

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 February 2024

DOCKET NUMBER: AR20230004987

APPLICANT REQUESTS: entitlement to retroactive payment of Health Professions Officer Board Certification Pay (HPO BCP) for the period beginning 3 December 2019.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number 091-10, 1 April 2019
- American Board of Internal Medicine (ABIM) Letter, 3 December 2019
- The American Board of Internal Medicine Certified Diplomate
- Orders Number 121-08, 30 April 2020
- Email correspondence

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 pertinent part:

a. He completed the American Board of Internal Medicine's board certification in cardiovascular medicine on 29 October 2019. At the time of completion, he was serving as a cardiologist with board certification and receiving board certification pay bonus as internal medicine at Fort Belvoir Community Hospital. The score report and request to update his board-certified specialty pay was sent to the command's officer medical specialty pay assistant at human resources Mr. B- S-, on 5 December 2019.

b. He was then placed on orders to Tripler Army Medical Center, HI, in August 2020 and requested a review of his pay by the human resource department special pay assistant Mr. B- H-, on 21 September 2020. He also requested his cardiovascular board certification and medical license to update the board certification with supporting documentation, which he discovered had not been completed at Fort Belvoir. He was notified by Mr. B- H- that his board certification pay for cardiology was never processed

and would be processed immediately, but with inability to backdate the lost income to the date of board certification.

c. The failure to process multiple requests for updating his board certification to the correct level has resulted in underpayment since passing his cardiovascular board on 29 October 2019. He requests a review of his specialty pay and correction of board certification in cardiovascular medicine to reflect his original request as well as a finance review of unpaid specialty pay over this time.

3. A review of the applicant's available service record reflects the following:

a. On 31 July 2009, he was appointed as a Reserve commissioned officer and executed an oath of office.

b. DA Form 5074-R (Record of Award Entry Grade Credit (Medical and Dental Officers)), dated 8 March 2013, shows Tufts University conferred the Medical Doctor degree on him 19 May 2013.

c. On 19 May 2013, he was appointed as a Regular Army commissioned officer in the Medical Corps and executed an oath of office, in the rank of captain (CPT).

d. The National Capital Consortium Certificate shows he completed Residency Training in Internal Medicine with the Uniformed Services University of the Health Sciences, Walter Reed National Military Medical Center and the Malcolm Grow Medical Clinic Fort Belvoir Community Hospital from 1 July 2013 to 30 June 2016.

e. On 1 April 2019, the U.S. Army Garrison (USAG) Fort Detrick Army Element, Walter Reed National Military Medical Center, Military Personnel Division, issued Orders Number 091-10 ordering him to a Permanent Change of Station (PCS) to Fort Belvoir, VA with a report date of 31 July 2019.

f. On 30 April 2020, the U.S. Army Installation Management Command, Headquarters, USAG, Fort Belvoir, issued Orders Number 121-08 ordering him to PCS to Tripler Army Medical Center, with a report date of 31 August 2020.

g. His record is void of the Army Medical Department Special Pay Memorandum or any documentation pertaining to the HPO BCP.

h. He continues active service.

4. The applicant provides the following:

a. ABIM Letter, dated 3 December 2019 notifying him of the passing completion of the American Board of Internal Medicine 2019 Cardiovascular Disease Certification Examination.

b. The ABIM Certified Diplomate showing he met the requirements of the Board and is certified as a medical provider in cardiovascular disease.

c. Email correspondence showing his communication with the Tripler Army Medical Center human resources assistant pertaining to his HPO BCP and other pay entitlements.

5. On 17 October 2023, the Office of the Surgeon General, Chief, Special Pay Branch, Human Resources, G-1, provided an advisory opinion recommending approval of the applicant's request stating in effect, the applicant requests retroactive HPO BCP, effective 3 December 2019. A review of the supporting documentation, policy, special pay, and finance data, he was eligible to receive HPO BCP effective 3 December 2019, the date of the board certification memorandum. He is eligible to receive the HPO BCP (\$6,000.00 per year) in the amount of \$16,966.66 (3 December 2019-30 December 2019; \$466.66; 1 January 2020-30 December 2020; \$6,000.00; 1 January 2021-31 December 2021; \$6,000.00; 1 January 2022-30 September 2022; \$4,500.00) for the 3 December 2019-30 September 2022 timeframe. The exact arrears payment is determined by Defense Finance and Accounting Service, Indiana (DFAS-IN).

6. On 19 October 2023, the applicant was provided a copy of the advisory and provided an opportunity to respond. He provided a rebuttal with the following supporting documents as additional evidence:

- ABIM examination date confirmation
- ABIM confirmation of Cardiovascular Board Certificate Letter
- ABIM Certificate of Cardiovascular Board Certification.

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 retroactive payment of Health Professions Officer Board Certification Pay (HPO BCP), effective 3 December 2019. The Board reviewed and agreed with the OTSG advisory official's finding the applicant was eligible to receive HPO BCP effective 3 December 2019, the date of the board certification memorandum. He is eligible to receive the HPO BCP (\$6,000.00 per year) in the amount of \$16,966.66 (3 December 2019-30 December 2019; \$466.66; 1 January 2020-30 December 2020; \$6,000.00; 1 January 2021-31 December 2021; \$6,000.00; 1 January 2022-30

September 2022; \$4,500.00) for the 3 December 2019-30 September 2022 timeframe. The exact arrears payment is determined by Defense Finance and Accounting Service, Indiana (DFAS-IN).

BOARD VOTE:

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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 maintained all their licensing, credentialing, and specialty qualification.
- showing the HPO submitted timely request for BCP for the period 3 December 2019-30 September 2022
- showing the HPO's requests were approved by the appropriate office and paying him any BCP she is due 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, USC, 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. Title 37 USC, section 335 states the Secretary concerned may HPO BCP under this section to an officer in a Regular or Reserve component of a uniformed service who is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and is serving on active duty in a designated health profession specialty or skill. 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) (lump sum or installments); the period of obligated service; whether the service will be performed on active duty in an active status in or in a Reserve Component. HPO BCP under subsection (c) may not exceed \$6,000.00 for each 12-month period an officer remains certified in the designated health profession specialty or skill.
3. Department of Defense 7000.14-R Financial Management Regulation states to be eligible for BCP payable at a rate of \$6,000.00 annually (prorated monthly), Health Professions Officers must:
 - meet the eligibility criteria itemized in paragraph 050204
 - be serving in an Active Component (AC) or a Reserve Component (RC) of a Military Service and entitled to basic pay under Title 37, USC, section 204 or compensation pursuant to 37 USC, section 206
 - be serving on active duty or in an active Reserve status in a designated health professional clinical specialty
 - have a post-baccalaureate degree in a clinical specialty (a post Master's certificate acceptable to the Secretary concerned can satisfy this requirement)
 - be certified by a professional board in a designated health profession clinical specialty

//NOTHING FOLLOWS//