

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 July 2024

DOCKET NUMBER: AR20230013145

APPLICANT REQUESTS: in effect, retroactive Health Professions Officer Retention Bonus (HPO RB) for the period of 1 August 2019 through 31 July 2021 and 15 March 2022 through 14 March 2025.

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

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Memorandum, Subject: Results of Centralized Credentialing and Privileging Preparation Board (C2P2) 23 April 2017
- Wisconsin Army National Guard (WIARNG) Office of the Adjutant General Orders Number 292-002
- National Commission of Certification of Physician Assistants (NCCPA) letter, 8 January 2019
- WI Department of Safety and Professional Services Medical Examining Board Certificate
- NGB Memorandum, Subject: Results of C2P2, 8 February 2019
- Interfacility Credentials Transfer Brief (ICTB) for Active Duty Special Work (ADSW) for the period of 21 March 2019 through 8 February 2021
- Email from the Army Medical Department (AMEDD) Personnel Program Manager
- NCCPA letter, 11 December 2019
- ICTB for Annual Training for the period of 9 through 23 August 2020
- WI Department of Safety and Professional Services Credential/Licensing, 28 February 2022
- NGB Memorandum, Subject: Results of C2P2, 18 February 2021
- ICTB for Annual Training for the period of 10 through 25 April 2021
- ICTC for ADSW for the period of 23 February through 31 October 2021
- Joint Force Headquarters (HQs) WI, WIARNG Orders Number 238-1000
- WI Department of Safety and Professional Services Credential/Licensing,
- DA Form 705 (Army Physical Fitness Test Scorecard)/(Army Combat Fitness Test Scorecard)
- ICTB for ADSW for the period of 5 July 2022 through 18 February 2023
- WIARNG Memorandum, Subject: Height and Weight Verification
- NGB Memorandum, Subject: C2P2 6 January 2023 Board Results

- Joint Force HQs WI, WIARNG Orders Number 091-1003
- Digital Training Management System (DTMS) 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 she was advised by the AMEDD Personnel Program Manager she was not eligible for the HPO RB because she was not on a 4-year order. However, the Fiscal Year 2023 Army HPO Pay Plan dated 6 January 2023, shows she was eligible for the RB retroactive to the beginning of her orders. She requests to be paid the HPO RB back to 1 August 2019 through 31 July 2021 and to change her 2-year HPO RB to 3-years for the period oof 15 March 2022 through 14 March 2025.

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

a. On 19 June 2009, the applicant executed her oath of office and was appointed as a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1 in Area of Concentration (AOC) 70B (Medical Service Corps Officer). She was subsequently appointed in the ARNG and was extended temporary Federal recognition.

b. On 27 October 2009, the applicant was evaluated for award of entry grade credit for health services officers. The approving official considered her Bachelor of Science in Health Education degree granted on 16 May 2009 and deemed no credit toward her initial appointment.

c. On 14 April 2010, Special Orders Number 71, issued by the NGB appointed the applicant in the ARNG in the rank of 2LT and was extended Federal recognition.

d. The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was ordered to active duty on 1 October 2009. She was honorably released from active duty on 10 April 2011. DD Form 214 shows the applicant completed 1 year, 6 months and 10 days of active service.

e. On 14 May 2011, the applicant was awarded her Master of Science in Physician Assistant Studies from the University of WI – La Crosse.

f. On 24 May 2011, Orders Number 112-067, issued by the WIARNG Office of the Adjutant General, the applicant was ordered to active duty for training, effective 30 June 2011 to attend the Reserve Component (RC) – Basic Officer Leader Course (BOLC).

g. On 8 June 2012, the Medical Corps Selection Board for the ARNG selected the applicant for a commission, effective 8 June 2012, in the Army Medical Specialist Corps (SP Corps) as a Physician Assistant (65D) with the incentives of Health Professions Loan Repayment and Bonus.

h. On 28 June 2012, the applicant executed her oath of office and was appointed as a Reserve commissioned officer in the rank/grade of first lieutenant (1LT)/O-2. She was subsequently appointed in the ARNG in the rank of 1LT and was extended temporary Federal recognition.

i. On 23 August 2012, Orders Number 236-1027, issued by the Joint Force HQs WI, WIARNG, the applicant was honorably released from the ARNG.

j. On 23 August 2012, Special Orders Number 312, issued by the NGB, the applicant changed her name from L- S- to L- B- effective 13 June 2012 due to a marriage.

k. The applicant achieved course standards for the AMEDD BOLC RC during the period of 3 through 27 August 2012.

l. On 27 August 2012, Orders Number 240-1050, issued by the Joint Force HQs WI, WIARNG, the applicant was appointed in the ARNG in the SP branch as a 65D, effective 28 June 2012.

m. On 1 November 2012, the Joint Force HQs WI, WIARNG awarded the applicant AOC 65D in the SP Branch, effective 27 August 2012.

