

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 May 2024

DOCKET NUMBER: AR20230010301

APPLICANT REQUESTS: correction of his record to show he was paid full Health Professions Officer Incentive Pay (HPO IP) for the period beginning 15 July 2017 through 15 February 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Personal Statement
- USAREC Form 1131 (Department of the Army Service Agreement F. Edward Herbert Armed Forces Health Professions Scholarship Program), 1 August 2009
- Orders Number A-04-305642, 16 April 2013
- Memorandum, Subject: Request for HPO IP, 5 November 2015
- Memorandum, Subject: Request for HPO Board Certification Pay (BCP), 15 September 2022
- Memorandum, Subject: Request for HPO IP, 31 October 2022
- Leave and Earnings Statement (LES), 1-30 June 2023
- Active Army Component Health Professions Officer Special and Incentive Pay Plan, dated 1 January 2022
- Medical Corps HPO IP and HPO RB Rates Table

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 is currently an Active-Duty veterinarian in the Army and was first ordered to active duty on 15 July 2013 following graduation from veterinary school at Washington State University. He received a 4-year Health Professions Scholarship Program (HPSP) scholarship, and prior to the start of his active duty, he passed the North American

Veterinary Licensure Exam and passed the Nevada Board of Veterinary Medical Examiners State Licensure Exam; He was and is currently a fully licensed veterinarian.

b. Per 28a (page 5) of his F. Edward Hebert Armed Forces Health Professions Scholarship Program contract, he was obligated to 4 years of Active Duty in return for the 4-year scholarship. He permanently returned to active duty on 15 July 2013, and fulfilled his Active-Duty Service Obligation (ADSO) for the HPSP Scholarship on 14 July 2017.

c. IP and BCP for Health Professionals outlines additional veterinary entitlements; IP rates for basic licensed Army veterinarians and are detailed on page 32. He first received veterinary IP on 1 October 2015. At the time he was not a "fully qualified" veterinarian because he had not paid back the ADSO for the 4-year HPSP scholarship. He became fully qualified on 15 July 2017 when he paid off his ADSO. He has been a licensed veterinarian since 2013 and has been on active duty since 2013 as well.

d. Per the Board Pay for Health Professionals document, his incentive pay should have increased from \$2,500.00 per year to \$5,000.00 per year on 15 July 2017 because he became a fully qualified Army veterinarian after fulfilling the HPSP ADSO. He was not paid at the full rate from between 15 July 2017 to 15 February 2022. His IP was corrected to \$5,000.00 per year (fully qualified) on 15 February 2022. Additionally, the specialty BCP was added because he passed the American College of Veterinary Surgeons specialty board in 2022.

e. He was entitled to \$2,500.00 per month more than what he received from between 15 July 2017 to 15 February 2022, which is equivalent to 54 months and 14 days ( $\$208.33 \times 54 \text{ months} = \$11,249.82$ ;  $\$6.85 \times 14 \text{ days} = \$95.90$ ;  $\$11,249.82 + \$95.90 = \$11,345.72$ ).

3. On 1 August 2009, he was appointed as a Reserve commissioned officer and executed an oath of office. In conjunction, USAREC Form 1131 was signed for enrollment for the completion of a degree in Veterinary Medicine for 4 years of active duty service.

4. On 29 May 2013, he was issued a Veterinary Medical License from the state of Nevada.

5. On 16 April 2013, the U.S. Army Human Resources Command (HRC) issued Orders Number A-04-305642 placing him on active duty for an indefinite period, effective 24 October 2013.

6. On 5 November 2015, he requested and was approved for HPO IP in Area of Concentration (AOC) 64A (Field Veterinary Service) in the amount of \$2,500.00 per year/prorated monthly, effective 1 October 2015.

7. On 14 July 2019, he completed his Residency with the Washington State University College of Veterinary Medicine from 16 July 2016 to 14 July 2019.

8. He provides a Memorandum, Subject: Request for HPO BCP, dated 15 September 2022, showing he requested and was approved to receive \$6,000.00 per year paid on a monthly basis.

9. On 31 October 2022, he requested and was approved for HPO IP in AOC 64A in the amount of \$5,000.00 per year/prorated monthly, effective 1 October 2022.

10. The applicant also provides a/an:

a. LES, dated 1-30 June 2023 as supporting evidence to reflect his active duty pay and entitlements.

b. Active Army Component Health Professions Officer Special and Incentive Pay Plan dated 1 January 2022 wherein he places emphasis on renegotiation of HPO IP, HPO Retention Bonus (RB) and the 2022 calendar year incentive benefit.

c. Medical Corps HPO IP and HPO RB Rates Table showing the compensation rates for HPO IP for a fully qualified veterinarian.

11. On 20 December 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:

a. A review of supporting documentation, policy, special pay, and finance data shows the applicant was ineligible to receive the incentive on the requested date.

b. However, he was eligible to receive the HPO IP effective 1 January 2018 at the \$5,000.00 annual rate for the 1 January 2018 – 30 September 2022 timeframe totaling \$23,7000. He already received \$11,875.00 at the previous rate of \$2,500.00 per year for the period which must be deducted from the new total amount eligible (\$23,700.00 - \$11,875.00 = \$11, 825.00). The total amount eligible is \$11,825.00. The exact arrears payment is determined by Defense Finance and Accounting Service.

12. On 2 January 2024, the applicant was provided with a copy of the advisory opinion and given an opportunity to reply. On the same day, the Army Review Boards Case Tracking System under "tasks" shows he replied concurring with the advisory official.

BOARD DISCUSSION:

1. The Board carefully considered the applicant's request for correction of his record to show he was paid full Health Professions Officer Incentive Pay for the period beginning 15 July 2017 through 15 February 2022, his contentions, his military record, and statutory and regulatory guidance. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief is warranted.

2. The Board concurs with the Surgeon General Special Pay Advisory opinion; the applicant was eligible for the Health Profession Officer Incentive Pay from 1 January 2018 to 30 September 2022, and he should receive his incentive pay.

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 paying him the Health Profession Officer Incentive Pay from 1 January 2018 to 30 September 2022 as appropriate; the exact arrears payment is to be determined by Defense Finance and Accounting Service

■

■ ■

■ ■

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. Department of Defense Financial Management Regulation, Volume 7A, chapter 5 provides:

a. in to be eligible for HPOIP a member must:

- Execute a HPOIP agreement and have at least one year retainability on active duty beginning on the effective date
- If a health care provider must be credentialed, privileged, and practicing a minimum of 40 hours/year at a facility designated by the Army
- Must possess a current, valid, unrestricted license
- Agreement effective date is no earlier than completion of qualifying training plus 3-months

b. Table 5-4 shows a fully qualified Veterinarian qualifies for HPO IP at a rate of \$5,000.00 prorated monthly.

//NOTHING FOLLOWS//