

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-01601

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 6 Jan 19 through 24 Feb 19, and 11 Aug 19 through 30 Sep 19.

### APPLICANT'S CONTENTIONS

He deployed as a flight surgeon to Kandahar, Afghanistan in Jan 19, and Guam in Jun 19, and was entitled to IP/BCP. The applicant holds the Primary Air Force Specialty Code (AFSC) 48R3, *Residency Trained Flight Surgeon*, and the secondary AFSC 44K3, *Board Certified Pediatrician*. While in Afghanistan, the applicant submitted documentation to receive IP/BCP. However, he was unaware of the requirement to submit the documentation while performing the active duty tour. In Dec 19, the applicant was informed the requirements changed, and he would receive IP/BCP. However, he never received IP/BCP for the deployments.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an Air National Guard lieutenant colonel (O-5).

From 6 Jan 19 through 24 Feb 19, according to Order Number XXXXXX, provided by the applicant, dated 4 Jan 19, the applicant completed active duty – voluntary contingency (MPA) Title 10 USC 12301 (d) orders in support of Operation INHERENT RESOLVE (ISIS).

On 24 Feb 19, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant completed one month and nineteen days of active service in the primary specialty 48R3, *Residency Trained Flight Surgeon*.

From 11 Aug 19 through 30 Sep 19, according to Order Number XXXXXX, provided by the applicant, dated 6 Nov 19, the applicant completed active duty – voluntary contingency (MPA) Title 10 USC 12301 (d) orders in support of Contingency: XXXXX – Theater Support Package (TSP).

On 29 Sep 21, according to The American Board of Pediatrics, provided by the applicant, dated 29 Sep 21, he is certified in General Pediatrics and was originally certified on 8 Oct 97.

On 14 Dec 21, the applicant received the Air Force Commendation Medal, for outstanding achievement from 13 Aug 19 to 17 Sep 19 while assigned to the XXXXXXXX Squadron.

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

## **AIR FORCE EVALUATION**

NGB/SGXP, recommends granting the application. The applicant is requesting to receive IP and BCP for Title 10 missions to Afghanistan from 6 Jan 19 through 24 Feb 19 and to Guam from 1 Aug 19 through 30 Sep 19. In 2019, the applicant was unaware of the requirement to submit for IP/BCP prior to the start of the two missions because the ANG Medical Service (ANGMS) did not have a published plan in place. 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 9 Jan 23 for comment (Exhibit D), but has received no response.

## **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 in the monthly amount of \$3,583.33 and BCP pay in the monthly amount of \$500.00. 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 that he received Incentive Pay (IP) and Board Certification Pay (BCP) for the period of 6 January 2019 through 24 February 2019, and 1 August 2019 through 30 September 2019.

## **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-2022-01601 in Executive Session on 7 Mar 23:

, 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 8 Jun 22.  
Exhibit B: Documentary evidence, including relevant excerpts from official records.  
Exhibit C: Advisory opinion, NGB/SGXP, dated 9 Jan 23.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 9 Jan 23.

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

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Board Operations Manager, AFBCMR