n. On 27 February 2013, the applicant was awarded 2 years of entry grade credit for her master's in science in Physician Assistant Studies from the University of WI – La Crosse and 6 months and 17 days of credit for professional experience from her NCCPA Number 1098XX for a total of 2 years, 6 months, and 17 days.

o. On 7 March 2013, Special Orders Number 68, issued by the NGB, the applicant was reappointed in the rank of 1LT, effective 28 June 2012, with the date of rank of 11 June 2010.

p. On 5 November 2013, the applicant was licensed as a Physician Assistant by the WI Department of Safety and Professional Services through 29 February 2024.

q. On 24 May 2016, the Joint Force HQs WI, WIARNG, awarded the applicant the primary skill identifier M3 (Aviation Medicine Physician Assistant), effective 18 March 2016.

r. On 22 March 2017, Orders Number 52-081-0003, issued by the WIARNG Office of the Adjutant General, the applicant was ordered to active duty in support of Operation Inherent Resolve, effective 21 April 2017.

s. On 23 May 2017, the applicant was notified by the NGB the C2P2 board determined her credentials were suitable for the award of 65D M3 with her credentials valid through 23 April 2019. It was recommended she receive core privileges as a 65D M3 but she must be granted clinical privileges prior to providing patient care as a USARNG healthcare provider.

t. On 26 February 2018, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 10 months and 6 days of active service.

u. On 19 October 2018, Orders Number 292-002, issued by the WIARNG Office of the Adjutant General, the applicant was ordered to active duty in an Active Guard/Reserve (AGR) status, effective 17 October 2018 for a period of 3 years.

v. On 8 February 2019, the applicant was notified by the NGB the C2P2 board determined her credentials were suitable for the award of 65D with her credentials that were valid through 8 February 2021. It was recommended she receive core privileges as a 65D but she must be granted clinical privileges prior to providing patient care as a USARNG healthcare provider.

w. On 20 April 2021, Orders Number 110-1001, issued by the Joint Force HQs WI, WIARNG, the applicant was ordered to active duty in AGR status (One Time Occasional Tour), effective 1 May 2021 for a period of 5-months and 16-days as an aviation physician assistant. On 26 August 2021, Orders Number 238-1000, issued by the Joint Force HQs WI, WIARNG, amended Orders Number 110-1001 to change the period of service to 1 year and 4 months. It was amended again with Orders Number 091-1001 to change the period of service to 10 months and 14 days.

x. On 1 April 2022, Orders Number 091-1003, issued by the Joint Force HQs WI, WIARNG, the applicant was ordered to active duty in an AGR status, effective 15 March 2022 for a period of 3 years as the State Medical Readiness Officer.

y. On 6 January 2023, the applicant was notified by the NGB the C2P2 board determined her credentials were suitable for the award of 65D M3 with her credentials that were valid through 6 January 2025. The applicant was required to maintain clinical

competency as a 65D M3 based on her experience level. She must complete the minimal clinical hours by her privilege end date.

4. The applicant provides:

a. NCCPA letter dated 8 January 2019 which stated the applicant was initially certified on 26 May 2011 and her certification was valid through 31 December 2019 as a Physician Assistant.

b. WI Department of Safety and Professional Service Medical Examining Board granted the applicant her Physician Assistant license on 5 November 2013.

c. ICTB credentials and privileging for ADSW for the period of 21 March 2019 through 8 February 2021 shows the applicant was clinically competent to practice the full scope of privileges/practice granted at the James A. Lovell Federal Health Care Center.

d. Email dated 21 March 2019 from the ARNG AMEDD Personnel Program Manager which stated as of 1 January 2019 the HPO RB for 65D was authorized as a repeat bonus but only for 4-year orders. It also stated there was no exception to policy for 4-year orders, individuals would need to work with their respective state to get 4-year orders.

e. NCCPA letter dated 11 December 2019 which stated the applicant was initially certified on 26 May 2011 and her certification was valid through 31 December 2021 as a Physician Assistant.

f. ICTB credentials and privileging for annual training for the period of 9 through 23 August 2020 shows the applicant was clinically competent to practice the full scope of privileges/practice granted at the Blanchfield Army Community Hospital, Fort Campbell, KY.

g. On 5 November 2013, the applicant was licensed as a Physician Assistant by the WI Department of Safety and Professional Services through 28 February 2022.

h. ICTB credentials and privileging for annual training for the period of 10 through 25 April 2021 shows the applicant was clinically competent to practice the full scope of privileges/practice granted at the 375th Medical Group, Scott Air Force Base.

i. ICTB credentials and privileging for ADSW for the period of 23 February through 31 October 2021 shows the applicant was clinically competent to practice the full scope of privileges/practice granted at the James A. Lovell Federal Health Care Center.

j. DA Form 705 which shows the applicant consistently passes her APFT and ACFT.

k. ICTB credentials and privileging for ADSW for the period of 5 July 2022 through 18 February 2023 shows the applicant was clinically competent to practice the full scope of privileges/practice granted at the James A. Lovell Federal Health Care Center.

l. WI ANRG Memorandum, Subject: Height and Weight Verification dated 6 January 2023 shows the applicant met the Army height and weight standards on 1 August 2022.

m. DTMS screen shot shows the applicant passed the ACFT on 20 June 2022.

