



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2023-02448

**COUNSEL:** *Work-Product*

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

He receive Board Certification Pay (BCP) and Incentive Pay (IP) for Title 10 service for the period of 12 Jul 18 – 9 Jan 19.

**APPLICANT'S CONTENTIONS**

He met all eligibility requirements for Medical Special Pay (consisting of BCP and IP). Specifically, he was on orders continuously for at least 30 days; a physician with an active medical license; and was board certified.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

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

On 12 Jul 18, according to Order Number *Work-Product* dated 5 Jul 18, provided by the applicant, he was placed on active duty, in accordance with 10 USC 12301 (D) and AFI 36-2619, *Active Duty Operational Support (ADOS) – Active Component (AC) Man-Day Program*, in support of Non-Contingency MPA tour for duty with [unit] Osan Air Base, Korea from 12 Jul 18 thru 9 Jan 19.

From 27 Jul 18 through 5 Jan 19, according to AF Form 707, *Officer Performance Report*, dated 13 Nov 19, he was on active duty, assigned to [unit], Osan Air Base, Korea.

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 2018 Medical Corps Special Pay Plan, 3 Aug 17, paragraph 1.2, Applicability, the provisions of this pay plan apply to officers of the Active Component Air Force Medical Corps and Reserve Component officers on Title 10 orders for a period of 1-year or more. The Reserve Component has a separate pay plan to address Medical Special Pays for officers serving for periods of less than 1-year.

37 U.S. Code § 335 - *Special bonus and incentive pay authorities for officers in health professions:*

**AFBCMR Docket Number BC-2023-02448  
CUI//SP-MIL/SP-PRVCY**

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**CUI//SP-MIL/SP-PRVCY**

(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 (1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and (2) is serving on active duty or in an active status in a designated health profession specialty or skill.

(c) Board Certification Incentive Pay. The Secretary concerned may pay board certification incentive pay under this section to an officer in a regular or reserve component of a uniformed service who (1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; (2) is board certified in a designated health profession specialty or skill; and (3) is serving on active duty or in an active status in such designated health profession specialty or skill.

(d) Additional Eligibility Criteria. The Secretary concerned may impose such additional criteria for the receipt of a bonus or incentive pay under this section as the Secretary determines to be appropriate.

(f) Written Agreement for Bonus. To receive a bonus under this section, an officer determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies (1) the amount of the bonus; (2) the method of payment of the bonus under subsection (e)(2); (3) the period of obligated service; (4) whether the service will be performed on active duty or in an active status in a reserve component; and (5) the type or conditions of the service.

(g) Reserve Component Officers. An officer in a reserve component authorized incentive pay under subsection (b) or (c) who is not serving on continuous active duty and is entitled to compensation under section 204 of this title or compensation under section 206 of this title may be paid a monthly amount of incentive pay that is proportionate to the basic pay or compensation received under this title.

Department of Defense Instruction (DoDI) 6000.13, *Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)*, 30 May 15 (Chg1, 3 May 16), Section 10, CSP:

a. General. (2)(b) IP will be paid monthly. A member of the RC will be paid at the daily rate of 1/30th of the monthly rate for any period in which the member is entitled to basic pay pursuant to section 204 or compensation pursuant to section 206 of Reference (c). (2)(c) The Secretary concerned will pay board certified pay (BCP) pursuant to section 335(c) of Reference (c) monthly, in a lump sum at the beginning of the certification period, or in periodic installments during the certification period. An RC member will be paid monthly at the daily rate of 1/30th of the monthly rate for any period in which the member is entitled to basic pay pursuant to section 204 or compensation pursuant to section 206 of Reference (c).

d. IP. (1) Eligibility. To be eligible for IP, an HPO must: (a) Be in a regular or RC of a Military Service and be entitled to basic pay under section 204 of Reference (c) or compensation under section 206 of Reference (c). (b) Be serving on AD or in an active status in a designated health profession specialty or skill.

**AIR FORCE EVALUATION**

NGB/SGXP, recommends partially granting the request for BCP and IP. The applicant was deployed to the Republic of South Korea on Title 10 orders for the period of Jul 18 – Jan 19. In accordance with Title 37 USC 302(f)(b)(1), a reserve health care officer on active duty (other than for training) under a call or order to active duty for a period of more than 30 days but less than one year is entitled to receive medical special pays. It is unclear when the ANG IP/BCP program was

**CUI//SP-MIL/SP-PRVCY**

started, as the only documentation that was found was a draft pay plan from 2020. They reached out to Air Reserve Personnel Center (ARPC) to try and find any historical documents and ARPC was unable to locate any and stated they did not know when NGB/SG started their IP/BCP program. However, previous BCMR cases from other ANG members did show that NGB/SG did recommend granting IP/BCP pay for the year 2019 and forward.

Therefore, based on documentation provided by the applicant and analysis of the facts, there is evidence of an error or injustice. Due to precedent set by NGB/SG on previous cases, they recommend granting IP/BCP for Jan 19. However, for the remainder of his request, they recommend denying as there is no documentation to prove a pay plan was in effect in 2018.

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 Oct 23 for comment (Exhibit D), and the applicant replied on 26 Oct 23 and again on 30 Oct 23. In his response, the applicant states the advisory opinion verified IP/BCP existed in 2019; however, they were unable to find the pay tables for 2018. However, he reached out to Air Force Medical Service SG1 and was able to find, and provide the FY18 Medical Service Pay and FY19 Medical Service Pay tables. Additionally, he provides a Fact Sheet for Health Professions Special Pay (HPSP), which reviews HPSP for the US Public Health Service Commissioned Corp along with providing a prorated breakdown of the IP and BCP, in the amount of \$28,152.00, that he requests in back pay.

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 in part. Specifically, in keeping with precedent set by NGB/SG on previous cases, there is sufficient evidence to justify granting the applicant's request for IP and BCP for Jan 19. However, for the period of Jul 18 – Dec 18, the board determines there is insufficient documentation a pay plan was in effect in 2018. Although the applicant provided pay tables from their respective FY Medical Corps Consolidated Special Pay (CSP) Plans, the Board takes note of paragraph 1.2 contained within the CSP Plans which states the provisions of this pay plan applies to officers of the Active Component Air Force Medical Corp and Reserve Component officers on Title 10 orders for a period of one-year or more and the Reserve Component has a separate pay plan to address Military Special Pays for officers serving for period of less than one-year. In the absence of a Special Pay Plan for 2018, the Board finds the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis for granting that portion of the applicant's request. 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 he received Incentive Pay and Board Certification Pay for the period of 1 Jan 19 – 9 Jan 19.

However, regarding the remainder of the applicant’s request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

**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-2023-02448 in Executive Session on 13 Feb 24:

*Work-Product* [redacted] Panel Chair  
*Work-Product* [redacted] Panel Member  
*Work-Product* [redacted] Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 28 Jul 23.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory opinion, NGB/SGXP, dated 20 Sep 23.
- Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 2 Oct 23.
- Exhibit E: Applicant’s response, dated 26 Oct 23, and 30 Oct 23.

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.

5/21/2024

X *Work-Product*  
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*Work-Product*  
Board Operations Manager, AFBCMR  
Signed by: *Work-Product*