

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 July 2024

DOCKET NUMBER: AR20230013254

APPLICANT REQUESTS: reconsideration of his previous request for retroactive 3-year Health Professions Officer Retention Bonus (HPO RB) for the period of 11 April 2018 through 20 April 2021.

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

- DD Form 149 (Application for Correction of Military Record)
- Wisconsin ARNG (WIARNG) Office of the Adjutant General Orders Number 070-051
- Joint Force Headquarters (HQs) WI, WIARNG Orders Number 085-1001
- WIARNG Office of the Adjutant General Orders Number 148-092
- Email from Army Medical Department Incentive Program Officer
- voicemail screen grab
- Memorandum, Subject: Request for HPO RB
- Army Review Boards Agency (ARBA) letter for Advisory Opinion comments
- Record of Proceedings for Army Board for Correction of Military Records (ABCMR) Docket Number AR20210017636

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the ABCMR in Docket Number AR20210017636 on 16 June 2022.

2. The applicant states he failed to receive retroactive HPO RB for the period of 11 April 2018 through 20 April 2021 in the amount of \$15,000.00 per year for three-years. He originally applied to the ABCMR requesting retroactive HPO RB for 4-years which was denied because he did not meet the eligibility as his Active Guard/Reserve (AGR) orders were only for three-years. He is resubmitting his application to request three-years of HPO RB to match his AGR orders. He previously misunderstood the eligibility requirements and was led to believe he could not request HPO RB until he completed his service obligation for attending the Interserve Physician Assistant Program (IPAP). However, he later found that once he entered AGR status it no longer mattered that he had not completed his service obligation for IPAP.

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

a. With prior Army National Guard enlisted service, the applicant executed his oath of office on 15 May 2010 and was appointed as a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1. He was subsequently appointed in the ARNG and was extended temporary Federal recognition.

b. On 1 July 2010, Orders Number T-07-041807, issued by the U.S. Army Human Resources Command, the applicant was ordered to Active Duty for Training (ADT) effective 29 August 2010 to attend Medical Services (MS) Basic Officer Leader Course (BOLC).

c. On 27 July 2010, the applicant was not awarded entry grade credit for his Bachelor of Science in chemistry he was awarded from the University of WI.

d. On 2 November 2010, the applicant was honorably released from active duty. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 2-months and 4-days of active service.

e. On 8 November 2010, Special Orders Number 247, issued by the National Guard Bureau (NGB), the applicant was appointed in the ARNG in the rank of 2LT, effective 15 May 2010 and was extended Federal recognition.

f. On 15 June 2011, the applicant acknowledged he incurred a 2-year contractual service obligation for completion of AMEDD BOLC that began on 2 November 2011.

g. On 6 August 2011, the Joint Force HQs WI, WIARNG awarded the applicant Area of Concentration (AOC) 70B (Health Services Administration), effective 2 November 2010.

h. On 11 March 2013, Orders Number 070-051, issued by the WIARNG Office of the Adjutant General, the applicant was ordered to ADT, effective 3 April 2013 to attend the IPAP.

i. On 22 March 2013, the applicant executed his oath of office and was appointed as a Reserve commissioned officer in the rank of 2LT.

j. On 26 March 2013, Orders Number 085-1000, issued by the Joint Force HQs WI, WIARNG, the applicant was honorably released from the ARNG.

k. On 1 May 2013, Special Orders Number 113, issued by the NGB, the applicant was reappointed in the rank of 2LT, effective 22 March 2013.

l. On 28 May 2014, Orders Number 148-092, issued by the WIARNG Office of the Adjutant General, the applicant was ordered to ADT, effective 23 August 2014 to attend phase 2 of the IPAP.

m. On 2 September 2014, the applicant achieved course standards for the IPAP phase I during the period of 22 April 2013 through 22 August 2014.

n. On 14 August 2015, the University of Nebraska Medical Center awarded the applicant the master's in science in Physician Assistant Studies.

o. On 23 September 2015, the applicant achieved course standards for the IPAP phase II during the period of 7 September 2014 through 9 October 2015.

p. On 9 October 2015, the applicant was honorably released from active duty. DD Form 214 shows the applicant completed 2-years, 6-months and 7-days of active service and was awarded the AOC 65D (Physician Assistant).

q. On 11 December 2015, the State of Iowa Board of Physician Assistants licensed the applicant to practice as a licensed physician assistant.

r. On 11 January 2016, the Joint Force HQs WI, WIARNG awarded the applicant AOC 65D in the Medical Specialist Corps.

s. On 13 February 2017, the applicant acknowledged he incurred a 1-year contractual obligation to begin effective 28 April 2018 for attendance to the High Sierra Wilderness and Travel Medicine.

t. On 23 May 2017, the NGB notified the applicant his credentials which were valid through 23 April 2018 were suitable to support the awarding of AOC 65D. It was recommended he received the core privileges as a Physician Assistant. He must be granted clinical privileges prior to providing patient care in his role as a USARNG healthcare provider.