5. On 19 April 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 RB for the period of 1 August 2019 through 31 July 2021 and 15 March 2022 through 14 March 2025. The advisory official stated upon reviewing the applicant's documents and service record it was determined the applicant was originally ineligible to receive HPO RB. However, based on the exception to policy which was signed on 14 January 2020 by the Deputy Assistance Secretary of the Army, the applicant was eligible to receive HPO RB for the requested timeframes. She can receive \$20,000.00 for a 2-year HPO RB; \$10,000.00 for the period of 1 August 2019 through 31 July 2020 and \$10,000.00 for the period of 1 August 2020 through 31 July 2021.

The applicant requested the 2-year HPO RB for the period of 15 March 2023 through 14 March 2025 be adjusted to 3-years based on eligibility for the 15 March 2022 through 14 March 2025 timeframe. The applicant has already received \$10,000.00 for the period of 15 March 2023 through 15 March 2024 and is eligible for the remaining amount of \$20,000.00; \$15,000.00 for the period of 15 March 2022 through 14 March 2023 and \$5,000.00 for the period of 15 March 2023 through 14 March 2024. The total amount the applicant is eligible to receive is \$40,000.00. The Defense Finance and Accounting Service will determine the exact arrears payment.

6. On 1 May 2024, the Army Review Boards Agency, Case Management Division, provided the applicant the advisory opinion. 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 partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board reviewed the advisory opinion provided by the Office of the Surgeon General and determined that the applicant was eligible to receive \$20,000 for a

2-year Health Professional Officer Retention Bonus; \$10,000 for the period of 1 August 2019 through 31 July 2020 and \$10,000 for the period of 1 August 2020 through 31 July 2021. Based on the advising official's recommendation, the Board granted partial relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- showing the applicant's Service Agreements for the periods 1 August 2019 through 31 July 2020 and 1 August 2020 through 31 July 2021 were signed by a service representative and timely processed and entered in the appropriate system of record
- payment of the HPO RB in the amount of \$10,000 for the period 1 August 2019 through 31 July 2020, in accordance with her Service Agreement, provided she is otherwise qualified
- payment of the HPO RB in the amount of \$10,000 for the period 1 August 2020 through 31 July 2021, in accordance with her Service Agreement, provided she is otherwise qualified

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to any additional incentive payment in excess of the above.

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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. Department of Defense Financial Management Regulation 7000.14-R, Volume 7a, chapter 5: (Health Professions Officer (HPO) Special and Incentive Pay), establish policy pertaining to Health Professions Special and Incentive Pay.

Paragraph 7.0 (Health Professions Officers Retention Bonus (HPO RB)), an HPO with an existing multiyear special pay, or with an RB contract, may request termination of that contract to enter into a new RB contract with an equal or longer obligation at the RB annual rate in effect at the time of execution of the new contract. The new obligation period will not retroactively cover any portion or period that was executed in accordance with the prior contract. The Secretary concerned may pay an RB to HPOs based on their clinical specialty or subspecialty regardless of their ability to spend appropriate time in a clinical setting. To be eligible for an RB, an HPO must:

- meet the eligibility criteria:
 - have a current, valid, and unrestricted license or approved waiver;
 - maintain all licensing, credentialing, and specialty qualifications;
 - meet privileging requirements; and
 - sign a service agreement indicating:
 - amount of bonus or pay;
 - method of payment of the bonus or pay;
 - period of obligated service for the bonus or pay;
 - whether the service will be performed on Active Duty (AD) or in active status in a Reserve Component (RC);
 - type or conditions of the service; and
 - circumstances that may result in termination of the agreement and repayment of any unearned portion of the bonus or pay if the officer fails to fulfill the conditions of the bonus or pay, to include an unfulfilled service obligation or eligibility requirement.
- have completed qualifications for the specialty or subspecialty for which the RB is being paid before the beginning of the fiscal year during which a written agreement is executed

- enter into a written agreement, accepted by the Secretary concerned, to remain on AD or in an active status in an RC as an HPO for 2, 3, or 4 years
- be below the grade of O-7

3. Title 37 USC, section 301d (Multiyear retention bonus: medical officers of the armed forces), (a) (1) a medical officer who executes a written agreement to remain on active duty for two, three, or four-years after completion of any other active-duty service commitment may, upon acceptance of the written agreement by the Secretary of the military department concerned, be paid a retention bonus. The amount of a retention bonus may not exceed \$75,000.00 for each year covered by a four-year agreement. The maximum yearly retention bonus for two-year and three-year agreements shall be reduced to reflect the shorter service commitment.

//NOTHING FOLLOWS//