

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 27 October 2023

DOCKET NUMBER: AR20230002385

APPLICANT REQUESTS: retroactive entitlement to Health Professions Officer Incentive Pay (HPO IP) effective 22 September 2022, and HPO Board Certification Pay (HPO BCP) effective 1 July 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- American Board of Family Medicine certification examination, June 2022
- Nebraska Department of Health and Human Services Physician License, issued 31 July 2020, expiration 1 October 2024
- DHA Form 165 (Graduate Medical Education Final Evaluation), 21 June 2022
- Application for Clinical Privileges/Medical Staff Appointment, 20 September 2022
- Request for HPO IP service agreement, 20 December 2022
- Request for HPO BCP service agreement, 20 December 2022

FACTS:

1. The applicant states

a. She is requesting backpay from Fiscal Year (FY) 2022 for two special pay categories. She is unable to backdate paperwork past 1 October 2022 due to the new FY, but entitlements date back to 1 July 2022 and 20 September 2022. She was instructed by the finance department that a records correction is the method to file for backpay of entitlements. Requirements for HPO BCP (board certified and residency graduate) were met as of 1 July 2022; her contract signing was delayed by temporary duty enroute to new duty status.

b. Her current finance office states "unable to date contract prior to 1 October 2022 due to FY change." The amount owed for HPO BCP is roughly \$1,500.00 as a credentialed and privileged health care provider being met as of 20 September 2022 and the HPO IP amount is roughly \$1,295.00.

2. A review of the applicant's official military records show the following:

a. After enrolling to participate in the U.S. Army Health Professions Scholarship Program (HPSP), DA Form 71 (Oath of Office - Military Personnel) shows she was appointed as a Reserve commissioned officer and executed an oath of office on 29 May 2015.

b. On 11 June 2015, USAREC Form 601-37.28 (Department of the Army Service Agreement F. Edward Hebert Armed Force HPSP) shows she completed and signed a contract to enter the scholarship program leading to a degree in medicine.

c. On 22 June 2015, the U.S. Army Human Resources Command (HRC) published Orders Number C-06-509343 which assigned the applicant to the U.S. Army Reserve (USAR) Control Group (Officer Active Duty Obligor) for appointment, effective 29 May 2015.

d. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant achieved course standards for the Army Medical Department Basic Officer Leader Course (HPSP/Reserve Component) on 23 July 2016.

e. On 12 March 2019 –

- Orders Number 219-071-SG12-6 appointed the applicant in the Regular Army Medical Corps in the rank of captain, effective on the execution of the oath of office
- Orders Number A-03-900204 ordered the applicant to active duty with a report date of 1 June 2019 for acceptance of Regular Army appointment

f. Her record contains a University of Arizona transcript which awarded her a Doctor of Medicine degree which was conferred on 10 May 2019.

3. The applicant provides:

a. American Board of Family Medicine certification examination dated June 2022, which shows she passed the 2022 Family Medicine Certification Examination given by the American Board of Family Medicine.

b. Nebraska Department of Health and Human Services Physician License, issued on 31 July 2020 with an expiration date of 1 October 2024.

c. DHA Form 165 dated 21 June 2022, which shows she was evaluated and successfully completed her residency training program in family medicine.

d. Application for Clinical Privileges/Medical Staff Appointment which shows the privileging authority approved her application on 20 September 2022.

e. A Request for HPO IP service agreement approved on 20 December 2022, which shows she requested HPO IP in the amount of \$43,000.00 a year; paid on a monthly basis in her specialty and Area of Concentration (AOC) "Family Practice (AV) - Family Medicine (61H)."

f. A Request for HPO BCP service agreement approved on 20 December 2022, which shows she requested HPO BCP in the amount of \$6,000.00 a year; paid on a monthly basis in her specialty of "Family Practice (AV) - Family Medicine (61H)."

4. On 14 June 2023, the Office of the Surgeon General, Chief, Special Pay Branch Human Resources, G-1 provided an advisory opinion and stated, a review of supporting documentation, policy, special pay, and finance data, shows the applicant is eligible for the HPO IP and HPO BCP effective 22 September 2022 and 1 July 2022. The applicant is eligible to receive the HPO BCP (\$6,000.00/yr.) in the amount of \$1,500.00 for 1 July 2022-30 September 2022 and HPO IP (\$43,000.00/yr.) \$1,069.44 for 20 September 2022-30 September 2022 timeframe. The total amount the applicant is eligible to receive is \$2,569.44. The exact arrears payment is determined by Defense Finance and Accounting Service-Indianapolis.

5. On 20 June 2023, the applicant was provided a copy of the OTSG advisory opinion for comments or rebuttal. She did not respond.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents and the evidence found within the military record, the Board determined that relief was warranted. The Board carefully considered applicant's contentions, military record, regulatory guidance and the terms and conditions of the HPO IP and the HPO BCP agreements. The Board concluded that the applicant met the terms and conditions of both agreements, each of which specifies the amount of the bonus and method of payment, as well as the period of obligated service for payment as required by DoD applicable instruction. However, due to circumstances at no fault of her own, contract signing was delayed. After due consideration of the request, the Board determined that the applicant met the burden of proof and a recommendation for relief is warranted.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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 applicant is eligible to receive:

- HPO IP (\$43,000.00/yr) in the amount of \$1,069.44 for 20220920-20220930 timeframe
- HPO BCP (\$6,000.00/yr) in the among of of \$1,500.00 for 20220701-20220930

2. The exact arrears payment to be determined by DFAS-IN

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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.

ADMINISTRATIVE NOTE(S): N/A



REFERENCES:

## 1. Department of Defense Financial Management Regulation, Volume 7A:

a. Section 5.0 (BCP), subsection 5.1 (Eligibility) states to be eligible for HPO BCP a member must be serving in an Active Component or Reserve Component of a Military Service and entitled to basic pay under Title 37, United States Code (USC), section 204 or compensation pursuant to Title 37, USC, section 206; be serving on active duty or in an active Reserve status in a designated health professional specialty. Have a post-baccalaureate degree in a clinical specialty and be certified by a professional board in a designated health profession clinical specialty. Section 5.2 (Amount) states, the annual amount payable is \$6,000.00, to be prorated monthly.

b. Table 5-4 (Medical Corps IP and Retention Bonus) shows that a Family Practice specialty/AOC post resident graduate or fellow is authorized the fully qualified IP rate in the amount of \$43,000; prorated monthly.

2. Department of Defense Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs), currently in effect, states special pays for officers in a health profession are additional to any other pay or allowance to which an officer is entitled. To be eligible, an officer must sign a service agreement that specifies the amount of the bonus and method of payment, as well as the period of obligated service for the pay. The participant must have a current, valid, and unrestricted license, and must maintain all licensing, credentialing, specialty qualifications, and privilege requirements. The special pay may be terminated if the officer fails to fulfill the conditions of the agreement, or by the Secretary concerned for reasons such as a loss of privileges, court-martial conviction, or failure to maintain a current, unrestricted license.

//NOTHING FOLLOWS//