

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 May 2024

DOCKET NUMBER: AR20230010352

APPLICANT REQUESTS: retroactive entitlement to Health Professions Officer Incentive Pay (HPO IP) as a 61K (Cardiothoracic Surgeon) effective 1 August 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum – Subject: Request for HPO Board Certification Pay, 2 January 2020
- Memorandum – Subject: Request for HPO IP, 5 July 2023
- Pocket Identification Card
- Vanderbilt University Medical Center, 31 July 2022
- Memorandum – Subject: Letter of Lateness for Special Pay Contract, 6 July 2023

FACTS:

1. The applicant states in pertinent part that his HPO IP was incorrectly paid as a 61J (General Surgeon) rather than as a 61K in 2022. The applicant completed his 61K fellowship on 31 July 2022. He notes that once he realized the error, a new contract was submitted on 10 July 2022 to the Office of the Surgeon General (OTSG). The change was processed in October 2022, however payment of the arrears from 1 August 2022 – 30 September 2022, could not be made because the period crossed into the previous fiscal year.

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

a. On 12 June 2009, the applicant was appointed a Reserve commission at the rank/grade of second lieutenant (2LT)/O-1 and enrolled into the Health Professions Scholarship Program (HPSP) leading to a degree in Medicine.

b. On 26 July 2010, the applicant completed the Army Medical Department (AMEDD) Basic Officer Leader Course.

c. On 8 April 2013, the U.S. Army Human Resources Command (AHRC) issued Orders Number A-01-399171 ordering the applicant to active duty and assigning him to

Madigan Army Medical Center to complete an internship in General Surgery (61J) beginning on 1 July 2013.

d. On 17 May 2013, the applicant's Doctor of Medicine degree was conferred by the University of Southern California. The applicant was subsequently appointed as a Regular Army Medical Corps Officer at the rank/grade of captain (CPT)/O-3.

e. On 10 June 2014, the Installation Management Command issued Orders Number 161-505 reassigning the applicant to Madigan Army Medical Center to complete his residency in General Surgery Research (61J) from 1 July 2014 – 30 June 2019.

f. On 30 June 2014, the applicant completed his General Surgery internship.

g. On 21 February 2017, the applicant submitted his request for HPO IP as a 61J at a rate of \$8,000.00 per year (prorated monthly).

h. On 30 June 2019, the applicant completed his General Surgeon residency.

i. On 31 July 2022, the applicant completed his 61K (Cardiothoracic Surgery) residency.

3. The applicant provides the following a:

a. Memorandum – Subject: Request for HPO BCP dated 2 January 2020, reflective of the applicant's submitted request for entitlement to HPO BCP as a 61J at a rate of \$6,000.00 per year (prorated monthly), effective 9 December 2019. This document is void of the commander's signature.

b. Memorandum – Subject: Request for HPO IP dated 5 July 2023, reflective of the applicant's submitted request for HPO IP as a 61K at a rate of \$59,000.00 per year (prorated monthly), effective 1 October 2022. This document was approved and endorsed by the commander on 6 July 2023.

c. Pocket Identification Card reflective of the applicant being licensed to practice as a physician with an expiration date of 31 January 2024.

d. Memorandum – Subject: Letter of Lateness for Special Pay Contract dated 6 July 2023, reflective of the applicant's commanders support of his request for specialty pay with an effective date of 1 October 2022, noting that the delayed submission was no fault of the applicant's.

4. On 29 March 2024, the OTSG, Chief, Special Pay Branch, provided an advisory opinion noting that after a review of supporting documentation, policy, special pay, and finance data, the applicant was found to be ineligible to receive HPO IP as a 61K on the requested date because he was not privileged to practice until 24 October 2022. Per the FY22 HPO Special and Incentive Pay Plan the effective date of the HPO IP is the latter date of completing training or the date of privileging.

5. On 4 April 2024, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. As of 30 April 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 not 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- Special Pay Branch advisory opinion, the Board concurred with the advising official noting the applicant was found to be ineligible to receive HPO IP as a 61K on the requested date because he was not privileged to practice until 24 October 2022. Additionally, the opine note per guidance the fiscal year 2022 HPO Special and Incentive Pay Plan the effective date of the HPO IP is the latter date of completing training or the date of privileging. The Board determined based on the opine, there is insufficient evidence to support the applicant's contentions for retroactive entitlement to Health Professions Officer Incentive Pay (HPO IP) as a 61K (Cardiothoracic Surgeon) effective 1 August 2022. As such, the Board denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.



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 Financial Management Regulation, Volume 7A, Chapter 5 (Health Professions Special (HPS) and Incentive Pay (IP) Plan) provides that subject to acceptance by the Secretary of the Army, a Health Professions Officer (HPO) who is eligible for and not in an existing Retention Bonus agreement, and who is no longer obligated pursuant to a previous IP agreement, may enter into a new 1-year IP agreement at the rate in the HPS&IP plan. IP agreements must be for at least 1 year. The effective date of the IP agreement will be calculated from the date the member completes the qualifying training plus 3 months. Medical Corps, Cardiothoracic Surgeon's are entitled to HPO IP at a rate of \$59,000.00 annually (pro-rated monthly).

2. Department of Defense Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs) states to be eligible for HPO IP an HPO must:

a. Be in a Regular or Reserve Component of a Military Service and be entitled to basic pay under Title 37, United States Code (USC), section 204 or compensation under Title 37, USC, section 206.

b. Be serving on active duty or in an active status in a designated health profession specialty or skill.

c. The effective date of the HPO IP will be calculated from the completion of the qualifying training plus 3 months.

//NOTHING FOLLOWS//