u. On 12 April 2018, Orders Number 102-154, issued by the WIARNG Office of the Adjutant General, the applicant was ordered to active duty in an AGR status, effective 11 April 2018 for a 3-year tour as a Physician Assistant.

v. On 3 July 2018, the applicant acknowledged he incurred a 2-year active service obligation to begin effective 29 June 2018 for completion of the Civil Support Skills Course.

w. On 19 August 2018, the applicant acknowledged he incurred a 1-year active service obligation to begin effective 25 August 2018 for successful completion of the Radiation Safety Officer Course.

x. On 19 November 2019, the applicant acknowledged he incurred a 1-year active service obligation to begin effective 27 November 2019. For the completion of the Air Assault and Respiratory Protection Courses.

y. On 18 February 2020, the applicant acknowledged he incurred a 1-year active service obligation to begin effective 30 January 2020 for completion of the Emerging Threats Course.

z. On 1 December 2020, Orders Number 336-1000, issued by the Joint Force HQs WI, WIARNG, the applicant was ordered to active duty in an AGR status, effective 11 April 2021 through 31 May 2038 to serve as a Physician Assistant.

aa. On 16 June 2022, the ABCMR denied the applicant's request for HPO RB concurring with the advisory official that the applicant did not meet the criteria for a four-year RB.

4. The applicant provides:

a. Email dated March 2019 from the AMEDD Incentives Program Manager which stated, only 4-year orders would authorize 65D the HPO RB. It also stated IPAP graduates were not eligible for the HPO RB until their 6-year service obligation had been fulfilled.

b. Voicemail screen grab from a Virginia telephone number (703) 60X-84XX, the transcription states in effect, calling about bonuses eligible for Physician Assistants that are on AGR who are IPAP graduates are not eligible until completed commitment.

c. Memorandum, Subject: Request for HPO RB was approved on 11 April 2021, which states the applicant's AOC is 65D whose license expired on 28 February 2022. The applicant completed his initial Active Duty Service Obligation (ADSO) and he understood any ADSO for education and training and previous RB shall be served before serving the HPO RB ADSO. The effective date of his agreement was 11 April 2021 with the 4-year continuous active duty obligation to receive \$20,000.00 per year in HPO RB.

5. On 21 March 2022, in processing ABCMR Docket Number AR20210017636, the Office of the Surgeon General provided an advisory opinion for the applicant's request for retroactive HPO RB for the period of 11 April 2018 through 11 April 2021. The

advisory official states upon reviewing the applicant's documents and service records it was determined the applicant was not eligible for HPO RB in accordance with the 1 January 2018 Army HPO Pay Plan, to be eligible for the \$20,000.00 HPO RB a 65D (Physician Assistant) must serve four consecutive years of active duty service.

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 review based on law, policy, and regulation. Upon review of the applicant's petition, available military records, and the advising official for the Office of the Surgeon General, the Board found the applicant was not eligible for the Health Professional Officer Retention Bonus. To have been eligible, the applicant must serve for four consecutive years of active duty service. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	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 amendment of the ABCMR decision rendered in Docket Number AR20210017636 on 16 June 2022.

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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. Department of Defense Instruction 6000.13 (: Accession and Retention Policies, Programs, and Incentives for Military HPOs) states to be eligible for a HPORB an HPO must:

- be below the grade of Brigadier General
- have completed qualification for the specialty for which the HPORB is being paid before the beginning of the Fiscal Year during which a written agreement is executed
- enter into a written agreement to remain on active duty or in an active status in the Reserve Component as an HPO for 2,3, or 4 years, which is accepted by the Secretary concerned

In calculating ADSOs, if there are no education and training ADSOs, the HPORB ADSO will be served concurrently with the HPORB contract period and all non-education and training ADSOs. If the HPORB contract is executed before the start date of specialty education or training and no other education and training ADSO exists, the HPORB ADSO will be served concurrently with the HPORB contract period. However, if the HPORB contract is executed on or after the start date of specialty education or training, the HPORB is obligated for the full specialty education or training period and the HPORB ADSO will begin 1-day after the specialty education or training ADSO is completed. Once an HPO has begun to serve an HPORB ADSO, the obligation will be served concurrently with any existing ADSO, including obligations for other special pay agreements or medical education and training obligations incurred after the execution date for that particular HPORB contract.

2. Army Active Component Health Professions Officer Special and Incentive Pay Plan effective 1 January 2018, states Physician Assistants are authorized the following HPORB:

- HPORB 2-year rate (paid annually) \$10,000.00
- HPORB 3-year rate (paid annually) \$15,000.00
- HPORB 4-year rate (paid annually) \$20,000.00

3. 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 and
- meet one of the following requirements:
  - have completed any AD or reserve duty service commitment incurred for any and all pre-commissioning education and training; or
  - have completed the service obligation for an AB (an individual eligible for an AB may decline the AB and accept the RB)

4. Title 37 United States Code (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 for each year covered by a four-year agreement.

//NOTHING FOLLOWS//