

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 January 2024

DOCKET NUMBER: AR20230003158

APPLICANT REQUESTS: in effect –

- 5 years total entry grade credit
- initial entry rank/grade of captain (CPT)/O-3 instead of first lieutenant (1LT)/O-2
- CPT Date of Rank (DOR) of 17 March 2019
- authorized backpay and allowances in the rank of CPT/O-3E, as result of the corrections
- a personal appearance before the Board via video or telephone

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5074-1-R (Record of Award of Entry Grade Credit (Health Service Officers)), 5 May 2020
- DA Form 5074-1-R, 25 January 2023
- Defense Finance and Accounting Service Military Leave and Earnings Statement (LES), 8 March 2023

FACTS:

1. The applicant states:

a. He requests a revision of his entry grade from O-2 to O-3 upon initial commissioning on 17 March 2020, as well as award of pay grade O-3E, as per below, with award of all associated back pay and allowances.

b. After commissioning as an O-2/1LT on 17 March 2020, his initial DA Form 5074-1-R dated 5 May 2020 did not include credit for his master's degree, which was held as of 24 October 2018. The DA Form 5074-1-R also did not include full credit for professional experience. A request for review and reconsideration of entry grade credit was initiated in September 2022. After review by appropriate authorities, a revised DA Form 5074-1-R was issued and signed on 25 January 2023. This revised DA Form 5074-1-R indicates his initial entry grade should have been CPT/O-3, with a DOR of

17 March 2019. Additionally, he is currently in pay grade O-2E, due to prior enlisted time and thus also qualifies for and should be awarded O-3E.

2. A review of the applicant's military record shows the following:

a. Having prior enlisted service in the Regular Army, Army National Guard (ARNG), and Air National Guard, ARNG Retirement Points History Statement prepared on 18 January 2013, shows in pertinent part, he earned a total of –

- 1302 active duty points
- 1721 career points
- 1696 points for Retired pay
- 9 years and 18 days creditable service for retired pay

b. On 8 August 2018, DA Form 61 (Application for Appointment) shows the applicant applied for appointment as a Reserve commissioned officer in the Army Nurse Corps. In pertinent part, it shows he was initially registered/licensed as Registered Nurse on 21 August 1989.

c. On 24 October 2018, he was awarded a Master of Science in Nursing degree from Grand Canyon University.

d. On 17 March 2020, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer in the rank/grade of 1LT/O-2 and executed an oath office.

e. DA Form 5074-1-R, prepared on 5 May 2020, shows he was awarded 3 years total constructive credit and entry grade credit, and the credit qualified him for an entry rank/grade of 1LT/O-2 with a DOR of 17 September 2018. The 3 years constructive service credit was awarded for his professional work experience.

f. On 6 May 2020, the U.S. Army Human Resources Command (HRC) published Orders Number C-05-005687, which appointed the applicant as a 1LT in the Reserve, effective 17 March 2020.

g. Orders Number T-07-116076, published by HRC, ordered the applicant to active duty for training to attend the Army Medical Department (AMEDD) Direct Commission Course with a report date of 18 July 2021.

h. On 16 August 2021, he successfully completed the AMEDD Direct Commission Course.

i. On 22 April 2022, DA Form 1059 (Service School Academic Evaluation Report) shows he completed the Reserve Component Basic Officer Leader Course.

3. In support of his case, the applicant provides the following:

a. DA Form 5074-1-R, prepared on 25 January 2023, which shows he was awarded 5 years total constructive credit and entry grade credit, and the credit qualified him for an entry rank/grade of CPT/O-3 with a DOR of 17 March 2019. He was awarded 2 years constructive credit for his master's in nursing degree and 3 years constructive credit for his professional work experience.

b. Defense Finance and Accounting Service Military LES dated 8 March 2023, which shows, in pertinent part, his pay and allowances in the rank/grade of O-2E with 17 years in the U.S. Army Reserve.

4. On 20 September 2023, Headquarters, U.S. Army Recruiting Command (USAREC) and Fort Knox, provided an advisory opinion for this case. The Army Nurse Corps Program Manager stated:

a. After careful review of the record pertaining to the applicant, it is the opinion of the Health Services Directorate, USAREC that the applicant's entry grade credit and date of rank to 1LT is incorrect. The applicant did not receive credit for his master's in nursing educational degree from Grand Canyon University. On his DA Form 5074-1-R, he should be awarded an additional two-year credit for his Master of Science in nursing degree. His work experience was from 6 January 2006 to 30 October 2018 and should be granted a maximum of three years' experience. His total entry grade credit should be corrected to 05-00-00 [5 years], changing his entry rank/grade rank from 1LT/O-2 to CPT/O-3 and effective date of rank from 17 September 2018 to 17 March 2019.

b. The Department of Defense Instruction (DoDI) 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)) states, "Credit for master's degrees in health profession other than those listed in paragraph 1c(3)(a) of this enclosure may be awarded based on actual full-time equivalent education of up to 2 years for a master's degree".

c. DoDI 6000.13 also states, "Credit of one-half year for each year of experience, to a maximum of 3 years, may be granted for experience in a health profession".

