

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 January 2025

DOCKET NUMBER: AR20230011067

APPLICANT REQUESTS:

- 24 months of constructive service credit (CSC) toward his date of rank (DOR) to Major (MAJ)/O4
- Retroactive basic pay and basic housing allowance as it would have applied to his current grade/rank of MAJ/O-4, as result of the corrections, if approved
- A personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- DA Form 5074-R (Record of Award of Entry Grade Credit (Medical and Dental Officers)), dated 16 February 2018
- Official College Transcripts, dated 12 June 2018
- Master of Science Diploma
- Memorandum subject: Support for and Explanation, 1 July 2022
- Two letters of recommendation for award of CSC
- Title 10 (Armed Forces), United States Code, section 1205 (Appointment of Reserve Officers)
- Department of Defense Instruction (DODI) 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs))
- Prior Army Board for Correction of Military Records (ABCMR) approved sample cases

FACTS:

1. The applicant states, when he transferred to the Regular Army (RA), he was not awarded the correct service credit for his master's degree. He is eligible for up to two years of CSC toward his DOR of rank for my Master's in Medical Sciences. The error has affected his timeline for promotion as well his basic pay, housing allowance, and

retirement matching through the blended retirement system. His advanced degree has helped him to publish research, enhanced his diagnostic and treatment skills while serving as a flight surgeon from 2019 through 2022, including diagnosing and treating multiple pathologies and initiating early pharmacological interventions. He is requesting 24 months of CSC toward his DOR, and retroactive basic pay and basic housing allowance in his current rank of MAJ.

2. The applicant provides:

a. Official Transcripts and his Master of Science diploma, which show the applicant graduated from Mississippi College with a Master of Science on 14 December 2012.

b. In a memorandum subject: Support for and Explanation, dated 1 July 2022, which is available in its entirety for the Boards review, the applicant further elaborates on the following:

(1) DODI 6000.13, 3.1.c.(3)(b) provides that credit for master's and doctorate degrees in a health profession may be awarded based on actual full-time equivalent education of up to 2 years for a master's degree and up to 4 years for a doctorate degree. Since his master's degree was in a health profession field, it should qualify for constructive service credit.

(2) DODI 6000.13, 3.1.c.(4) states that credit will be awarded for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level that exceeds the basic education required for the appointment, if such advanced education will be directly used by the Military Department concerned. His degree is other than medicine and dentistry and is advanced education beyond baccalaureate degree level that exceeds the basic education required for his appointment, which he implements in his appointed position.

c. Two letters of recommendation for his award of CSC, which show in pertinent part:

(1) On 8 June 2023, Colonel (COL) M. W. expressed he fully supports the applicant's request on his CSC request. The additional coursework completed leading to the award of a Master's Degree in Medical Sciences has direct relevance to the practice of diagnostic radiology and serves to enhance his clinical capability.

(2) On 14 July 2023, Lieutenant Colonel (LTC) A. P. explains that while completing his master's degree, the applicant has also completed advanced coursework in Human Gross Anatomy, Human Neuroanatomy, Neuroscience special topics, Medical Physiology, Endocrinology, and Gastrointestinal Physiology. This coursework has directly contributed to his clinical knowledge base beyond that of a typical radiology

resident. His skills and experience in these areas have bolstered his diagnostic abilities and recognition of disease pathology, which has made him an asset in the diagnostic radiology department.

d. The applicant provides multiple ABCMR Docket Numbers, which are other servicemember cases, wherein they requested CSC for their Masters of Medical Science Degree, which were approved by the Board. The entire cases are provided for the Board's review.

