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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00293

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

He be allowed to retroactively apply for incentive pay (IP) for the period of 30 Jul 20 through 30 Jul 21.

APPLICANT'S CONTENTIONS

On 30 Jul 20, the applicant started his active duty commitment as a Dentist in the Dental Corps, and was eligible for IP at the time. However, due to COVID-19 restrictions, an emergency hospitalization, post-surgical infection, and missing commissioned officer training, the applicant did not apply for IP with an effective start of 30 Jul 20, which resulted in a significant monetary loss. In Jun 20, upon graduation from dental school, the applicant was scheduled to attend Commissioned Officer Training (COT) School. His departure to COT was delayed, because the COVID-19 outbreak prevented the completion of his national board exams and extended his graduation date. After discussions with the Chief, Dental Education Section (AFPC/DP2ND) and the dental residency director, he was rerouted to Keesler AFB, MS to complete his residency, and scheduled to attend COT in Oct 21. On 18 Jul 20, while traveling to OH, the applicant suffered a medical emergency that resulted in emergency surgery. In the weeks and months following the surgery, the applicant's attendance was sporadic, and resulted in him missing the financial lecture during the first week of residency. A fellow classmate who had completed COT a few months prior, was tasked with briefing the other residents on IP and assisting them with completing the paperwork. The applicant and the classmate did not completely understand the different types of special pay, and assumed the annual retention bonus was the same as dental special pay. The applicant contacted the Medical Special Pay section (AFPC/DP2SSM) and was informed that three-months following the completion of his residency he would receive his full bonus. On 3 Aug 21, as previously instructed, the applicant contacted AFPC/DP22M to initiate the IP and was directed to speak with AFPC/DP2ND before submitting the documentation. AFPC/DP2ND informed him there was a misunderstanding regarding the retention bonus versus IP and that he was not eligible to receive the retention bonus for the period of 1 Aug 20 to 1 Aug 21. On 6 Aug 21, the applicant completed a physical copy of the IP contract, and submitted via myPers with an effective date of 1 Aug 21. One week later, AFPC/DP2ND informed the applicant that he was eligible to receive retroactive IP for the 1 Aug 20 through 1 Aug 21; however, he would have to request retroactive pay through the Air Force Board for Correction to Military Records (AFBCMR). The applicant is requesting to be retroactively paid IP from 30 Jul 20 through 29 Jul 21, due to the rare and unique circumstances that prevented him from submitting the application at the beginning of his active duty service commitment.

The applicant's complete submission is at Exhibit A.

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STATEMENT OF FACTS

The applicant is an Air Force captain (O-3).

On 5 June 20, according to a Touro College of Dental Medicine certificate, provided by the applicant, he was awarded the degree of Doctor of Dental Surgery.

On 30 Jul 20, according to Special Order **Work-Product** the applicant entered active duty.

On 6 Aug 21, according to *FY21 Consolidation of Special Pays (CSP) Incentive Pay (IP) Contract Request (Non-GMO)*, the applicant certified a contract length for one-year with an effective date of 1 Aug 21.

For more information, see 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 Dental Corps Consolidated Special Pay (CSP) Plan, a contract may be effective as early as the first day of the month in which the officer signed the contract (no backdating to the previous month or further) as long as the officer was eligible on the date to be used as the effective date, the authorized endorser's signature is dated within 1-month of the officer's signature, and the contract is submitted to myPers/received by AFPC Medical Special Pays within 2-months of the officer's signature. In addition, each officer is responsible for requesting/monitoring his/her Medical Special Pays and obligations.

AIR FORCE EVALUATION

AFPC/DP2N recommends denying the application. The applicant requested to have his dental IP backdated for the period of 30 Jul 20 through 31 Jul 21. In Aug 21, prior to signing and submitting an incentive pay contract on 1 Aug 21, the applicant was counseled by the medical special pays team and the Chief of the Dental Education section at AFPC that he could not receive retroactive pay for this period. Per guidance in the Dental Corp Pay Plan, all pay types require a contract to initiate pay and each officer is responsible for requesting and/or monitoring their Medical Special Pays and obligations. There is no evidence of an error or injustice on the part of the Air Force because the applicant never submitted an incentive pay contract with the effective date of 30 Jul 20.

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 30 Mar 23 for comment (Exhibit D), and the applicant replied on 11 Apr 23. In his response, the applicant contended that the medical special pays team never informed him that he could not receive back pay. In fall 20, at the beginning of his residency, he was counseled by the medical special pays team that upon completion of residency, he would submit the special pay contract and three months later he receive a lump sum payment with monthly payments to follow. At the same time, the Chief of the Dental Education section was the only person to counsel him regarding his ineligibility to receive back pay. On 3 Aug 21, upon completion of his medical residency program, the applicant completed the special pay contract with an effective date of 1 Aug 21. On 6 Aug 21, the applicant spoke with the Chief of the Dental Education Section again, who informed him that he could

receive back pay by submitting a case to AFBCMR and guided the applicant to the link in myPers. The applicant believes there is an injustice that he did not receive IP from 30 Jul 20 through 20 Jul 21 because he followed the guidance provided by the Medical Special Pays team and submitted his IP contract with an effective date of 1 Aug 21 after completing his residency program.

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. 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 found that due to a series of circumstances beyond the applicant's control he was not properly counseled and did not submit the Medical Incentive Pay contract for the period of 30 Jul 20 through 30 Jul 21. Therefore, the Board recommends correcting the applicant's records as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to the APPLICANT be corrected to show that an Incentive Pay (IP) Dental Corps (MC) Contract was approved for the period 30 July 2020 through 30 July 2021 based on the eligible rate of the applicable Fiscal Year Medical Special Pay Plan.

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-2023-00293 in Executive Session on 9 May 23:

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 12 Jan 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2N, w/atchs, dated 17 Mar 23
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 30 Mar 23.
- Exhibit E: Applicant Response, w/atch, dated 11 Apr 23.

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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.

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