

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 March 2024

DOCKET NUMBER: AR20230006353

APPLICANT REQUESTS: Exception to policy (ETP) to receive Health Professions Officer Board Certification Pay (HPO BCP) effective January 2017 to present.

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

- DD Form 149 (Application for Correction of Military Record)
- State [REDACTED] ([REDACTED]) Department of Health and Human Services (DHHS) Division of Public Health license
- [REDACTED] DHHS Certification of [REDACTED] Licensure expiration 1 October 2020
- [REDACTED] DHHS Certification of [REDACTED] Licensure expiration 1 October 2022
- [REDACTED] DHHS Certification of [REDACTED] Licensure expiration 1 October 2024
- American Board of Family Medicine Diplomate Certificate
- American Board of Medical Specialties Board Certification Credentials Profile expiration 15 February 2017
- Memorandum, Subject: Request for HPO Incentive Pay (IP)
- DHHS Certification
- American Board of Family Medicine Verification
- American Board of Medical Specialties Board Certification Credentials Profile, 28 February 2019
- American Board of Medical Specialties Board Certification Credentials Profile expiration, 15 February 2021
- American Board of Family Medicine, Incorporated (Inc) letter, 25 March 2021
- American Board of Family Medicine, Inc letter, 19 May 2022
- American Board of Family Medicine, Inc letter 4 January 2023
- Leave and Earnings Statements (LES) for October 2016 through April 2023

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 effect, he requests an ETP to receive HPO BCP effective January 2017 to present. He had not received HPO BCP when he became eligible in January 2017. In 2017, the Department of Defense (DoD) changed the Healthcare Specialty Pay System which caused his Variable Specialty Pay (VSP)/Incentive Special Pay (ISP) that he was paid beginning in 2016 to be collected from him in 2017. The specialty pay for a Family Medicine Physician was shown on his LESs as Save Pay, but it did not include his HPO BCP. The HPO BCP can only be requested by fiscal year. He is attempting to recoup lost earnings and entitlements for the last 6-years due to the change in the pay system that was implemented by the DoD.

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

a. On 10 June 2006, having had prior enlisted service in the U.S. Army Reserve (USAR), the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

b. On 8 September 2006, Orders Number C-09-629448, issued by the U.S. Army Human Resources Command (HRC), the applicant was appointed in the USAR Control Group (Officer Active Duty Obligor), effective 10 June 2006.

c. DA Form 5074 (Record of Award of Entry Grade Credit (Medical and Dental Officers)) shows the applicant was awarded a Doctor of Osteopathic Medicine on 4 June 2010 from [REDACTED] University [REDACTED].

d. On 13 April 2010, Orders Number A-04-011296, issued by HRC, the applicant was ordered to active duty to fulfill his active duty requirement in a voluntary indefinite status, effective 9 June 2010.

e. On 9 June 2010, the applicant executed his oath of office and was appointed a Regular Army Medical Corps commissioned officer.

f. On 30 June 2011, the applicant completed his Transitional Year Internship with the [REDACTED] Uniformed Service Health Education Consortium.

g. The applicant completed Family Medicine Residency training at Martin Army Community Hospital, Fort Benning, GA, during the period of 23 June 2014 through 31 October 2016.

4. The applicant provides:

a. State [REDACTED] DHHS Division of Public Health license shows the applicant was licensed as a Osteopathic Physician and Surgeon with an expiration of 1 October 2018.

- b. ■■■ DHHS Certification of ■■■ Licensure certified the applicant was licensed as a Osteopathic Physician and Surgeon; the license was issued on 11 August 2011 that expired on 1 October 2020.
- c. ■■■ Public Health Licensure Unit certified the applicant was licensed as a Osteopathic Physician and Surgeon; the license was issued on 11 August 2011 and expired on 1 October 2022.
- d. ■■■ Public Health Licensure Unit certified the applicant was licensed as a Osteopathic Physician and Surgeon; the license was issued on 11 August 2011 and is due to expire on 1 October 2024.
- e. American Board of Family Medicine Diplomate Certificate shows the applicant was certified and issued his certificate by the American Board of Family Medicine, Incorporated in 2016.
- f. American Board of Medical Specialties Board Certification Credentials Profile shows the applicant received his Doctor of Osteopathy in 2010 and was initially certified on 1 November 2016 for a reverification date of 15 February 2017.
- g. Memorandum, Subject: Request for HPO IP shows the applicant agreed to a 1-year retainability on active duty to receive \$43,000.00 per year/prorated monthly in Area of Concentration 61H (Family Medicine). His request was approved by the Deputy Commanding Officer at Tripler Army Medical Center.
- h. ■■■ DHHS Certification of ■■■ Licensure certified the applicant was licensed as a Osteopathic Physician and Surgeon; the license was issued on 11 August 2011 and expired on 1 October 2018.
- i. American Board of Family Medicine verification certifies the applicant was certified on 1 November 2016 through successful completion of Family Medicine Certification process in Family Medicine.
- j. American Board of Medical Specialties Board Certification Credentials Profile shows the applicant received his Doctor of Osteopathy in 2010 and was initially certified on 1 November 2016 with a reverification date of 15 February 2020.
- k. American Board of Medical Specialties Board Certification Credentials Profile shows the applicant received his Doctor of Osteopathy in 2010 and was initially certified on 1 November 2016 with a reverification date of 15 February 2021.
- l. American Board of Family Medicine, Inc letter dated 25 March 2021 verified the applicant was certified with the American Board of Family Medicine as of

