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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00522

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

He receives back pay for orthopedic surgery medical special pay (October 2023 thru January 2024) and resident incentive pay (August 2023 thru September 2023).

APPLICANT'S CONTENTIONS

He was given wrong information regarding orthopedic specialty pay concerning how to apply, what forms to use, and where to upload the forms. In August 2023, he completed an Incentive Pay application for resident specialty pay for August 2023 thru September 2023, as well as the application for orthopedic surgery attending (Work-Pr...) beginning October 2023. He used the forms provided by the 96th MDG Credentialing office with instruction to upload to myPERS upon completion. He later was informed he was provided the wrong forms. He was also informed he could not backdate a new application for incentive pay - but could reapply. In December 2023, he reapplied. On 18 January 2023, he was notified his application for incentive pay was denied. He contacted the 96th MDG Credentialing office again who informed him he was given another incorrect form (he was given a form for incentive pay and retention bonus as opposed to initial incentive pay). On 18 January 2024, he submitted a new Consolidation of Special Pays (CSP)/Incentive Pay (IP) contract to the 96th MDG/CC. He followed the guidance and instruction given to obtain the special pay as per DoD Instruction 7000.14-R Volume 7A Chapter 5. This has resulted in nearly \$20,000.00 loss of compensation.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a currently serving Air Force captain (O-3).

According to a Statement of Service, dated 4 January 2024, the applicant was a student with the Health Professions Scholarship Program (HPSP) from 29 July 2014 to 5 May 2018

The following information was provided by the applicant:

On 14 August 2023, according to the *FY23 Consolidation of Special Pays (CSP) Incentive Pay (IP) Contract Request (Non-GMO)*, the applicant requested CSP IP for one year in the amount of \$8,000.00. On 5 September 2023, the request was approved for specialty training in orthopedic surgery with a contract effective date of 1 August 2023.

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On 14 August 2023, according to the *FY23 Consolidation of Special Pays (CSP) Incentive Pay (IP) Contract Request (Non-GMO)*, the applicant requested CSP IP for one year in the amount of \$59,000.00. On 5 September 2023, the request was approved for specialty training in orthopedic surgery with a contract effective date of 1 October 2023.

On 22 November 2023, according to the *Consolidated Special Pays (CSP) Incentive Pay (IP) and/or Retention Bonus (RB) for MC, DC, and BSC*, the applicant requested Special Pay for two-years in the amount of \$59,000.00 IP and/or \$43,000.00 RB. On 5 December 2023, the request was approved for specialty in orthopedic surgery with a contract effective date of 1 November 2023.

On 18 January 2024, according to the *Consolidated Special Pays (CSP) Incentive Pay (IP) Annual Contract Request (Non-GMO)*, the applicant requested Special Pay for one year in the amount of \$59,000.00 IP. On 29 January 2024, the request was approved for specialty in orthopedic surgery with a contract effective date of 1 January 2024.

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

AIR FORCE EVALUATION

AFPC/DP3SP recommends denying the application. Based on the analysis of the facts, there is no evidence of an error or injustice on the part of the government. The applicant did not submit any completed pay contract(s) prior to 5 December 2023.

On 5 December 2023, the applicant initially applied for Incentive Pay/Retention Bonus Multi-year contract (myFSS case **Work-Product**). His application was reviewed, discrepancies were noted and communicated to him on 18 January 2024. It was determined that he was ineligible as he had not yet completed his Active Duty Service Commitment incurred for participating in the HPSP, a pre-commissioning/commissioning program. The expiration date of this service obligation is 28 June 2027.

On 1 February 2024, the applicant submitted an Incentive Pay application with an effective date of 1 January 2024 (myFSS case **Work-Product**). Upon approval, request for pay actions was submitted to the Defense Finance and Accounting Services (DFAS) on 7 February 2024. Payment verification was finalized on 16 February 2024, the application was completed and closed. There is no record of any other applications submitted by the applicant for Consolidated Special Pay.

Additionally, Department of Defense Instruction, 6000.13, *Health Services*, Department of the Air Force Instruction, 41-110, *Medical Health Care Professions Scholarship Programs*, section 12.g.4. states "Each officer must take responsibility for requesting and monitoring the officer's medical special pays and obligations. Officers should maintain a copy of the pay plan and signed contract for their records" and 12.g.4.a.1. "Officers requesting special pay must download the most current pay plan and contract for review and submission." Furthermore, the Consolidated Special Pay Medical Corps Pay Plan, paragraph 7.1, "Officers are responsible for reading and understanding each year's pay plan to determine if eligibility requirements are met prior to submitting special pay contract(s). Each officer is responsible for requesting and monitoring his/her Medical Special Pay(s) and obligations. Officers should maintain a copy of the pay plans, signed contracts, and confirmation of receipt notification for records."

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 26 March 2024 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/DPMSSM 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 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-2024-00522 in Executive Session on 13 August 2024:

Work-Product Panel Chair

Work-Product Panel Member

Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 4 February 2024.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DPMSSM, dated 13 March 2024.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 26 March 2024.

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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.

4/15/2025

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