3. The applicant is a current member of the RA.

4. The applicant's service record shows:

a. On 11 February 2014, The Secretary of the Army directed that he be informed that by direction of the President, he was appointed a Reserve commissioned officer of the Army, effective on his acceptance, in the grade second lieutenant (2LT)/O1, for an indefinite term.

b. DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer on 27 March 2014, in the rank/grade of 2LT at the Medical Recruiting Center.

c. DA Form 1059 (Service School Academic Evaluation Report) shows he completed the Army Medical Department (AMEDD) Basic Officer Leader Course, on 25 July 2015.

d. A DA Form 5074 (Record of Award of Entry Grade Credit (Medical and Dental Officers)) was processed on 16 February 2018. It awarded him four years of CSC for his basic qualifying degree (Augusta College). Based on four years of CSC, he qualified for entry in the Active Component in the rank/grade of captain (CPT)/O3, with a date of entry on active duty of 11 June 2018.

e. DA Form 71 shows he was appointed as a RA Medical Corps commissioned officer on 11 June 2018, in the rank of CPT.

f. Action Memorandum for Promotion, dated 10 June 2024 shows the applicant was promoted to the rank of MAJ/O4 with an effective date of 11 June 2024.

5. On 1 August 2024, the Office of the Surgeon General provided an advisory opinion for this case and recommended disapproval of the applicant's request. His Master's degree is not required for entrance into medical school or for service as an Army Medical Corps Officer.

a. In instances where this office has supported the awarding of CSC, the physician has provided specific information about how their degree provides a unique use to the Army beyond that provided by their medical degree. When relief is granted, the degree generally included a research thesis and examples of published research by the officer during their time in Army Graduate Medical Education (GME) and/or their time as an attending physician. Such research represents direct use by the Army.

b. Upon review of the current webpage for the Mississippi College Master of Medical Science degree, it notes that it prepares students for professional schools (medical, dental, etc.). Additionally, the courses in the enclosed transcript are consistent with those taken in medical school itself. To that end, it does not appear that the Army is directly benefiting from his coursework. On the whole, this Master's degree is consistent with those for whom we have recommended against CSC.

c. As per DoDI 6000.13-3.1.c(3)(b) (2015), credit for master's degrees may be awarded based on actual full time equivalent education up to 2 years. His degree was initiated in Spring 2012, and he appears to have been a full-time student through 14 December 2012. To that end, should Army Review Boards Agency (ARBA) elect to award him CSC, he would be entitled from the start date of his degree through 14 December 2012.

d. In the absence of a clear, direct use of the degree by the Army, and the similarity in the curriculum between the Master's degree and medical school, this office recommends against awarding CSC. This is an opinion only; final determination will be provided by the Army Review Boards Agency (ARBA).

6. On 5 August 2024, a representative with the Case Management Division (CMD) of ARBA provided the applicant with a copy of the advisory opinion for review and/or comment.

7. The applicant provided the following response, which is available in its entirety for the Board's review:

a. The knowledge and skills developed by his master's degree has enhanced his diagnostic abilities to care for service members. His neuroanatomy and neuroscience courses, have helped him identify vision loss patterns and pathologies. The coursework in Human Gross Anatomy, Human Neuroanatomy, Neuroscience Special Topics, Medical Physiology, Endocrinology, and Gastrointestinal (GI) Physiology have also bolstered his diagnostic skills and recognition of disease pathology.

b. He requests approval of constructive service credit. His Master of Medical Sciences degree has enhanced his diagnostic skills as an Army Flight Surgeon and as a radiology resident at Brooke Army Medical Center as well as benefited the Army.

Precedent for awarding credit for this degree was established in 1996, which is in accordance with DoD policy.

8. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, states an applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

BOARD DISCUSSION:

1. 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. One possible outcome was to grant relief based on finding the advisory opinion lacking in conviction, noting that it did not fully address the applicant's rebuttal, or the detailed support provided in letters from senior medical officers. The Board member noted, the applicant's coursework, particularly in neuroanatomy, physiology, and pathology was shown to enhance his diagnostic capabilities in both his role as a Flight Surgeon and as a radiology resident. He emphasized that the applicant's education has had a direct and practical impact on his clinical performance, and precedent cases submitted by the applicant demonstrate that similar degrees have previously qualified for CSC. Furthermore, the applicant's credible documentation, the potential benefit to Army readiness, and the principle that the benefit of does should go to the applicant

2. However, upon further review of the applicant's request, available military records and the Office of the Surgeon General – Medical Education Directorate, the Board majority concurred with the advising official finding the applicant's Master of Medical Science degree does not meet the criteria for CSC under DoDI 6000.13. Specifically, the degree was not required for entry into medical school or for service as an Army Medical Corps Officer, and its curriculum closely mirrors that of standard medical education rather than offering unique, directly applicable benefit to the Army. The absence of a research thesis published work, or demonstrable direct use by the Army further limits justification for CSC. Based on this, the Board denied relief.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	XXX	XXX	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.

//SIGNED//
X

 CHAIRPERSON

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. Army Regulation 15-185 Army Board for Correction of Military Records (ABCMR), currently in effect, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR may, in its discretion, hold a hearing (sometimes referred to as an evidentiary hearing or an administrative hearing) or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

2. Army Regulation 135-101 (Appointment of Reserve Commissioned Officers for Assignment to Army Medical Department Branches), Chapter 3 (Grade Determination) provides that grade and date of rank upon original appointment and assignment to an Army Medical Department (AMEDD) branch will be determined by the number of years of entry grade credit awarded. Except as limited by maximum credit limits, entry grade credit granted will be the sum of constructive service credit and credit for prior active commissioned service. Entry grade credit awarded to AMEDD officers upon-appointment or assignment will be recorded on DA Form 5074-R (Record of Award of Entry Grade Credit (Medical and Dental Officers)). Constructive service credit will be granted for periods of professional training and experience accrued after receipt of the basic qualifying degree.

3. Department of Defense Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers) provides that constructive service credit is awarded to a person who begins commissioned service after obtaining the additional education, training, or experience required for appointment, designation, or assignment as a Health Professions Officer. The designation will be to the same grade and date of rank comparable to that attained by officers who begin commissioned service after getting a baccalaureate degree and serve for the period of time it would take to obtain the additional education. Constructive service credit will only be used to determine initial grade, rank in grade, and service in grade for promotion eligibility.

a. One year of constructive service credit will be granted for each year of graduate level education toward the first professional degree completed when that degree is required for appointment in the professional specialty being entered. The maximum number of years of constructive service credit that may be awarded under this provision is the number of years of graduate level education required by a majority of institutions that award degrees in that professional field.

b. Credit for master's and doctorate degrees in a health profession may be awarded based on actual full-time equivalent education of up to 2 years for a master's degree and up to 4 years for a doctorate degree. Credit may not include time spent in attainment of baccalaureate or other lower degrees.

c. Additional day-for-day credit will be granted for the successful completion of post-baccalaureate internship, residency, fellowship, or equivalent graduate, medical, dental, or other formal health professions training required by the Military Department concerned. This credit may not exceed 1 year unless such graduate-level training or experience in excess of 1 year is required for certification in a specialty required by the Military Department concerned, in which case the additional day-for-day credit will be granted for the period required for certification.

d. The Secretary concerned may grant additional credit in unusual cases based on special experience in a particular field. The amount of credit will be 1 year for each year of special experience.

4. Army Regulation 135–15 (Promotion of Commissioned Officers and Warrant Officers Other Than General Officers), in effect at the time, provides policy for selecting and promoting commissioned officers of both the Army National Guard of the United States (ARNGUS) and the U.S. Army Reserve (USAR), and warrant officers of the USAR.

a. Officers and warrant officers who have either failed of selection for promotion, or who were erroneously not considered for promotion through administrative error may be reconsidered for promotion by either a promotion advisory board or a special selection board, as appropriate.

(1) Promotion advisory boards are non-statutory boards, and are convened to reconsider all warrant officers, to include commissioned warrant officers. These boards will also reconsider commissioned officers (other than commissioned warrant officers) who were either non-selected or were erroneously not considered for promotion by a mandatory promotion board convened before 1 October 1996.

