. Based on the Title 10 12301 (d) contingency orders provided by the applicant confirming his deployment from 24 Apr 20 through 3 Aug 20, there is evidence of an error or injustice. In 2020, there was little guidance on how providers were required to submit an application for IP/BCP. Since that time, the Air National Guard Medical Services (ANGMS) has worked to educate guardsmen on how and when to submit IP/BCP applications.

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 20 Jan 22 for comment (Exhibit D), and the applicant replied on 21 Jan 22. In his response, the applicant states that the dates recommended by NGB for BCP and IP are fair and acceptable. However, he does note that he believes the BCP portion was miscalculated and the actual total should be \$1,800.00 versus \$152.78 and provides the following breakdown of his calculations:

April	15/30 of \$500	\$250.00
May - July	3 months	\$1,500.00
August	3/30 of \$500	\$50.00
Total		\$1,800.00

The applicant’s complete response is at Exhibit E.

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. The Board concurs with the rationale and recommendation of NGB/SGXP and finds a preponderance of the evidence substantiates the applicant’s contentions. Specifically, the applicant has provided Title 10 USC 12301 (d) active duty contingency orders, which is sufficient to justify granting the applicant’s request to receive IP/BCP pay for the period of 16 April 2020 through 3 August 2020. However, the Board notes that DFAS will review the applicable rates for BCP and IP during the period of eligibility and will determine the final

calculation for the total amounts payable. 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 the APPLICANT be corrected to show that:

1. On 15 March 2020, he submitted a Board Certification Pay (BCP) Medical Corps (MC) Contract Request for the period 16 April 2020 through 3 August 2020 and competent authority approved his application for Board Certification Pay (BCP) based on the eligible rate for the Fiscal Year 2020 Medical Special Pays.

2. On 15 March 2020, he submitted an Incentive Pay (IP) Medical Corps (MC) Contract Request for the period 16 April 2020 through 3 August 2020 and competent authority approved his application for Incentive Pay (IP) for his specialty in Emergency Medicine and based on the eligible rate for the Fiscal Year the 2020 Medical Special Pays.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-03649 in Executive Session on 15 Mar 22:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 9 Sep 21.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory opinion, NGB/SGXP, dated 19 Jan 22.
Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 20 Jan 22.
Exhibit E: Applicant Response, 21 Jan 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

X

Board Operations Manager, AFBCMR