

IN THE CASE OF: ██████████

BOARD DATE: 11 January 2024

DOCKET NUMBER: AR20230003743

APPLICANT REQUESTS: correction of DA 5074 (Record of Award of Entry Grade Credit (Health Services Officers)) to show appropriate constructive credit for accession in the rank/grade of first lieutenant (1LT)/O-2 with applicable back pay and allowances.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 5074, 20 May 2022
- Orders Number A-09-201010, 26 September 2022
- DA Form 71 (Oath of Office Military Personnel), 13 November 2022
- Employment verification number 1
- Employment verification number 2
- Curriculum Vitae

FACTS:

1. The applicant states, his scroll was finalized in March of 2020 when going through the direct accession process. From the time his scroll was finalized to the time he reported to active duty in November of 2022, he gained additional experience relative to his Area of Concentration (AOC) that was not used towards constructive credit determination. He believes with the experience gained during the time he was awaiting orders meets the time criteria for 1LT/O-2.

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

a. On 15 December 2018, ██████████ University conferred the Bachelor of Science in Nursing degree on the applicant.

b. DA Form 61 (Application for Appointment), dated 10 June 2021, shows the applicant applied to be commissioned in the Regular Army in the Army Nurse Corps in AOC 66S (Critical Care Nursing).

c. On 26 September 2022, Orders Number A-09-201010 issued by the U.S. Army Human Resources Command (HRC), ordered the applicant to active duty in the

rank/grade of second lieutenant (2LT)/O-1 to attend the Army Medical Department (AMEDD) Direct Commissioning Course with a subsequent call to active duty to fulfill an active duty requirement in a voluntary indefinite status.

d. On 27 September 2022, Orders Number 0922-270-SG27-7 issued by HRC appointed the applicant as a commissioned officer in the Regular Army in the rank/grade of 2LT/O-01.

e. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant attended and completed the AMEDD Basic Officer Leader Course from 9 January 2023 through 3 March 2023.

f. On 29 September 2023, Orders Number 272-001 issued by HRC announced the applicant's promotion to the rank/grade of 1LT/O-2 with an active date of rank of 17 June 2022.

3. The applicant provides:

a. DA Form 5074 showing the applicant was awarded 7 months and 19 days of professional experience for the period 14 January 2019 through 21 April 2020 towards his entry grade of 2LT/O-1.

b. DA Form 71 showing the applicant was appointed as a Regular Army Nurse Corps commissioned officer and executed an oath of office.

c. Employment verification number 1 showing the applicant's employment history as a flight nurse (14 March 2022 through 5 November 2022) for 7 months and a registered nurse for 2 years with Baylor Scott and White Health (14 January 2019 through 31 January 2021).

d. Employment verification number 2 showing the applicant was employed with JPS Health from 13 September 2021 through 9 March 2022.

e. Curriculum vitae showing the applicant's education and work history.

4. On 13 September 2023, Chief, Operations Management Division, HRC, provided an advisory opinion that states:

a. The applicant's petition to the Army Board for Correction of Military Records (ABCMR) requesting HRC amend his initial Entry Grade Credit (EGC) determination by awarding additional Constructive Service Credit (CSC) for his prior professional experience has been partially accommodated.

b. Health Services Division (HSD), in coordination with the U.S. Army Recruiting Command confirmed he should have been appointed in the Regular Army to the Army Nurse Corps in the grade of 1LT pursuant to an EGC determination awarding 1 year and 11 months CSC for prior professional experience.

c. The amended EGC award changes his entry grade to 1LT (requires 1 year and 6 months credit) with the excess credit (5 months) going toward his date of rank in grade.

d. HSD amended the DA Form 5074 and coordinated with HRC's Officer Promotions to submit the required scroll for promotion to 1LT.

e. Upon approval of the promotion scroll, HRC will publish the promotion order and adjudicate his date of rank in grade as 16 June 2022.

f. Unfortunately, HRC cannot amend his initial Regular Army appointment order because there is no authorization to appoint him in the grade of 1LT prior to his initial accession on 14 November 2022.

g. The Army Board for Correction of Military Records, however, does possess the authority to remedy this injustice by directing:

(1) HRC to amend his Regular Army accession order by changing the entry grade from 2LT to 1LT.

(2) HRC to reconstruct his initial Regular Army appointment order and Regular Army DA Form 71 to reflect 1LT as the appointment grade; and

(3) Defense Finance and Accounting Service (DFAS) to pay him for the difference in basic pay between the grades of 2LT and 1LT beginning 14 November 2022 through his prospective date of promotion to the same grade.

5. On 15 September 2023, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

6. On 5 December 2023, by email, the applicant responded and stated, he has received his promotion orders indicating the correct rank with an effective date of 29 September 2023. While he can see the updated rank in the Integrated Personnel and Pay System – Army, he has not received the corresponding pay or back pay from the DFAS. He was informed that the ABCMR would have to direct DFAS to make the changes.

BOARD DISCUSSION:

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

2. The Board noted that HRC has made as many corrections related to the recalculation of the applicant’s entry grade as possible but requires a Board decision to make him whole. The Board concurred with the conclusion of the advisory official and determined the following relief should be executed:

- Amend his Regular Army accession order by changing the entry grade from 2LT to 1LT
- Reconstruct his initial Regular Army appointment order and Regular Army DA Form 71 to reflect 1LT as the appointment grade

The Board further determined the applicant should receive any additional pay and allowances he is due as a result of these corrections.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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■	■	■	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 records of the individual concerned be corrected by:

- Amending his Regular Army accession order by changing the entry grade from 2LT to 1LT
- Reconstructing his initial Regular Army appointment order and Regular Army DA Form 71 to reflect 1LT as the appointment grade

The individual concerned should receive any additional pay and allowance he is due as a result of these corrections.

4/1/2024
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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.

REFERENCES:

1. Army Regulation (AR) 600-8-105 (Military Orders) states, only the organization that published the original order may amend, rescind, or revoke the order. Commanders may revoke award orders if issued by another headquarters only when authorized under AR 600 – 8 – 22. An order may be corrected by the organization that published the original order to show the true state of affairs existing at the time the original order was published. Orders may only be changed to reflect facts that existed when the original order was published. Issue only one corrected copy. Further corrections must be made by revoking or rescinding the order and issuing a new order. Use of corrected copy is restricted to a one-time correction of an original order. It will not be used to correct amendments, revocations, or rescissions.

2. Title 10, United States Code, section 1552 states, the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice. The Secretary concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this

section, the amount is found to be due the claimant on account of his or another's service in the Army.

//NOTHING FOLLOWS//