



record, and regulatory guidance were carefully considered. The Board reviewed the advisory opinion provided by National Guard Bureau (NGB) wherein the advisory official recommended approval of the applicant's request. The applicant was accessioned into the [REDACTED] Army National Guard ([REDACTED] ARNG) on 22 May 2019 and was authorized an incentive at the time of his commission, pending credentialing validation. A [REDACTED] ARNG official stated there were administrative errors committed during the applicant's accession. The applicant should not be responsible for such errors. The applicant was commissioned in the Dental Corps as a CPT with the ARNG on 22 May 2019 and he was eligible to receive a Medical Professional Officer AB of up to \$200,000.00.

3. On 26 February 2023, NGB sent a letter to the Army Review Boards Agency stating, in accordance with the decision of the Board, the necessary administrative actions had been taken to correct the applicant's records. Attached was a copy of the applicant's corrected bonus addendum with an effective date of 22 May 2019. Also included were the screenshots from the Guard Incentive Management System reflecting payments to the applicant in the amount of \$100,000.00 for his health profession bonus. The entire memorandum and attachments are available for the Board's consideration.

4. The applicant's service record contains the following documents for the Board's consideration:

a. DA Form 71 (Oath of Office - Military Personnel), dated 22 May 2019, shows the applicant completed the oath of office and was appointed as a Reserve commissioned officer.

b. NGB Form 337 (Oaths of Office), dated 22 May 2019, shows the applicant completed the oath of office and was appointed as a commissioned officer in the [REDACTED] ARNG.

c. On 4 February 2020, Special Orders Number 31 issued by the NGB extended Federal recognition to the applicant in the [REDACTED] ARNG in the Dental Corps.

d. The applicant's service record is void of documentation regarding bonuses. It is also void of certification as a dentist.

5. The applicant provides the following documents:

a. Selected Reserve Special Pay AB Program Agreement, dated 3 April 2020, which shows the applicant would be entitled to an annual special pay of \$25,000.00. He would incur a 3-year obligation in the ARNG as a 63A (General Dentist). The form is void of the witnessing representative's signature.

b. The ROP for AR20210016945, dated 31 May 2022, which shows the Board's decision to retroactively pay the applicant's AB. The entire ROP is available for the Board's review.

c. Letter from the ABCMR, dated 21 September 2022, which informed the applicant full relief to his request was granted. The entire letter is available for the Board's review.

6. On 29 September 2023, the NGB, Chief, Special Actions Branch, provided an advisory opinion, which states, in effect:

a. The applicant requests that his incentive contract be backdated from 26 January 2023 to 23 May 2022, changed to a three-year contract from a two-year contract and be awarded the bonus resulting from the change. NGB recommended disapproval of the applicant's request.

b. The applicant states that his previous ABCMR request was approved granting full relief on 21 September 2022. The relief allowed his original incentive contract to be backdated to 22 May 2019. The applicant signed another incentives contract on 26 January 2023, and because of the first incentives contract being backdated, there is now a gap between his contracts. He requests that his incentive contract be backdated from 26 January 2023 to 23 May 2022, changed to a three-year contract from a two-year contract, and he be awarded the \$25,000.00 bonus resulting from the change.

c. The applicant commissioned into the [REDACTED] ARNG on 22 May 2019. At the time of commissioning, he was eligible to sign for an Army Medical Department AB or Health Professional Loan Repayment Program, but neither was issued, at the time. Per conversations with the current [REDACTED] ARNG Officer Strength Manager (OSM), the assigned OSM, at the time the applicant was accessed, he was not aware of the process to issue a bonus, which resulted in the applicant not being contracted. On 3 April 2020, the applicant was issued an AB by the [REDACTED] ARNG OSM.