5. On 22 September 2023, the applicant responded to the USAREC advisory opinion and stated, he concurs with the advisory opinion that his entry grade rank should have been CPT/O-3, rather than 1LT/O-2, with effective DOR from 17 March 2019 (please note this promotion has already taken place). Furthermore, since he previously qualified for pay grade O-2E, with prior enlisted time/points, he feels he should be credited with entry grade CPT/O-3E and should receive appropriate back pay and entitlements pursuant thereto.

**BOARD DISCUSSION:**

1. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's contentions, the military record, and regulatory guidance. The Board agreed that the applicant had completed a master's degree in nursing from an accredited university as supported by documentation available for review. As such he was eligible for constructive credit for that two year period of time. The Board further determined that the applicant was also eligible for constructive credit based on his work experience. After due consideration of the case, the Board determined the evidence presented sufficient to warrant a recommendation for relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented 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 correcting his DA Form 5074-1-R by:

- a. awarding him constructive credit for the following:
  - 2 years credit for his Master's Degree in nursing MSN
  - 3 years credit for work experience from 01-10-1989 – 10-30-2018
- b. correcting the total entry for graduate credit to show 05-00-00
- c. correcting his entry grade rank from 1LT/O2 to CPT/O3
- d. correcting the effective date of rank from 09-17-2018 to 03-17-2019

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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. Department of Defense 7000.14-R, Financial Management Regulation, Volume 7A: Military Pay Policy - Active Duty and Reserve Pay, provides the statutory provisions for military pay and allowances.

a. Section 2.3.1.1. (General) states, commissioned officers with over 4 years of prior active service as an enlisted member, warrant officer, or combined service in both grades are entitled to count such service for purposes of computing basic pay for longevity purposes. Such prior service includes all active service, in either the Regular or Reserve Component or both (i.e., Active Duty for Training (ADT) in enlisted or warrant officer status, annual Reserve training duty, and full-time National Guard duty). Service on active duty or ADT and Initial ADT for at least 4 years and 1 day satisfy the over 4 years of service requirement under this section.

b. Section 2.3.1.2. (Creditable Prior Enlisted Service) states, commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.

c. Section 2.3.1.5. (Creditable Service for Certain Reserve Commissioned Officers) states, effective 1 January 2002, commissioned officers in pay grades O-1, O-2, and O-3 who are paid from funds appropriated for Reserve personnel and credited with 1,460 points for retirement computed under Title 10, United States Code (USC), section 12732(a)(2) service as a warrant officer and/or enlisted member, which requires a minimum of 50 points annually, are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.

d. Section 2.3.1.6. (Creditable Service for Certain Commissioned Officers) states, effective 24 November 2003, the restriction that members must be paid from reserve appropriated funds to qualify for the special rate of basic pay for pay grades O-1E, O-2E, and O-3E based upon creditable service points is eliminated. Therefore, effective that date, commissioned officers in pay grades O-1 through O-3 with more than 1,460 points computed under Title 10 USC, section 12732(a)(2) for service as a warrant officer and/or an enlisted member, which requires a minimum of 50 points annually, are entitled to the special rate of pay.

2. DoDI 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)) states, in pertinent part –

a. Constructive service credit is awarded to a person who begins commissioned service after obtaining the additional education, training, or experience required for appointment, designation, or assignment as an HPO. The designation will be to the

same grade and date of rank comparable to that attained by officers who begin commissioned service after getting a baccalaureate degree and serve for the period of time it would take to obtain the additional education. Constructive service credit will only be used to determine initial grade, rank in grade, and service in grade for promotion eligibility.

b. Credit for master's and doctorate degrees in a health profession other than those listed in paragraph 1c(3)(a) of this enclosure may be awarded based on actual full-time equivalent education of up to 2 years for a master's degree and up to 4 years for a doctorate degree. Credit may not include time spent in attainment of baccalaureate or other lower degrees. No additional credit may be given for more than one advanced degree in a single field or closely related field. The total credit allowed for both a master's and a doctorate degree may not exceed the maximum allowed for a doctorate.

c. Credit of one-half year for each year of experience, to a maximum of 3 years, may be granted for experience in a health profession.

3. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//