

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 February 2024

DOCKET NUMBER: AR20230005791

APPLICANT REQUESTS: adjustment of Health Professions Officer Board Certification Pay (HPO BCP) effective date to reflect 5 July 2022 rather than 20 October 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Request for HPO BCP, 2 November 2022
- Medical Operational Data System (MODS) screenshot
- Email communications

FACTS:

1. The applicant states in pertinent part that in August 2022, he contacted the Special Pays Technician for Fort Polk, LA, concerning HPO BCP. He contests that he did not receive a reply until after the new fiscal year and was advised that he needed to take an Army Combat Fitness Test and provide a DA Form 5500 (Body Fat Composition Worksheet) prior to processing his request for special pay request. In November, his request was finally processed with an effective date of 20 October 2022 despite previously being advised the date would be 1 October 2022. He notes that he endorsed the request on 2 November with an effective date of 5 July 2022. However, within MODS it provides that his effective date reflects 20 October 2022.

2. A review of the applicant's available service records reflects the following:

a. On 10 June 2022, the applicant was appointed a Regular Army commission at the rank/grade of first lieutenant (1LT)/O-2 within the Medical Specialist Corp as a Physician Assistant (65D)

b. On 2 September 2022, the applicant completed the Army Medical Department Basic Officer Leader Course.

c. On 6 March 2023, the applicant completed the Flight Surgeon Primary Course.

3. The applicant provides the following a:

a. Memorandum – Subject: Request for HPO BCP dated 2 November 2022, reflective of the applicant's submitted request for HPO BCP with an effective date of 20 October 2022 at a rate of \$6,000.00 per year (prorated monthly). The applicant's BCP effective date reflects 5 July 2022 with a 31 December 2024 expiration date.

b. MODS screenshot reflective of the applicant's pertinent medical credentials to include his special pay entitlements. His HPO BCP start date reflects 20 October 2022 and his Health Professions Pay Entry Date reflects 10 June 2022.

c. Email communications, reflective of communication concerning the applicant's request for an exception to policy regarding his HPO BCP effective date. The applicant was advised that they were only able to backdate his effective date to 1 October 2022. The applicant was further advised of the acceptable reasons which would be considered extenuating circumstances to justify why the HPO BCP contract was not generated within the 120-day window (90 days prior to the effective date/30 days after the effective date). The applicant notes that he was not notified until 5 July 2022, while he was still participating in training, had not reported to the unit and was therefore unaware of who the Special Pay Technician was.

4. On 16 November 2023, the Office of the Surgeon General, Chief, Special Pay Branch, provided an advisory opinion noting that a review of supporting documentation, policy, special pay, and finance data, the applicant was eligible (met all requirements) to receive the \$6,000.00/year HPO BCP, effective 5 July 2022. The applicant was eligible to receive the HPO BCP totaling \$1,733.33 for the period of 5 July 2022 – 19 October 2023. The exact arrears payment would be determined by the Defense Finance and Accounting Service (DFAS).

5. On 17 November 2023, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 14 February 2024, the applicant has not responded.

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 Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the Office of the Surgeon General, Chief, Special Pay Branch advisory opinion, the Board concurred with the advising official finding the applicant was eligible to receive the \$6,000.00/year HPO BCP, with an effective date of 5 July 2022. The opine also noted

the applicant was eligible to receive the HPO BCP totaling \$1,733.33 for the period of 5 July 2022 –19 October 2023.

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 records of the individual concerned be corrected by showing the applicant was eligible for the HPO BCP at \$6,000.00/year with an effective date of 5 July 2022. The applicant was eligible to receive the HPO BCP totaling \$1,733.33 for the period of 5 July 2022 –19 October 2023. The exact arrears payment would be determined by the Defense Finance and Accounting Service (DFAS).

2/29/2024

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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. Title 10, United States Code (USC), 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.
2. Title 37, USC, Section 335 (Special Bonus and Incentive Pay for Officers in Health Professions) states requests for discretionary category of HPO BCP are initiated by the officer through their command's supporting personnel office. If board certification renewals are issued, they must also be submitted to ensure HPO BCP continues uninterrupted. Receipt of monthly HPOBCP can be verified by the officer by reviewing their monthly leave and earnings statement entitlements column.
3. Department of Defense 7000.14-R (Financial Management Regulation) Volume 7A, Chapter 5 (Health Professions Officer Special and Incentive Pay) provides that 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, 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. Service members must 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) provides that the annual amount payable is \$6,000.00, to be prorated monthly.
4. Department of Defense Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs), provides that 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//