

RECORD OF PROCEEDINGS

IN THE MATTER OF:

XXXXXXXXXX

DOCKET NUMBER: BC-2022-02389

COUNSEL: XXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He receive retroactive Incentive Pay (IP) for the time period of 1 Sep 21 through 7 Sep 22.

APPLICANT'S CONTENTIONS

The date of his Air Force Specialty Code (AFSC) skill level upgrade was erroneously entered, by his unit's Commander's Support Staff, as 1 Sep 21, when it really should reflect 3 Dec 20. He has been trying to correct this error and has been unable, so he has given up on the effort. However, he did not apply for his Incentive Pay while he was pursuing this effort as he believed it would bar him from receiving any subsequent incentive pay that he might be eligible to receive.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force captain (O-3) in the Biomedical Sciences Corps (BSC).

According to documentation provided by the applicant:

On 1 Sep 21, according to AF Form 2096, *Classification/On-The-Job Training Action*, signed 14 Jan 22 by applicant and the applicant's supervisor/requesting official, his Duty AFSC (DAFSC) was redesignated as: 42G3.

Effective 1 Sep 21, according to vMPF screenshot *Duty History*, dated 8 Sep 22, provided by the applicant, his Duty AFSC reflects 42G3, Physician Assistant. His previous Duty AFSC reflects 42G1, Physician Assistant, with an effective date of 1 Aug 19.

On 8 Sep 22, the applicant signed the FY22 Consolidation of Special Pay (CSP) IP Contract request with an effective date of 8 Sep 22.

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

APPLICABLE AUTHORITY/GUIDANCE

United States Air Force Fiscal Year 2021, Biomedical Sciences Corps Consolidated Special Pay (CSP) Plan:

1.2.1.1. All CSP pay types require a contract to initiate pay. Details on contract durations and rates are provided later in the Pay Plan.

1.2.4.1. Contracts should be scanned and submitted via myPers no earlier than 60 days prior to the requested effective date. All contracts are binding upon signature and submission to AFPC Medical Special Pays. Officers with extenuating circumstances may contact the AFPC Medical Special Pays office to request approval for early submission, however, approval is on a case by case basis and contracts will not be processed any earlier. Extenuating circumstances may include inability to access internet services/scanners while deployed.

1.2.4.1.1. Individual officers must submit their own contract to myPers to ensure appropriate tracking and payment.

1.2.8. Officers must be awarded the fully-qualified (3-level) Air Force Specialty Code (AFSC) for which they're requesting Medical Special Pay prior to submitting a contract(s). AFPC Medical Special Pays office is not responsible for updating AFSCs, prefixes, or suffixes. The officer must work with the unit Commander's Support Staff (CSS) or equivalent to update his/her military record for board and specialty designators on AF Form 2096, *Classification/On-The-Job Training Action*.

3.1. Eligibility. In addition to the requirements of paragraph 1.3, a BSC officer is eligible for IP if he/she:

3.1.2. Executes a written contract to remain on active duty beginning on the contract effective date for a period of not less than one year.

3.1.4.1. Physician Assistants (PA) (42G) must have completed at least 6-months on active duty as a PA providing primary medical care.

37 United States Code § 335 - *Special bonus and incentive pay authorities for officers in health professions*:

(b) Health Professions Incentive Pay. The Secretary concerned may pay incentive pay under this section to an officer in a regular or reserve component of a uniformed service who is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and is serving on active duty or in an active status in a designated health profession specialty or skill.

AIR FORCE EVALUATION

AFPC/DPMN recommends denying the applicant's request for retroactive IP for the time period of 1 Sep 21 through 7 Sep 22. The applicant states that he did not apply sooner due to his AFSC skill level being erroneously entered by his unit's Commander Support Staff and that he was upgraded as of 3 Dec 20 and not 1 Sep 21 as reflected in his records. Members have the option to reach out to Medical Special Pay with any concerns via telephone or email. The applicant did not reach out, nor did he submit a completed and signed CSP IP request with an effective date of 1 Sep 21 to Medical Special Pay. However, on 21 Sep 22, he did submit a completed signed CSP contract request with an effective date of 8 Sep 22.

Based on documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice on the part of the Air Force. Ultimately, it is the applicant's responsibility

read the Pay Plan, ask questions if they are unsure about their medical special pay options, and to submit contracts on time. Furthermore, 37 U.S. Code 335 contains no retroactive language to allow for backdating/retroactive pay.

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 2 Dec 22 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMN and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board notes that it is the applicant's responsibility to submit the consolidated special pay contract on time. Furthermore, the applicant's circumstances are not unique compared to other similarly situated officers. 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-2022-02389 in Executive Session on 10 Jan 23:

- , Panel Chair
- , Panel Member
- , Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 8 Sep 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMN, w/atchs, dated 30 Nov 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 2 Dec 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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Board Operations Manager, AFBCMR