(2) Special selection boards, convened under the Reserve Officer Personnel Management Act (ROPMA) on and after 1 October 1996, will reconsider commissioned officers, (other than commissioned warrant officers) who were wrongly not considered, and reconsider commissioned officers (other than commissioned warrant officers) who were considered but not selected by mandatory promotion boards that convened on or after 1 October 1996. These boards do not reconsider officers who were not considered or not selected by mandatory promotion boards that convened before 1 October 1996.

b. Promotion advisory boards/special selection boards will convene as needed' basis, to reconsider officers who were either improperly omitted from consideration due to administrative error, or who were non-selected for mandatory promotion as a result of material error. These boards are convened to correct/prevent an injustice to an officer or former officer who was eligible for promotion but whose records:

- Through error, were not submitted to a mandatory promotion selection board for consideration
- Contained a material error when reviewed by the mandatory selection board

c. Records of officers or former officers will be referred for special selection board action when the Office of Promotions determines if an officer was eligible for promotion consideration; however, the officer's records were, through error, not

submitted to a mandatory promotion selection board.

d. The Army Board for Correction of Military Records (ABCMR) requests such a referral.

e. Correction of military records as a result of a special selection board action. If the report of a special selection board, approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion, or a former officer whose name was referred to it, the SA may act through the ABCMR to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

f. Date of Rank (DOR) is the date the member actually or constructively was appointed or promoted to a specific grade. It is the date used to determine the relative seniority for officers holding the same grade. The officer's Date of Eligibility for promotion (PED) will become the officer's DOR upon promotion. The DOR will be used to establish the PED to the next grade.

g. Effective date is the date the officer is eligible for pay and allowances in the higher grade. An officer is promoted after selection if all qualifications for promotion are met. When an officer does not meet the qualification for promotion the effective date of promotion may be advanced to the date qualifications are met.

5. Army Regulation 15-185 (ABCMR), states the Army, by law, may pay claims for amounts due to applicants as a result of correction of military records. The ABCMR will furnish the Defense Finance and Accounting Service (DFAS) copies of decisions potentially affecting monetary entitlement or benefits. The DFAS will treat such decisions as claims for payment by or on behalf of the applicant and settle claims on the basis of the corrected military record. The applicant's acceptance of a settlement fully satisfies the claim concerned.

6. Army Regulation 637-1 (Army Compensation and Entitlements Policy) provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active-duty Soldiers. It is used in conjunction with the Department of Defense (DoD) Financial Management Regulation (FMR), Volume 7A. For the purpose of this regulation, active duty is defined in accordance with Title 37, United States Code (37 USC). The term "active duty" means full-time duty in the active service of a uniformed service and includes full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or by the Secretary of the Army (SECARMY).

7. Title 10, United States Code (USC) (Armed Forces), USC, section 1552 (c)(1) states, the Secretary concerned may pay, from applicable current appropriations, a claim for

the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army.

8. Wright Memorandum, dated 8 January 2015, states. The Under Secretary of Defense issued guidance on Limitations on the Authority of Military Department Correction Boards. This guidance affirms that Military Department Correction Boards do not have the authority to appoint military officers. The President may appoint Regular officers above the grade of O-3 and Reserve officers above the grade of O-5 following Senate confirmation. Only the Secretary of Defense may appoint all officers in the grade of O3 and below because Congress, has vested such appointment authority in the President alone, and the President has assigned that function to the Secretary of Defense. This decision affirms that Military Department Correction Boards do not have the authority to remedy perceived errors or injustices by correcting records to show that an officer has been appointed to a certain grade when the officer has not been appointed to that grade by the President or the Secretary of Defense. Boards may only make such a correction to reflect that a proper appointment has occurred. They may also adjust the date of rank (DOR) of an officer who has been properly appointed.

//NOTHING FOLLOWS//