

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 April 2024

DOCKET NUMBER: AR20230011188

APPLICANT REQUESTS: Exception to Policy to receive Health Professions Officer (HPO) Board Certification Pay (BCP) effective 1 October 2020 through 30 September 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Virginia (VA) Department of Health Professions License
- Application for Clinical Privileges/Medical Staff Appointment, 10 September 2020
- American Board of Internal Medicine Certification, 14 October 2020
- Application for Clinical Privileges/Medical Staff Appointment, 19 July 2021
- Army Active Component Health Professions Officer Special and Incentive Pay Plan
- Leave and Earnings Statement (LES) for period of 1 through 30 June 2023
- American Board of Internal Medicine Certification, 31 January 2024

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 is a board certified medical doctor and officer in the U.S. Army and is entitled to HPO BCP. He requests to receive backpay in the amount of \$12,000.00.

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

a. On 7 June 2013, Orders Number A-06-308459, issued by the U.S. Army Human Resources Command, the applicant was ordered to active duty, effective 1 July 2013, to fulfill an active duty requirement in a voluntary indefinite status.

b. On 1 July 2013, the applicant executed his oath of office and was appointed a Regular Army commissioned officer in the Medical Service Corps in the rank/grade of second lieutenant (2LT)/O-1.

c. DA Form 1059 (Service School Academic Evaluation Report) shows the applicant achieved course standards for the Army Medical Department Basic Officer Leadership Course during the period of 2 through 27 July 2013.

d. DA Form 5074-R (Record of Award of Entry Grade Credit (Medical and Dental Officers) shows the applicant was granted his Doctor of Medicine degree on 20 May 2017 from the Uniformed Services University of the Health Sciences. The applicant earned his Master of Science degree from Georgetown University during the period of 25 August 2011 through 15 May 2012. He was awarded 4-years total constructive credit for entry grade which qualified for the rank/grade of captain (CPT)/O-3.

e. On 24 March 2017, Orders Number 083-05, issued by the U.S. Army Garrison Fort Detrick Army Element, Walter Reed National Military Medical Center (WRNMMC), the applicant was assigned to the Student Element, effective 5 June 2017, and was selected to participate in an Internal Medicine (61F) Residency Training Program at WRNMMC.

f. On 20 May 2017, the applicant executed his oath of office and was appointed a Regular Army commissioned officer in the Medical Corps in the rank of CPT.

g. On 16 January 2019, the Commonwealth of VA Department of Health Professions issued the applicant his license to practice medicine and surgery.

h. On 1 March 2019, the applicant was requested and was approved to received HPO Incentive Pay at the rate of \$1,200.00 per year prorated monthly in Area of Concentration (AOC) 61F (Internal Medicine Physician).

4. The applicant provides:

a. VA Department of Health Professions License which shows the applicant was licensed in medicine effective 16 January 2019.

b. Application for Clinical Privileges/Medical Staff Appointment which shows the applicant was granted privileges in the Regular Army as a Medical Corps officer in the AOC 61G (Infectious Disease Officer) at WRNMMC, effective 10 September 2020. He completed his internship on 30 June 2018 and residency on 30 June 2020 at WRNMMC.

c. American Board of Internal Medicine letter dated 14 October 2020 which shows the applicant successfully passed his Internal Medicine Certification Examination in 2020.

d. Application for Clinical Privileges/Medical Staff Appointment which shows the applicant was granted privileges in the Regular Army as a Medical Corps officer in the AOC 61G at WRNNMC on 19 July 2021. He is in his fellowship training at WRNMMC in the field of Infectious Diseases.

e. Army Active Component HPO Special and Incentive Pay Plan which shows officers who are in the Medical Corps of a Uniformed Service who possess a current valid unrestricted license may be eligible for HPO Special and Incentive Pay. Paragraph 6 (HPO BCP) states to be eligible the HPO must execute a HPO BCP agreement and have 1-year retainability on active duty with a master's degree or higher in his HPO clinical specialty. Be board certified by clinical specialty professional board in the clinical specialty and maintain his certification. The HPO BCP would be paid on a prorated monthly basis.

f. LES for the period of 1 through 30 June 2023 which shows the applicant received Save Pay in the amount of \$3,583.33.

g. American Board of Internal Medicine letter dated 31 January 2024 which shows the applicant is certified in Internal Medicine and Infectious Disease as of 31 January 2024. He was initially certified in Internal Medicine in 2020 and in Infectious Disease in 2022.

5. On 24 January 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 1 October 2020. The advisory official stated upon reviewing the supporting documents and the applicant's records it was determined he was eligible for HPO BCP in the amount of \$6,000.00 per year effective 14 October 2020. The total amount eligible is in the amount of \$11,783.33. The exact arrears payment will be determined by the Defense Finance and Accounting Service.

6. On 26 January 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion for review and comment. On 26 January 2024 via e-mail the applicant responded stating he did not have any further comments to provide.

#### 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 1 October 2020. The Board reviewed and agreed with the OTSG advisory official determination that the applicant was eligible for HPO BCP in the amount of \$6,000.00 per year effective 14 October 2020, through 30 September 2022. The total amount eligible is in the amount of \$11,783.33. The exact arrears payment will be determined by the Defense Finance and Accounting Service.

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 Health Profession Officer (HPO)/Applicant maintained all their licensing, credentialing, and specialty qualification.
- showing the HPO submitted timely request for BCP for the period 1 October 2020 to 30 September 2022
- 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), (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 AD or in an active status in the specialty of the board certification.

//NOTHING FOLLOWS//