

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230010520

APPLICANT REQUESTS: Exception to Policy to receive Health Professions Officer (HPO) Board Certification Pay (BCP) effective August 2018 through present.

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

- DD Form 149 (Application for Correction of Military Record)
- American Board of Internal Medicine letter, 16 October 2018
- American Board of Internal Medicine letter, 5 January 2021
- American Board of Internal Medicine letter, 9 May 2023
- American Board of Internal Medicine screenshot

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 has been a board certified physician since August 2018 and he had not been receiving HPO BCP in the amount of \$6,000.00 per year since that time. He was not provided the proper procedure to apply or the point of contact information for the program manager. Being that the HPO incentives are combined on a service member's leave and earnings statement as Special Pay, he was not aware of the shortage in his monthly pay. He requests an exception to policy to received retroactive HPO BCP effective the date of his board certification.

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

a. On 13 May 2011, the applicant executed his oath of office and was appointed a Reserve commissioned officer.

b. On 18 May 2011, the applicant was awarded his Bachelor of Science in Biology from Mercyhurst University.

c. On 13 July 2011, Orders Number C-07-110121, issued by the U.S. Army Human Resources Command (HRC), the applicant was appointed in the rank of second lieutenant (2LT)/O-1 and assigned to the U.S. Army Reserve Control Group (Officer Active Duty Obligor), effective 13 May 2011.

d. The applicant achieved course standards for the Army Medical Department (AMEDD) Basic Officer Leadership Course during the period of 2 through 27 July 2013.

e. The applicant's DA Form 5074-R (Record of Award of Entry Grade Credit (Medical and Dental Officers)) shows the applicant was granted his Doctor Of Osteopathic Medicine (DO) degree on 24 July 2015 from Edward Via College of Osteopathic Medicine – Carolina Campus.

f. On 17 April 2015, Orders Number A-04-599134, issued by HRC, the applicant was ordered to active duty to fulfill requirements for Graduate Medical Education, effective 5 June 2015. On the effective date of entry on active duty, he was appointed in the Regular Army in the rank/grade of captain (CPT)/O-3 with the date of rank of 23 May 2015 based on constructive credit of 4-years, 0-months, and 0-days.

g. On 27 February 2017, the applicant requested and was approved for HPO Incentive Pay (IP) in the specialty of Internal Medicine – Internist (61F) and agreed to service continuous active duty effective 1 January 2017. The Army agreed to pay HPO IP in the amount of \$8,000.00 per year prorated monthly.

h. The U.S. AMEDD certificate of training shows the applicant successfully completed the Internal Medicine Residency training at Dwight David Eisenhower Army Medical Center during the period of 1 July 2015 through 30 June 2018.

i. On 13 July 2018, the applicant requested and was approved for HPO IP in the specialty of 61F and agreed to service continuous active duty effective 1 October 2018. The Army agreed to pay HPO IP in the amount of \$43,000.00 per year prorated monthly.

4. The applicant provides:

a. American Board of Internal Medicine (ABIM) letter dated 16 October 2018 which notified the applicant he passed the ABIM 2018 Internal Medicine Certification examination.

b. ABIM letter dated 5 January 2021 which notified the applicant he passed the ABIM 2020 Endocrinology, Diabetes and Metabolism Certification examination.

c. ABIM letter dated 9 May 2023 which notified the applicant he was certified in Endocrinology, Diabetes and Metabolism 2020 with an initial certification in Internal Medicine in 2018.

d. ABIM screenshot which shows he passed the internal medicine certification examination on 23 August 2018.

5. On 20 February 2024, 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 August 2018. The advisory official stated upon reviewing the applicant's documents and service record it was determined he was eligible to receive the \$6,000.00 per year HPO BCP effective 23 August 2018. He is eligible to receive the incentive in the amount of \$27,433.33. The exact arrears payment is to be determined by the Defense Finance and Accounting Service.

6. On 8 March 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. On 11 March 2024, the applicant responded via e-mail stating he had no additional comments.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant requests retroactive HPO BCP effective August 2018. The Board reviewed and agreed with the OTSG advisory official determination that he was eligible to receive the \$6,000.00 per year HPO BCP effective 23 August 2018. He is eligible to receive the incentive in the amount of \$27,433.33. The exact arrears payment is to be determined by the Defense Finance and Accounting Service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	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 Health Profession Officer (HPO)/Applicant maintained all their licensing, credentialing, and specialty qualification.
- showing the HPO submitted timely request for BCP for the period 23 August 2018 to 13 March 2023
- showing the HPO's request was approved by the appropriate office and paying him any BCP she is due 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), (c) Board Certification Incentive Pay. The Secretary concerned may pay board certification 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; (2) is board certified in a designated health profession specialty or skill; and (3) is serving on active duty or in an active status in such 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 AD or in an active status in the specialty of the board certification.
4. Department of Defense Financial Management Regulation 7000.14, Volume 7a (Military Pay Policy - Active Duty And Reserve Pay), prescribes the criteria for determining creditable service for military members; provides examples for computing valid creditable service; states periods of service that are not creditable for pay purposes; cites conditions for the payment of military pay entitlements; explains the computation of leave and conditions for leave accrual; and provides for situations where enlistments are not valid. Chapter 5 (Health Professions Officer (HPO) Special And Incentive Pay), to establish policy pertaining to Health Professions Special and Incentive) Pay. Paragraph 5.0 (Board Certification Pay (BCP)), eligibility
 - serving in an Active Component (AC) or RC of a Military Service and entitled to basic pay
 - serving on AD or in an active Reserve status in a designated health professional clinical specialty

- have a post-baccalaureate degree in a clinical specialty or a post master's certificate acceptable to the Secretary concerned can satisfy this requirement)
- certified by a professional board in a designated health profession clinical specialty

//NOTHING FOLLOWS//