

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 October 2024

DOCKET NUMBER: AR20230006311

APPLICANT REQUESTS: Correction to the amount of and continuation of receipt of Health Professions Officer Incentive Pay (HPOIP) as a general surgeon in the amount of \$52,000.00, from 30 June 2021 to 9 May 2023 and/or as a vascular surgeon in the amount of \$59,000.00 commencing on 9 July 2021.

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

- DD Form 149 (Application for Correction of Military Record) On line application
- HPO Incentive Pay agreement
- [REDACTED] Board of Osteopathic Examiners In Medicine and Surgery Education Verification
- [REDACTED] Physician License certificate and card
- Privileged Provider Information Report
- Personal Statement Of Military Compensation
- Two (2) Leave and Earnings Statements

FACTS:

1. The applicant states as an active duty physician, fully trained, he is entitled to Incentive Pay based on his medical specialty. He completed his training as a General Surgeon (military occupational specialty (MOS) 61J) in June 2021 at William Beaumont Army Medical Center, Fort Bliss, Texas, from 30 June 2021 through 9 May 2023 and he received an incorrect Incentive Pay amount. The annual Incentive Pay rate for a 61J was \$52,000. The Incentive Pay he received during this interim period was only \$13,999.92 annually. He requests back-pay of the monetary difference in this Incentive Pay amount, as he meets the qualifications of a fully trained General Surgeon. After 30 June 2021, his MOS changed to 61W (Vascular Surgeon). He understands that the incentive pay for 61W is \$59,000 annually. He will leave the determination of whether he should receive the 61J or the 61W rate up to the parties reviewing this request.

2. In response to a request from for additional documentation, the applicant stated "The credentialing packet provided is the only one he has received since graduating residency. Immediately after graduation, he PCS'd to a civilian fellowship program, working full time. As a fellow, one is not typically given full hospital privileges, as they are still considered in training (beyond residency)."

3. The applicant's Integrated Personal Electronic Records Management System (iPERMS) does not contain any of the documentation provided by the applicant, nor are there any documents related to his incentive pay.

4. The applicant provides:

a. An undated approved HPO Incentive Pay agreement.

b. [REDACTED] Board of Osteopathic Examiners In Medicine and Surgery Education Postgraduate Training Verification form dated 20 April 2021.

c. A copy of his [REDACTED] Medical Board Physician License certificate and card, with an expiration date of 31 August 2021.

d. Privileged Provider Information Report (7 pages), dated 28 July 2023, reflects the scope of privileges in General Surgery includes the evaluation, diagnosis, treatment, and consultation for patients of all ages to correct or treat various conditions, diseases, disorders, and injuries of the head and neck, chest, abdomen and it's contents, extremities, breast, skin and soft tissues, and endocrine system. General surgeons provide non-surgical care for conditions that may eventually require surgical procedures as well as pre-, intra-, and post-operative surgical care. "Fully Competent" was indicated in both the "Requested" and "Approved" columns.

e. Personal Statement Of Military Compensation (4 pages) contains the applicant's monthly and annual Basic Pay, BAH or BAS amounts as of March 2023. The applicant's Special and Incentive Pays and Bonuses are also reflected on the statement.

f. The 2021 and 2023 LESs provided do not show any indication of incentive pay.

5. A review of the applicant's service record shows:

a. On 29 May 2015, he took the Oath of Office as a Regular Army, Medical Corps, Captain (CPT)/O-3.

b. His Officer Record Brief, dated 27 November 2022, reflects he served as:

- From 5 June 2015 through 23 August 2016, General Surgery Intern (military occupational specialty MOS - 61J)
- From 24 August 2016 through 8 July 2021, General Surgery Resident (MOS 61J)
- From 9 July 2021 through the present, Vascular Surgeon Fellow (MOS 61W)

6. The Army Review Boards Agency Case Management Division requested an advisory opinion from the Army Medical Department Special Pay Branch on two occasions. On both occasions, this office indicated that the available information was insufficient to render an opinion.

7. On 13 December 2023, the applicant indicated that the credentialing packet provided is the only one he has since graduating residency. Immediately after graduation, he transferred (permanent change of station) to a civilian fellowship program, working full time. As a fellow, one is not typically given full hospital privileges, as they are still considered in training (beyond residency).

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 found the record clearly shows the applicant has been credentialed and has been actively practicing medicine, first as a general surgeon and later as a vascular surgeon. The Board found it obvious that he should be paid any incentive pay for which he is eligible. Based on a preponderance of the evidence, the Board determined the applicant's records should be referred to the appropriate office to determine the rate of incentive pay he should receive for his area of concentration, and he should be paid the incentive pay retroactive to the first date he became eligible for the incentive pay.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

| | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|----------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 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 referring the applicant's records to the appropriate office to determine the rate of incentive pay he should receive for his area of concentration and pay him the incentive pay retroactive to the first date he became eligible for the incentive pay.

3/29/2025

X

CHAIRPERSON

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 Instructions 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military (HPOs) states to be eligible for HPOIP a HPO must:

- be in a Regular or Reserve Component of a Military Service and be entitled to basic pay
- be serving on active duty or in an active status in a designated health profession specialty or skill
- have a current, valid, and unrestricted license
- sign a service agreement indicating; the amount of bonus or pay, method payment of the bonus or pay, the period of obligated service for the bonus or pay, whether the service will be performed on active duty or in an active status in Reserve Component

2. Annual payments of HPOIP will be paid in equal monthly payments. The effective date of HPOIP will be calculated from the completion of the qualifying training plus 3 months.

3. Department of Defense Financial Management Regulation Volume 7A, Table 5-4, dated August 2019 states Medical Corps officers in initial residency are entitled to HPOIP at a rate of \$8,000.00 per year; prorated monthly.

4. Army Active Component Health Professions Officer Special and Incentive Pay Plan Effective 1 January 2019 shows the following:

a. To be eligible for the HPOBCP, an HPO must:

(1) Execute a HPOBCP agreement and have at least one-year retainability on Active Duty beginning on the effective date.

(2) Have a post-baccalaureate degree (Master's Degree or higher) in the HPO's clinical specialty/AOC.

(3) Be certified by an approved recognized clinical specialty professional board (not a State board) in the clinical specialty/AOC as listed in the pertinent section of Table 2.

(4) The HPO must possess a current, valid, unrestricted license.

b. To be eligible for the HPOIP, an HPO must:

(1) Execute an IP agreement and have at least one-year retainability on Active Duty beginning on the effective date.

(2) If a HCP, Active Component and HPO's must be currently credentialed, privileged, and practicing a minimum of 40-hours/year at a facility designated by the Army, in the specialty for which the HPOIP is being paid.

(3) The HPO must possess a current, valid, unrestricted license

(4) Table 3 HPOIP rates – 61W Fellow Graduate - \$52,000.00 per year/prorated monthly.

//NOTHING FOLLOWS//