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## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01325

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

Her medical specialty pay contract effective date be backdated to her commissioning date on 9 Jan 22.

### APPLICANT'S CONTENTIONS

She was a board certified orthopedic clinical specialist at the time of her commissioning on 9 Jan 22. She provides a certificate from the American Board of Physical Therapy Specialties showing she was board certified effective 1 Jul 21.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a captain (O-3) in the Air Force.

The applicant entered active duty on 9 Jan 22.

The applicant signed an initial FY22 Board Certification Pay (BCP) Contract Request on 21 Apr 22, with an effective date of 21 Apr 22.

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

### AIR FORCE EVALUATION

AFPC/DP2N recommends denial. Per the FY22 Biomedical Science Corps (BSC) Pay Plan, backdating contracts to previous months is not authorized. Ultimately, it is the member's responsibility to submit contracts on time, to read the Pay Plan and ask questions if they are unsure about their contracts. Further, 37 U.S.C. § 335 contains no retroactive language to allow for backdating retroactive pay.

The complete advisory opinion, with attachment, is at Exhibit C.

### APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 26 Jul 22 for comment (Exhibit D) but has received no response.

**AFBCMR Docket Number BC-2022-01325**

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## 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2N and finds a preponderance of the evidence does not substantiate the applicant's contentions. Therefore, the Board recommends against correcting the applicant's records.

## RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## 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-2022-01325 in Executive Session on 8 Nov 22:

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Panel Chair

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Panel Member

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Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 5 Oct 22.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, AFPC/DP2N, w/atchs, dated 18 Jul 22.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 26 Jul 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.

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