

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 April 2024

DOCKET NUMBER: AR20230000808

APPLICANT REQUESTS: in effect, retroactive Health Professions Officer Incentive Pay (HPOIP), effective 12 August 2021.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149, Application for Correction of Military Record
- Advanced Clinical Practice in General Dentistry Certificate
- Dental License
- Request for HPOIP/Agreement

FACTS:

1. The applicant states he was given the designation as an Advanced Clinical Practice (ACP) dentist in August 2021. Upon completion of this program, he was granted a \$5,000 bonus pay increase as an ACP dentist and his area of concentration became 63A9F. He also received a certificate of completion which listed the date of completion as 11 August 2021 and he subsequently signed a new contract with \$25,000 bonus instead of the dental bonus of \$20,000. The increase in bonus pay took 90 days (three months) to take effect. He is requesting that his bonus be retroactively paid for the three months while he was an ACP dentist and not receiving the extra \$5,000 bonus.
2. On 29 September 2014, the applicant completed a contract to enter the Armed Forces Health Professions Scholarship Program (AFHPSP). His contract included an accession bonus of \$20,000 which would be paid in three increments of \$9000, \$9000, and \$2000. He acknowledged that he would incur a four year active duty service obligation upon acceptance of the bonus.
3. On 15 December 2014, the applicant was appointed as a Reserve commissioned officer, Unassigned Branch.
4. On 16 November 2018, the applicant was appointed in the Regular Army Dental Corps.

5. His record contains, and the applicant provides a/an:

a. A training certificate which shows the applicant completed the Advanced Clinical Practice in General Dentistry at Joint Base Lewis-McChord, Washington from 23 September 2020 to 11 August 2021.

b. A request for HPOIP/Agreement, 23 August 2021. Paragraph 2g on this agreement states, "in consideration of my entering into this IP agreement, the U.S. Army agrees to pay IP at a rate of \$25,000, a year; paid on a prorated monthly basis, and subject to the availability of funds, and applicable State and Federal taxes for the life of the agreement. Any previous IP will be stopped, and any overlapping payments will be adjusted and recouped as necessary."

c. The HPOIP agreement was approved on 27 August 2021.

6. The applicant provided his Dentist License, issued on 3 August 2021. The expiration date is listed as 16 November 2021.

7. On 13 September 2023 the Chief, Special Pay Branch, Human Resources, G-1, Office of the Surgeon General provided an advisory opinion in this case. This official stated, in effect, that after a review of the supporting documentation, policy, special pay, and finance data, the applicant was not eligible to receive the \$25,000.00 retroactive payment as requested. The applicant entered the \$25,000 HPO IP, effective 12 August 2021 and received \$20,000 for the period from 12 August 2021 to 30 April 2022. The applicant received the remaining amount of \$4,430.57 after taxes. As such the applicant has already received all monies owed. **Total amount due is \$0.00.**

8. The applicant was provided a copy of the advisory opinion for review on 15 September 2023. He did not provide a response.

9. Guidance provides, if, during the IP agreement, the HPO becomes eligible for a higher IP, the HPO may terminate and renegotiate at that higher rate, obligating for at least a year from the date of renegotiation.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The advisory concurs with the advisory opinion provided by the Chief, Special Pay Branch, Human Resources, G-1, Office of the Surgeon General, whose office completed a review of the supporting documentation, policy, special pay, and finance data. This review determined the applicant was not eligible to receive the \$25,000.00 retroactive payment as requested. The applicant entered the \$25,000 HPO IP, effective 12 August 2021 and received \$20,000 for the period from 12 August 2021 to 30 April 2022. The applicant received the remaining amount of \$4,430.57 after taxes. As such the applicant has already received all monies owed.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 37, U.S. Code, section 335 (Special bonus and incentive pay authorities for officer in health professions) states in paragraph b, that 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-Entitlement) or compensation (under section 206-Reserves; members of National Guard: inactive-duty training); and is serving on active duty or in an active status in a designated health profession specialty or skill.
2. Department of Defense Instruction 6000.13, 30 December 2015 with Change 1, 3 May 2016, states subject to acceptance by the Secretary concerned, an HPO who is eligible for and not in an existing Retention Bonus agreement, and who is no longer obligated pursuant to a previous Incentive Pay (IP) agreement, may enter into a new 1-year IP agreement at the rate in the Health Professions Special and Incentive (HPS&I) pay plan. IP agreements must be for at least 1 year and cannot be prorated. If, during the IP agreement, the HPO becomes eligible for a higher IP, the HPO may terminate and renegotiate at that higher rate, obligating for at least a year from the date of renegotiation.
3. Army Regulation 37-104-4, Military Pay and Allowances Policy, 8 July 2005, Chapter 20 - Settlement Actions Resulting from Correction of Records by the Army Board for Correction of Military Records (ABCMR); only the Director, DFAS may make settlement actions affecting the military pay accounts of Soldiers as a result of correction of records by the ABCMR per provisions of AR 15-185, ABCMR. Additional special pay will be paid to medical or dental officers on the effective date of their agreement to remain on active duty for at least one additional year.

//NOTHING FOLLOWS//