

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 April 2024

DOCKET NUMBER: AR20230007783

APPLICANT REQUESTS: exception to policy to receive retroactive Health Professions Officer Incentive Pay (HPO IP) (residency) effective, 3 June 2019 through 1 July 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- U.S. Army Medical Department (AMEDD) Family Medicine Residency Program training certificate
- North Carolina (NC) Medical Board Physician License Certificate
- NC Medical Board receipt
- Leave and Earnings Statement (LES)
- Army Active Component Health Professions Officer Special and Incentive Pay Plan

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 completed his residency training at Fort (Bragg) Liberty, NC, Womack Army Medical Center during the period of 3 June 2019 through 1 July 2022 and should have received SAVE Pay beginning on 1 July 2020 in the amount of \$666.66 per month as a licensed physician which he never received. His finance center told him that being he was due to a permanent change of station he would have to apply for his SAVE Pay at his next duty assignment. Upon arrival at his next assignment an investigation was completed which determined he was entitled to pay beginning on 1 July 2020.

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

a. On 10 June 2015, the applicant executed his oath of office and was appointed a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1.

b. On 6 August 2015, Orders Number C-08-511949, issued by the U.S. Army Human Resources Command (HRC), the applicant was appointed and assigned to the U.S. Army Reserve (USAR) Control Group (Officer Active Duty Obligor (OADO)), effective 10 June 2015.

c. On 10 April 2019, Orders Number 419-100-SG10-4, issued by HRC, the applicant was appointed in the Regular Army (RA) in the rank/grade of captain (CPT)/O-3 in the Medical Corps.

d. On 10 April 2019, Orders Number A-04-900464, issued by HRC, the applicant was ordered to active duty for the acceptance of a RA appointment, effective 3 June 2019.

e. The applicant's Officer Record Brief shows he was awarded his doctorate degree in 2019 from Edward Via College of Osteopathic Medicine and his area of concentration is 61H (Family Medicine).

4. The applicant provides:

a. AMEDD training certificate which shows the applicant completed his Family Medicine Residency during the period of 1 July 2019 through 30 June 2022.

b. NC Medical Board Physician License certificate shows the applicant was licensed by the NC Medical Board with a renewal date of 11 April 2024.

c. NC Medical Board receipt shows on 26 October 2020 a payment was received in the amount of \$402.00 for a Doctor of Osteopathic Medicine (MD DO).

d. LES for the period of 1 through 30 April 2022 shows the applicant did not receive SAVE Pay for this period.

e. Army Active Component Health Professions Officer Special and Incentive Pay Plan shows the purpose of the plan and the requirements for various entitlements for Health Professions. It also shows that HPO IP will be shown on a LES as SAVE Pay or continuation pay.

5. On 16 November 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 IP for the period of 3 June 2019 through 1 July 2022. The advisory official stated after the review of the applicant's supporting documents and his service record it was determined he was eligible to receive HPO IP for the period of 3 June 2019 through

1 July 2022. He is eligible to receive intern HPO IP in the amount of \$1,200.00 per year. He is also eligible to receive residency HPO IP in the amount of \$8,000.00 per year. The total amount eligible would be \$17,990.90 for the period of 1 July 2020 through 30 October 2022. The exact arrears will be determined by the Defense Finance and Accounting Service.

6. On 24 November 2023, the Army Review Boards Agency, Case Management Division, provide the applicant the advisory opinion for review and comment. He did not respond.

#### 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 review based on law, policy, and regulation. The Board found the evidence confirms the applicant was eligible to receive the HPOIP for the period 1 July 2020 through 30 October 2022. The Board reviewed and concurred with the Office of the Surgeon General (OTSG) finding he met the requirements for eligibility of the HPOIP in the amount of \$1,200.00 per year. Additionally, OTSG determined and the Board concurred he was also eligible to receive HPOIP in the amount of \$8,000.00 per year. The Board defers to the Defense Finance and Accounting Service (DFAS) for calculation of payment.

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 timely submitted the appropriate request/form for payment of HPOIP (at the appropriate rate/year) for the period 3 June 2019 to 30 June 2020
- showing the applicant timely submitted the appropriate request/form for payment of HPOIP (at the appropriate rate/year) for the period 1 July 2020 to 30 October 2022
- showing the appropriate office timely received his requests and authorized payment 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 (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//