

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 September 2024

DOCKET NUMBER: AR20230015316

APPLICANT REQUESTS: correction of her record to show she was paid Health Professions Officer Board Certification Pay (HPO BCP) since 2018 as an internal medicine physician and HPO Incentive Pay (HPO IP) as an internal medicine physician certified in Hematology/Oncology since 2021.

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

- DD Form 149 (Application for Correction of Military Record)
- American Board of Internal Medicine (ABIM) Letter, 6 December 2021
- ABIM Letter, 16 October 2018
- ABIM Letter, 2 December 2021
- Virginia Physician License
- Privileged Provider Information Report
- Memorandum, Subject: Request for HPO BCP
- Memorandum, Subject: Request for HPO IP
- Email correspondence

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 has not been receiving her BCP and IP for being a board certified Internist and Hematologist/Oncologist. She has requested this error to be fixed and has signed contracts for the BCP and IP as of October 2023, but could not be back-paid and has been board certified in Internal Medicine since 2018 and board certified in Hematology/Oncology since 2021. She has not received BCP (since 2018) or IP (since 2021). It was her understanding she had completed the appropriate paperwork to get the appropriate pay, but this is not the case, and she has not been getting this pay. She believed she was getting the correct pay to which she is entitled based on her board certifications. In 2018, she was in a fellowship program directly after her internal medicine residency and had submitted all requested paperwork to her

program manager. She is now a practicing Hematologist/Oncologist at Walter Reed National military Medical Center. Her workdays are more than 12 hours. Following her residency and fellowship, she was operationalized twice for Covid-19 and as a battalion surgeon for an infantry unit (Operation European Assure, Deter, and Reinforce) and did not have the occasion to double check her pay status. She was able to fix the issue for future pay, however she is requesting back pay that she has earned based on her qualifications and board certifications.

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

a. On 12 September 2011, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

b. DA 5074 (Record of Award of Entry Grade Credit (Medical and Dental Officers)), dated 8 January 2015, shows the applicant attended Lake Erie College of Osteopathic Medicine from 25 Jul 2011 through 31 May 2015 and the degree of Doctor of Osteopathy was conferred on her on 31 May 2015.

c. The applicant attended and completed her Internal Medicine Residency training from 1 July 2015 through 30 June 2018.

d. The applicant's records are void of requests for HPO BCP and HPO IP.

e. The applicant remains on active duty.

4. The applicant provides:

a. ABIM letter dated 6 December 2021 showing the applicant passed the ABIM 2021 Hematology certification examination.

b. ABIM letter dated 16 October 2018 showing the applicant passed the ABIM Internal Medicine examination.

c. ABIM letter dated 2 December 2021 showing the applicant passed the ABIM Oncology certification examination.

d. Virginia physician license showing the applicant was licensed in Osteopathic medicine, effective 1 December 2016, and expired 31 January 2024.

e. Privileged Provider Information Report showing the applicant was privileged on 4 October 2023 to practice at Walter Reed National Military Medical Center as an Internal Medicine Hematology/Oncology physician.

f. Memorandum, Subject: Request for HPO BCP wherein the applicant requested and was approved for HPO BCP in Area of Concentration (AOC) 61F (Internist) in the amount of \$6,000.00 per year prorated monthly, effective 1 October 2023.

g. Memorandum, Subject: Request for HPO IP wherein the applicant requested and was approved for HPO BCP in AOC 61B (Hematology/Oncology) in the amount of \$46,000.00 per year prorated monthly, effective 1 October 2023.

h. Email correspondence wherein the applicant provided to her special pay office documents for HPO BCP and HPO IP and inquired pertaining to prior year payments.

5. On 9 August 2024, the Office of the Surgeon General, Chief, Special Pay Branch, Human Resources Directorate, G-1, provided an advisory opinion and stated, the applicant has formally requested retroactive HPO BCP from the date of eligibility. After a review of supporting documentation, policy, special pay, and finance data, it has been determined that she did not enter the HPO BCP agreement until 1 October 2023, although eligible on 16 October 2018. She is eligible to receive \$6,000.00/year; \$500.00/month for the HPO BCP effective 16 October 2018-30 September 2023. The total amount eligible is \$29,750.00 (16 October 2018-30 December 2018 = \$1,250.00; 1 January 2019-30 December 2019 = \$6,000.00; 1 January 2020-30 December 2020 = \$6,000.00; 1 January 2022-30 December 2022 = \$6,000.00; 1 January 2023-30 September 2023 = \$4,500.00). It is important to note that the Defense Finance and Accounting Service - Indiana (DFAS-IN) determines the exact arrears payment.

