

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 August 2024

DOCKET NUMBER: AR20230014245

APPLICANT REQUESTS: in effect, amendment of the effective date for his Health Professions Officer Incentive Pay (HPO IP) to 30 June 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
- DA Form 3492 (U. S. Army Medical Department (AMEDD) Training Certificate)
- Credentialing for privileges
- Headquarters (HQs), U. S. Army Reserve Command (USARC) Memorandum, Subject: U. S. Army Reserve (USAR) Health Professions Special and Incentive (HPS&I) Pay Plan Policy for Fiscal Year 2023 (FY23)

FACTS:

1. The applicant states in effect, he requests an ETP to retroactively have the effective date for his HPO IP to begin on 30 June 2022 when he graduated from Prosthodontics Residency. The new HPO IP contract should have been offered to him and signed during his in-processing at his current duty station since he completed his residency before his arrival. At the time, he was not aware he was not receiving the correct amount in the HPO IP.

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

a. With prior enlisted USAR service, the applicant executed his oath of office on 18 April 2014 and was appointed a Reserve commissioned officer in the rank of second lieutenant.

b. On 16 June 2014, Orders Number 14-167-00067, issued by HQs, 81st Regional Support Command, the applicant was honorably discharged from the USAR effective 17 April 2014 to accept an appointment as a commissioned officer.

c. On 14 July 2014, Orders Number C-07-409819, issued by U. S. Army Human Resources Command (AHRC), the applicant was appointed and assigned to the USAR Control Group (officer active duty obligor (OADO)) effective 18 April 2014.

d. On 4 April 2018, Orders Number A-04-800479, issued by AHRC, the applicant was ordered to active duty effective 9 June 2019 to fulfill his active duty requirement in a voluntary indefinite status.

e. On 14 December 2018, the applicant requested and was approved for HPO IP in General Dentistry. The Army agreed to pay the applicant \$20,000.00 in HPO IP a year to be prorated monthly and was subject to the availability of funds. The applicant agreed to be retained on active duty for 1-year.

f. On 21 April 2022, Orders Number 111-418, issued by HQs, U. S. Army Cyber Center of Excellence, the applicant was assigned to the Dental Clinic Grafenwoehr, Germany effective 10 August 2022.

3. The applicant provides:

a. The VA Department of Health Professions License which shows the applicant was issued his Dentistry license on 11 July 2018 with an expiration date of 31 January 2024.

b. DA Form 3492 which shows the applicant successfully completed the Prosthodontic Residency training at the U. S. Army Dental Activity, Fort Gordon, GA during the period of 1 July 2019 through 30 June 2022.

c. Credentialing for privileges shows the applicant was granted privileges on 20 September 2022 at the Bavaria U. S. Army Medical Department Activity (BMEDDAC) and his privileges expire on 19 September 2024.

d. HQs, USARC Memorandum, Subject: USAR HPS&I Pay Plan Policy for FY23 has no bearing on the applicant's case as the policy is for Reserve component Soldiers and the applicant is RA.

4. On 1 July 2024, in the processing of this case, the Office of the Surgeon General provided an advisory opinion regarding the applicant's request for his HPO IP effective date to be amended to the day after completion of his prescribed residency of 30 June 2022. The advisory official stated upon the review of the applicant's documents and service record it was determined he met the eligibility requirement for HPO IP effective 20 September 2022, but he did not initiate an HPO IP agreement until 1 October 2023. The applicant has received \$20,611.05 during the period of 20 September 2022 through 30 September 2023 for his prescribed residency. The amount should be deducted from

the amount for which he is eligible for, in the amount of \$25,763.88 which would be a balance of \$5,452.83. The Defense Finance and Accounting Service will calculate the exact arrears payment.

5. On 10 July 2024, the Army Review Boards Agency Case Management Division provided the applicant the advisory opinion for review and comment. On 10 July 2024, the applicant responded via e-mail stating he agreed with the advisory opinion.