d. On 13 July 2021, the applicant submitted an ABCMR application requesting correction to his AB contract signature date to his date of commission. On 21 September 2022, the Board approved this request with guidance that all corrections should be completed not later than 20 February 2023. The [REDACTED] Education Services Officer (ESO) submitted the corrected and signed contract to HRH-A on 9 February 2023, closing the 2021 ABCMR case.

e. In the intervening period between receiving the approved ABCMR and submitting the corrected 2019 contract, the [REDACTED] ARNG completed a new two-year Retention Bonus contract for the applicant with a signature date of 26 January 2023. At the date of signature, he had been counseled and offered two-, three-, and four-year contracts, and he chose to sign a two-year contract. He was advised that the [REDACTED] ARNG did not have

authority to create a backdated contract. At this time, one payment has been made with a second and final payment scheduled for 26 January 2024. ■■■ ARNG stated that there is no evidence that can be found that the applicant attempted to receive administrative correction through the NGB, Human Resources and Manpower - Incentives (HRM-I) Oversight Branch. Given the nature of the request, it is the opinion of the ESO that any such request would have been denied or sent back to HRM-I without action.

f. Based on the available information and records, there is no evidence of an error or injustice in the applicant's case. The applicant chose to sign a two-year contract, and there is no specific reason that his second incentives contract should be backdated other than there is a gap between his bonus contracts. For these reasons, it is the recommendation of the NGB the applicant's request be disapproved.

g. The ARNG Incentives Branch did not provide input for the recommendation. The ■■■ ARNG concurred with the recommendation.

7. The advisory opinion included the following documents:

a. A memorandum from the ■■■ ARNG ESO, dated 15 August 2023.

b. Selected Reserve Special Pay Accession Bonus (AB) Program Agreement dated 22 May 2019.

8. On 3 October 2023, the advisory opinion was provided to the applicant to allow him the opportunity to respond. He did not respond.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, a majority of the Board found relief is warranted.

2. A majority of the Board found it inequitable that the applicant has a gap between bonus contracts when he had no gap in his eligibility for the bonus in question. A majority of the Board determined the applicant's record should be corrected to show he signed a 3-year retention bonus contract on 23 May 2022, and he should be paid any additional monies he is due.

3. The member in the minority concurred with the conclusion of the advisory official that the evidence does not support relief in this case. The member in the minority determined the applicant's request should be denied.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

█	:	█	GRANT FULL RELIEF
:	:	:	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 and Army National Guard records of the individual concerned be corrected by showing he entered into a 3-year retention bonus contract effective 23 May 2022. He should be paid any additional monies he is due as a result of this correction.

2/12/2024

X

█

CHAIRPERSON

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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.

REFERENCE:

1. Department of Defense Instruction (DODI) 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers) states to be eligible for a HPO RB an HPO must:

- a. Be below the grade of Brigadier General.
- b. Have completed qualification for the specialty for which the HPORB is being paid before the beginning of the Fiscal Year during which a written agreement is executed.
- c. Enter into a written agreement to remain on active duty or in an active status in

the Reserve Component as an HPO for 2,3, or 4 years, which is accepted by the Secretary concerned.

2. Title 37, United States Code, section 335 (Special Bonus and Incentive Pay Authorities for Officers in Health Professions) states. the Secretary concerned may pay a health professions bonus under this section to a person, including an officer in the uniformed services, who is a graduate of an accredited school in a health profession and who--(1) accepts a commission or appointment as an officer in a regular or reserve component of a uniformed service, or affiliates with a reserve component of a uniformed service, and agrees to serve on active duty in a regular component or in an active status in a reserve component in a health profession; (2) accepts a commission or appointment as an officer and whose health profession specialty is designated by the Secretary of Defense as a critically short wartime specialty; or (3) agrees to remain on active duty or continue serving in an active status in a reserve component in a health profession. 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 the amount of the bonus; the method of payment of the bonus under subsection (e)(2); the period of obligated service; whether the service will be performed on active duty or in an active status in a reserve component; and the type or conditions of the service.

//NOTHING FOLLOWS//