1 November 2016 and he was current in the Family Medicine certification requirements.

m. American Board of Family Medicine, Inc letter dated 19 May 2022 verified the applicant was certified with the American Board of Family Medicine as of 1 November 2016 and he was current in the Family Medicine certification requirements.

n. American Board of Family Medicine, Inc letter dated 4 January 2023 verified the applicant was certified with the American Board of Family Medicine as of 1 November 2016 and he was current in the Family Medicine certification requirements.

o. LES for the period of October 2016 through April 2023 which shows:

- Save Pay for the period of 1 April 2022 through December 2022 in the amount of \$3,583.00
- VSP Physician Pay for the period of 1 October 2016 through 30 September 2017 in the amount of \$1,000.00 per month
- period of 1 through 31 October 2018:
 - VSP Physician for the in the amount of \$8,000.00 was deducted
 - paid an advance debt in the amount of \$8,000.00
 - Save Pay in the amount of \$32,249.97
 - VSP Physician Pay was cancel as of 1 February 2017
 - Save Pay was started on 1 February 2017
 - Indebtedness was stopped on 23 October 2017
- Save Pay for the period of 1 November 2017 30 April 2023 through in the amount of \$3,583.33

5. On 10 October 2023, in the processing of this case, the Office of the Surgeon General provided an advisory opinion regarding the applicant's request for retroactive HPO BCP effective 1 January 2017. The advisory official stated upon review of the applicant's documents it was determined he was eligible to receive HPO BCP for the period of 1 February 2017 through 23 April 2023. He is eligible to receive HPO BCP at \$6,000.00 per year/prorated at \$500.00 per month for a total of \$36,883.00. The exact arrears payment to be determined by the Defense Finance and Accounting Service.

6. On 13 October 2023, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment. On 19 October 2023, the applicant responded via e-mail stating he was satisfied with the determination made by the Army Medical Department.

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 concurred with the conclusion of the advisory official that the applicant was eligible to receive HPO BCP for the period of 1 February 2017 through 23 April 2023. The Board determined the applicant's record should be corrected to show timely requests for HPO BCP were received and approved for the period in question, and the applicant should be paid HPO BCP for this period at the authorized rate.

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 showing timely requests for HPO BCP were received and approved for the period 1 February 2017 through 23 April 2023. As a result of this correction, the applicant should be paid HPO BCP for this period at the authorized rate.

6/25/2024



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, 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 (Special bonus and incentive pay authorities for officers in health professions), (b) Health Professions Incentive Pay. The Secretary concerned may pay incentive pay under this section to an officer in a Regular or Reserve Component of a uniformed service who: (1) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title; and (2) is serving on active duty or in an active status in a designated health profession specialty or skill. (e) (Maximum Amount and Method of Payment), (1) Maximum amount. The Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section. Board certification incentive pay 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 Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)), to establish policy, assign responsibilities, and prescribe procedures for: a. Military Department payment of incentives and bonuses to HPOs pursuant to section 335 of Title 37, USC, Paragraph 10 f. Board Certification Pay. To be eligible for BCP, an HPO must: (1) Be entitled to basic pay under section 204 of Reference (c) or compensation under section 206 of Reference (c). (2) Have a post-baccalaureate degree in a clinical specialty. A post-master's certificate acceptable to the Secretary concerned can satisfy this requirement. (3) Be certified by a professional board in a designated health profession clinical specialty. (4) Be serving on active duty or in an active status in the specialty of the board certification.

//NOTHING FOLLOWS//