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 and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and the Office of the Surgeon General, Army Medical Department, Special Pay Branch advisory opinion, the Board concurred with the advisory official finding the applicant met the eligibility requirement for HPO IP effective 20 September 2022, but he did not initiate an HPO IP agreement until 1 October 2023. The Board agreed the applicant should be reimbursed the remaining balance of his HPO IP after the \$20,611.05 received during his residency, is subtracted from the eligible HPO IP amount of \$25,763.88, a balance of approximately \$5,452.83; the exact arrears payment will be determined by Defense Finance and Accounting Service. The Board determined the evidence presented is sufficient to warrant a recommendation for 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 all Department of the Army records of the individual concerned be corrected by amending the applicant's effective date of HPO IP to 20 September 2022 and providing the applicant with payment of the remaining balance of his HPO IP after the \$20,611.05 received during his residency is subtracted from the eligible HPO IP amount of \$25,763.88. Such relief shall result in the payment of approximately \$5,452.83; the exact arrears payment will be determined by Defense Finance and Accounting Service.
2. The Board further determined 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 amendment of the effective date of HPO IP to 20 June 2022.

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 37 United States Code (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: is entitled to basic pay and is serving on active duty or in an active status in a designated health profession specialty or skill. (Maximum Amount and Method of Payment), the Secretary concerned shall determine the amounts of a bonus or incentive pay to be paid under this section, except that—health professions incentive pay under subsection (b) may be paid monthly and may not exceed, in any 12-month period: \$200,000.00 for medical officers and dental officers; and \$50,000.00 for officers in other health professions.
2. Department of Defense Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)), enclosure 3,

paragraph d. Incentive Pay (IP), To be eligible for IP, an HPO must: (a) Be in a regular or RC of a Military Service and be entitled to basic pay under section 204 of Reference (c) or compensation under section 206 of Reference (c). (b) Be serving on AD or in an active status in a designated health profession specialty or skill. Annual payment amounts for IP contracts will be listed in the HPS&I pay plan and paid in equal monthly payments. (b) IP When Not Participating in an RB Agreement. Subject to acceptance by the Secretary concerned, an HPO who is eligible for and not in an existing RB agreement, and who is no longer obligated pursuant to a previous IP agreement, may enter into a new 1-year IP agreement at the rate in the HPS&I pay plan. IP agreements must be for at least 1 year and cannot be prorated. If, during the IP agreement, the HPO becomes eligible for a higher IP, the HPO may terminate and renegotiate at that higher rate, obligating for at least a year from the date of renegotiation. (d) Effective Date. The effective date of IP will be calculated from the completion of the qualifying training plus 3-months.

3. Department of Defense Financial Management Regulation 7000.14, volume 7a (Military Pay), chapter six, (Incentive Pay), IP when not participating in an RB Agreement, subject to acceptance by the Secretary concerned, an HPO who is eligible for and not in an existing RB agreement, and who is no longer obligated pursuant to a previous IP agreement, may enter into a new 1-year IP agreement at the rate in the HPS&I pay plan. IP agreements must be for at least 1-year and cannot be prorated. If, during the IP agreement, the HPO becomes eligible for a higher IP, the HPO may terminate and renegotiate at that higher rate, obligating for at least a year from the date of renegotiation. The effective date of the IP agreement will be calculated from the date the member completes the qualifying training plus 3-months. To be eligible for IP, an HPO must be: serving in an AC or RC of a Military Service and entitled to basic pay or compensation. Serving on AD or in an active Reserve status in a designated health professional specialty; and eligible as prescribed in paragraph 2.4; 6.2.2. Annual payment amounts for IP contracts are listed in Tables 5-3 through 5-6 and paid in equal monthly payments. For the most current IP rates, see the Dental Corps IP/RB, Medical Corps IP/RB, Nurse Corps IP/RB, and Specialty IP/RB tables on DFAS.MIL.

//NOTHING FOLLOWS//