

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 June 2024

DOCKET NUMBER: AR20230001662

APPLICANT REQUESTS: payment of \$8,000.00 as part of the Health Professions Officer (HPO) Incentive Pay (IP), with a retroactive date of 1 July 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) Level 3 Performance Profile

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states, in effect, he is a Medical Corps officer, resident physician, stationed at Tripler Army Medical Center. Medical residents receive an additional \$8,000 after completion of intern year and boards. He applied for his incentive pay in May 2022, to begin on 1 July 2022; however, no one responded to him until 1 December 2022. Therefore, he is entitled to back pay. The hospital Human Resources Coordinator contacted him and asked him to fill out this form.
3. The applicant provides his COMLEX-USA Level 3 Performance Profile, test dates 15-19 November 2021, reflects he achieved a score of 838, surpassing the standard minimum passing score of 350. The COMLEX-USA consists of three levels; passing Level 3 indicates that the candidate has demonstrated competence in the foundational competency domains required for generalist physicians to deliver safe and effective osteopathic medical care to patients as required for entry into the unsupervised practice of osteopathic medicine and to continue lifelong learning and practice-based learning and improvement.

4. A review of the applicant's service record shows:

a. USAREC Form 601-37.58 (Election or Declination of the Health Professions Scholarship Program Accession bonus (HPSP AB)), signed 29 November 2016, reflects the applicant accepted the \$20,000.00 HPSP AB in accordance with the agreement.

b. On 6 July 2017, he took the Oath of Office as a second lieutenant (2LT), Reserve Commissioned Officer.

c. On 2 July 2021, a memorandum was submitted to the Office of The Surgeon General, Subject: Request for Health Professions Officer (HPO) Incentive Pay (IP) on the applicant. The applicant acknowledged reading the current Army Active Component Health Professions Officer Special and Incentive Pay Plan and attested to qualifying for the requested IP. Further acknowledging his understanding that the appropriate Army officials must verify and approve this agreement before payment will be authorized. This memorandum was verified and approved by the Commander Officer of Tripler Army Medical Center.

d. The applicant currently serves as an Internal Medicine Resident at Tripler Army Medical Center, Hawaii.

5. Office of The Surgeon General memorandum, dated 12 June 2024, states the following:

a. A meticulous review of the relevant supporting documentation, special pay, and finance data confirms that The Officer has indeed met all eligibility criteria for the requested effective date; the current effective date is 20221101 for the \$8,000/yr.

b. Considering the above discussion, the Officer has met all the eligibility criteria. Residency HOP IP. The Officer is eligible to receive \$666.66/month for 20220701-20221031, totaling \$2,666.64. However, the Officer has already received \$400.00 for the intern residency, which is \$1,200/yr. This amount must be deducted for the 20220701-20221031 timeframe. The total amount eligible, less the \$400.00 already received, is \$2,266.64. DFAS-IN will calculate the exact arrears payment, ensuring a fair and accurate distribution of funds.

6. Army Regulation (AR) 135-7 (Army National Guard and Army Reserve - Incentive Programs) establishes a single reference for incentives authorized within the Army National Guard and the Army Reserve.

7. Department of Defense (DoD) 7000.14-R (Financial Management Regulation), Volume 7A: "Military Pay Policy – Active Duty and Reserve Pay," Chapter 5: "Health Professions Officer (HPO) Special and Incentive Pay" establishes policy pertaining to Health Professions Special & Incentive (HPS&I) Pay. Each HPS&I pay is in addition to any other pay or allowance to which an HPO is eligible except as specified in sections 0503 through 0508.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant is requesting Health Professions Officer Incentive Pay (HPO IP) effective the date he started Residency, 1 July 2022. The Board reviewed and agreed with the advisory official's determination that the applicant met all eligibility criteria for the requested effective date. The current effective date is 1 November 2022 at the rate of \$8,000/year. Since the applicant has met all the eligibility criteria for payment of Residency HPO IP, the Board determined he is eligible to receive the monthly rate of \$666.66 for the period 1 July 2022 through 31 October 2022. However, since he has already received \$400.00 for the intern residency, which is \$1,200/year, this amount must be deducted for the period 1 July 2022 to 31 October 2022. The total amount eligible, less the \$400.00 already received, will be determined by DFAS-IN which will calculate the exact arrears payment.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- showing the Health Profession Officer (HPO)/Applicant submitted timely request for Resident HPO IP for the period 1 July 2022 to 31 October 2022
- showing the HPO’s request was approved by the appropriate office and paying him any Resident HPO IP at the appropriate rate, less any Intern HPO IP received during the same period, as a result of this correction

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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 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation (AR) 135-7 (Army National Guard and Army Reserve - Incentive Programs) establishes a single reference for incentives authorized within the Army National Guard and the Army Reserve.
3. Department of Defense (DoD) 7000.14-R (Financial Management Regulation), Volume 7A: "Military Pay Policy – Active Duty and Reserve Pay," Chapter 5: "Health Professions Officer (HPO) Special and Incentive Pay" establishes policy pertaining to Health Professions Special & Incentive (HPS&I) Pay. Each HPS&I pay is in addition to any other pay or allowance to which an HPO is eligible except as specified in sections 0503 through 0508. Table 5-4 Medical Corps IP and RB contains the most current rates, see the Medical Corps IP/RB table on DFAS.mil.

//NOTHING FOLLOWS//