

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02039

XXXXXXXXXXXX

COUNSEL: XXXXXXXX

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His Active-Duty Service Commitment (ADSC) date reflect 27 Feb 25 versus 20 Mar 28.

APPLICANT'S CONTENTIONS

He has served honorably. His residency and fellowship agreements were offered with the assurances they would not add service commitment. He began repayment of his three-year ADSC incurred from his participation in the Health Professions Scholarship Program (HPSP) scholarship in Feb 22. So, his ADSC date should be 27 Feb 25. His case is a complex situation, involving medical training with six (6) years active duty and he had an uncommon fellowship which was offered without increasing his ADSC. In addition, Post-Traumatic Stress Disorder (PTSD) and Reprisal/Whistleblower conditions apply to his case. Further details require discussion and 1102 permissions.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an Air Force Medical Corps major (O-4).

On 27 Dec 12, according to the *FY 2013 Armed Forces Service Agreement, F. Edward Hebert Armed Forces Health Professions Scholarship Program (AFHPSP)*, signed and acknowledged in paragraph 24, he would incur a three-year ADSC that will be consecutive to any other incurred service obligation. Further, paragraph 17, stipulates he will not be released from active duty until he has served his active duty obligation for HPSP, in addition to any active duty obligation he might incur for participation in Graduate Professional Education (GPE).

On 8 Jan 16, according to memorandum, *2015 JSGMESB Select for Active Duty Training*, dated 16 Dec 15, he acknowledged he was informed of his selection by the 2015 Joint Service Graduate Medical Education Selection Board for Active Duty Residency, Internal Medicine, at Wright Patterson AFB for the period of 1 Jul 16 – 30 Jun 19. On that same date, he signed the *Graduate Medical Education Contract and Active-Duty Service Commitment Statement*, and acknowledged he incurred a two-year ADSC that will be served concurrent with other existing ADSCs upon graduation. The contract contains the following statement: "I understand that no portion of any previously incurred active duty service commitment for education and training may be satisfied during the period of training specified above." Further, "If I am eliminated/withdrawn from training, my ADSC will be adjusted in accordance with AFI 36-2107, *Active Duty Service Commitment*. I understand that I cannot apply for retirement or separation until all ADSCs associated with the assignment, training or education are completed."

On 20 Dec 18, according to memorandum, *2018 JSGMESB Select for Active-Duty Training*, dated 18 Dec 18, he acknowledged he was informed the 2018 Joint Service Graduate Medical

Education Selection had selected him for Active-Duty Training in Internal Medicine, Nephrology Fellowship at San Antonio Military Medical Center from 1 Jul 19 to 30 Jun 21. On that same date, he signed the *Graduate Medical Education Contract and Active-Duty Service Commitment Statement* and acknowledged he will incur a two-year ADSC that will be consecutive to the residency ADSC. The contract contains the following statement: “I understand that no portion of any previously incurred active duty service commitment for education and training may be satisfied during the period of training specified above.” Further, it states, “If I am eliminated/withdrawn from training, my ADSC will be adjusted in accordance with AFI 36-2107. I understand that I cannot apply for retirement or separation until all ADSCs associated with the assignment, training or education are completed.”

On 13 Jan 21, according to memorandum, *2020 JSGMESB Select for Civilian Sponsored Training*, dated 7 Jan 21, he accepted, signed, and acknowledged his selection for the 2020 Joint Service Graduate Medical Education Selection for Civilian Sponsored training in Critical Care Medicine for the period of 1 Jul 21 to 30 Jun 22. On that same date he signed the *Graduate Medical Education Contract and Active-Duty Commitment Statement*, and acknowledged he will incur a two-year ADSC that will be served concurrent to the fellowship ADSC. The contract contains the following statement: “I understand that no portion of any previously incurred active duty service commitment for education and training may be satisfied during the period of training specified above.” Further, it states, “If I am eliminated/withdrawn from training, my ADSC will be adjusted in accordance with AFI 36-2107. I understand that I cannot apply for retirement or separation until all ADSCs associated with the assignment, training or education are completed.”

On 21 Mar 22, according to email, <applicant> Update, the Vice Dean, Joe R. and Teresa Lozano Long School of Medicine, informed the Air Force Institute of Technology (AFIT) of the applicant’s dismissal from the UT Health San Antonio Pulmonary Critical Care Fellowship Program.

On 6 Apr 22, according to memorandum, *Dismissal from the Pulmonary Critical Care Fellowship-<applicant>*, he was informed by AFPC/DP2NP that his date of dismissal from training is 21 Mar 22 and his ADSC date had been adjusted to 20 Mar 28 to reflect the dismissal date. He was instructed to sign and date the acknowledgement. However, the memorandum does not contain the applicant’s signature.

On 28 Sep 23, the applicant’s Automated Records Management System (ARMS) record reflects the applicant has the following ADSC dates:

- ADSC 1: 20 Mar 28 Eliminated Withdraw Resign TNG# INC Health SVC Officers
- ADSC 2: 20 Mar 26 Fellowship Scholarship Grant# UNC Health SVC Officers
- ADSC 3: 27 Feb 25 Health Professions Scholarship Pgm (HPSP)
- ADSC 4: 29 Jun 24 Permanent Change of Station
- ADSC 5: 20 Mar 24 Residency Tng

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

APPLICABLE AUTHORITY/GUIDANCE

Air Force Instruction (AFI) 36-2107, *Active Duty Service Commitments (ADSC)*, 30 Apr 12:

Table 1.2. Health Professions Officer ADSCs.