6. On 11 September 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal.

7. On 25 September 2024, the applicant responded to the advisory opinion providing documents provided with her initial application or obtained from her official records pertaining to HPO BCP and HPO IP.

8. On 26 September 2024, the Office of the Surgeon General, Chief, Special Pay Branch, Human Resources Directorate, G-1, provided an advisory opinion pertaining to the applicant's request for HPO IP. The advisory official stated, a meticulous review of the relevant supporting documentation, special pay, and finance data confirms that the applicant is eligible to receive retractive payment. Advisory Opinion. Considering the above discussion, the applicant is eligible to receive the \$43,000.00 Internal Medicine HPO IP for the 1 October 2018-30 September 2021 timeframe. The total eligible is \$129,000.00 (1 October 2018-30 September 2019 = \$43,000.00; 1 October 2019-30 September 2020 = \$43,000.00; 1 October 2020-30 September 2021 = \$43,000.00). She is further eligible to receive the \$46,000.00 Hematology/Oncology fellowship for the 1 October 2021-30 September 2023 timeframe. The total eligible is \$92,000.00 (1 October 2021-30 September 2022 = \$46,000.00; 1 October 2022 – 30 September

2023 = \$46,000.00). The total amount she is eligible to receive is \$221,000.00. DFAS-IN will calculate the exact arrears payment, ensuring a fair and accurate distribution of funds.

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 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.

a. The Board reviewed and concurred with the advising official for the Office of the Surgeon General finding the applicant did not enter the Health Professions Officer Board Certification Pay (HPO BCP) agreement until 1 January 2023 although she was eligible on 16 October 2018. Therefore, she is eligible to receive \$6,000/year, \$500/month for the HPO BCP, effective 16 October 2018 through 30 September 2023. The total amount is \$29,750. The Board defers to the Defense Finance and Accounting Service for the determination of exact payment amounts.

b. The Board reviewed and concurred with the advising official for the Office of the Surgeon General finding the applicant is eligible to receive \$43,000 for Internal Medical Health Professions Officer Incentive Pay (HPO IP) for the period 1 October 2018 through 30 September 2021. She is eligible to receive \$129,000. She is additionally eligible to receive \$46,000 Hematology/Oncology fellowship for 1 October 2021 through 30 September 2023. The total amount is \$221,000. The Board defers to the Defense Finance and Accounting Service for the determination of exact payment amounts.

BOARD VOTE:

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:	:	:	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 applicant timely submitted the appropriate request/form for payment of HPOBCP (at the appropriate rate/year) for the period 16 October 2018 to 30 September 2023
- showing the applicant timely submitted the appropriate request/form for payment of HPOIP (at the appropriate rate/year) for the period 1 October 2018 to 30 September 2021
- showing the applicant timely submitted the appropriate request/form for payment of hematology/oncology fellowship (at the appropriate rate/year) for the period 1 October 2021 to 30 September 2023
- showing the appropriate office timely received his requests and authorized payment 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. Department of Defense Financial Management Regulation, Volume 7A, chapter 5 establishes policy pertaining to Health Professions Special and Incentive Pay.

a. To be eligible for HPO BCP HPOs must:

- Be serving in an Active Component (AC) or Reserve Component (RC) of a Military Service and entitled to basic pay under 37 USC, section 204 or compensation pursuant to 37 USC, section 206;
 - Be serving on Active Duty (AD) or in an active Reserve status in a designated health professional clinical specialty;
 - Have a post-baccalaureate degree in a clinical specialty (a post Master's certificate acceptable to the Secretary concerned can satisfy this requirement); and
 - Be certified by a professional board in a designated health profession clinical specialty
- HPO BCP is payable at a rate of \$6,000.00 yearly/prorated monthly

b. To be eligible for HPO IP HPOs must:

- Serving in an Active Component or RC of a Military Service and entitled to basic pay under 37 USC, section 204 or compensation pursuant to 37 USC, section 206;
- Serving on AD or in an active Reserve status in a designated health professional specialty

c. Table 5-4A shows a fully qualified Internal Medicine physician is entitled to \$43,000.00 per year prorated monthly, with a subspecialty in Hematology/Oncology is entitled to \$46,000.00 per year prorated monthly.

//NOTHING FOLLOWS//