R U	If the ADSC incurring event is for	ADSC is (applies only to members who accept an	ADSC RSN	Legal Citation
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L E		ADSC on or after 1 June 2000)	code	
5	Armed Forces Health Professions Scholarship Program (AFHPSP)	1 year for each year, min 2 years for MC/DC and min 3 years for NC/BSC/MS; concurrent with minimum term of service (see notes 1, 3, 4, 5 and 7)	52	DODI 6000.13
7	GME (Medical Corps/GDE) (training in a military program) to include repeat GME PG1	1 year for each year, min 2 years (see notes 1, 3, 5 and 7)	45	DoDI 6000.13.

Note 3: Do not use any part of the educational or training program period to satisfy any existing ADSC.

AFI 36-2107, *Active Duty Service Commitments (ADSC)*, 22 Oct 18:

Table A3.1. Health Professions Officer ADSCs.

R U L E	If the ADSC incurring event is for	ADSC is	ADSC Reason code	Legal Citation
11	GPE (clinical) fellowship (in a military training program)	½ year for each ½ year or portion thereof, minimum 2 years (see notes 1, 3, 4, 5, 9 and 10)	32	AFPD 36-20
12	GPE (clinical) fellowship (sponsored in a civilian training program, e.g., AFIT)	½ year for each ½ year or portion thereof, minimum 2 years (see notes 1, 3, 4, 5, 9 and 10)	32	AFPD 36-30

Note 1. Members who withdraw or eliminate incur an ADSC of 2 years or the length of time in training, whichever is greater, not to exceed the ADSC for program completion

AIR FORCE EVALUATION

AFPC/DPMNP recommends denying the request. The applicant acknowledged each ADSC being incurred prior to beginning the ADSC incurring training. He participated in the HPSP from 27 Dec 12 through 6 Jun 16 for a Doctor of Osteopathic Medicine (DO) degree. His participation in the HPSP incurred a three-year ADSC in accordance with the executed contract. In addition, he applied for GME through the JGMESB in 2015 and was selected for a military Internal Medicine residency at Wright Patterson AFB. While awaiting the start of the program, he entered active duty and completed in-processing from 7 Jun 16 through 30 Jun 16, satisfying 23 days of his HPSP ADSC during this time. He attended residency from 1 Jul 16 through 30 Jun 19, incurring a two-year ADSC that will be satisfied concurrently with the HPSP ADSC.

In 2018, he applied for additional GME and was selected by JGMESB to complete a Nephrology fellowship at the San Antonio Uniformed Services Healthcare Education Consortium. He attended this training from 1 Jul 19 through 30 Jun 21, incurring a two-year ADSC which runs consecutively to the above residency ADSC.

In 2020, he applied for additional GME and was selected by JGMESB to complete a Critical Care fellowship in a civilian sponsored status and was accepted for training by the University of Texas Health Science Center, San Antonio. He began this training on 1 Jul 21 and was scheduled to complete training on 30 Jun 23, which would incur a two-year ADSC which runs consecutively to the Nephrology fellowship. However, on 21 Mar 22, he was dismissed from the Critical Care fellowship.

In accordance with Department of Defense Instruction (DoDI) 6000.13, *Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)*, paragraph 4.d.2.c, health education ADSCs cannot be satisfied during periods of training. Further, per AFI 36-2107, Table A3.1 Rule 12, Note 1, when a physician is dismissed from GME, they incur an ADSC of two-years or equal to the amount of time in training, whichever is greater. When AFPC/DPMNP was notified of the applicant's dismissal, an ADSC memo was provided to the applicant informing him of the update to the longest ADSC date on his record. The applicant neither acknowledged receipt nor returned the memo as instructed.

Based on his training end date of 21 Mar 22, AFPC/DPMNP has calculated the applicant's ADSC dates for each of the ADSC incurring events that he has acknowledged through signed contracts:

HPSP: 27 Feb 25 (three years less 23 days satisfied (7-30 Jun 16))

Residency: 20 Mar 24 (two years)

Fellowship 1 (Nephrology): 20 Mar 26 (two years consecutive to Residency ADSC)

Fellowship 2 (Critical Care; Dismissal): 20 Mar 28 (two years consecutive to Fellowship 1 ADSC)

Therefore, based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice in the calculation of his active duty service commitment dates.

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 3 Sep 24 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/DPNP and finds a preponderance of the evidence does not substantiate the applicant's contentions. While the applicant contends his residency and fellowship agreements were offered with the assurance, they would not add additional active-duty service commitments (ADSCs), the Board disagrees.

Specifically, the applicant acknowledged each additional ADSC incurred when he signed each graduate medical education contract. The applicant alleges PTSD applies to his case; however, he has not provided evidence he had any PTSD or trauma and stressor related symptoms during service. Therefore, absence evidence to the contrary, the Board finds the applicant has provided insufficient evidence to support his claims. Therefore, the Board recommends against correcting the applicant's records.

The applicant alleges Reprisal/Whistleblower conditions apply to his case. However, based on the authority granted to this Board pursuant to 10 U.S.C. § 1034, the Board reviewed the complete evidence of record to reach our own independent determination of whether reprisal occurred. Based on our review, the Board concludes the applicant has not provided any supportive evidence, he was reprised against. Therefore, in the absence of persuasive evidence to the contrary, the Board does not find the applicant has been the victim of reprisal pursuant to 10 U.S.C. §1034.

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 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-2024-02039 in Executive Session on 11 Mar 25:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, dated 12 May 24.
Exhibit B: Documentary evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DPMNP, w/atchs, dated 23 Aug 24.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 3 Sep 24.

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.

X

Board Operations Manager, AFBCMR