

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 October 2024

DOCKET NUMBER: AR20240000343

APPLICANT REQUESTS: retroactive entitlement to Health Professions Officer Incentive Pay (HPO IP) effective 1 July 2023 (Residency Start Date).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant states he was not receiving his correct incentive pay. He graduated from his intern year at Walter Reed and became a resident on 1 July 2023, at which time his incentive pay should have been adjusted.
2. A review of the applicant's service records show:
 - a. On 15 February 2019, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer and executed his oath of office.
 - b. On 25 July 2020, he completed the Medical Center of Excellence Basic Officer Leader Course.
 - c. On 1 June 2022, DA Form 71 shows he was appointed in the Regular Army Medical Corps, in the rank/grade of captain/O-3 and executed his oath of office.
 - d. The applicant's service record contains an Active Army Component HPO IP agreement dated 7 July 2022, which shows he was approved for HPO IP at a rate of \$1,200.00, a year, prorated monthly, on 11 July 2022. His specialty and Area of Concentration was shown as "Physical Medicine (CY) - Physiatrist (61P)".
 - e. His record is void of an additional HPO IP agreement.
 - f. The applicant is currently serving in the Regular Army.

3. On 28 June 2024, the Office of the Surgeon General (OTSG), Chief, Army Medical Department Special Pay Branch, Human Resources, G-1, provided and advisory opinion for this case and stated:

- a. The applicant requests the HPO IP effective date be amended to reflect 1 October 2023 (Residency Start Date).
- b. A meticulous review of the relevant supporting documentation, special pay, and finance data confirms that the applicant has indeed met all eligibility criteria for the requested effective date at \$8,000.00/year; but did not initiate a new agreement until 1 December 2023.
- c. Considering the above discussion, the applicant has met all the eligibility criteria. Residency HPO IP: The applicant is eligible to receive \$666.66/month for 1 July 2021-30 September 2023, totaling \$1,3332.00 [sic]. However, the applicant has already received \$100.00/month for the intern residency, totaling \$200.00. This amount must be deducted for the 1 October 2023-30 November 2023 timeframe. The total amount eligible, less the \$200.00 already received is \$1,133.32. Defense Finance and Accounting Service-Indianapolis will calculate the exact arrears payment, ensuring a fair and accurate distribution of funds.

4. On 9 July 2024, the applicant was provided with a copy of the OTSG advisory opinion for comments or rebuttal. He did not respond.

5. On 23 October 2024, OTSG provided an updated advisory opinion and stated:

- a. A meticulous review of the relevant supporting documentation, special pay, and finance data indicates that the earliest effective date of HPO IP eligibility is 1 October 2023. The HPO IP eligibility criteria, per the HPO Pay Plan is the latter of completing qualifying training plus three months (1 July 2023 + 3 months = 1 October 2023) or the date the applicant was privileged to practice.
- b. The applicant is eligible to receive \$8,000.00/year, \$666.66/month effective 1 October 2023, totaling \$1,333.32. The original effective date was 1 December 2023. The applicant already received \$100.00/month for the intern residency, totaling \$200.00 for the 1 October 2023-30 November 2023 timeframe, which will be deducted from the total amount eligible. As such, the total eligible \$1,133.32. The Defense Finance and Accounting Service -IN will calculate the exact arrears payment, ensuring a fair and accurate distribution of funds.
- c. We kindly request that you provide a copy of the final board results to this office. Your prompt action in this matter is greatly appreciated and will help us ensure the accuracy of the final calculation.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted.
2. The Board carefully considered the applicant's request for HPO IP effective 1 July 2023, evidence in the military record and applicable policy. The Board further considered the updated OTSG advisory opinion regarding his eligibility for HPO IP effective 1 October 2023 (three months after his completion of qualifying training on 1 July 2023) and the original effective date of 1 December 2023. The Board also noted that the opinion reflects that he received \$100/month for the intern residency between 1 October 2023 and 30 November 2023. Based on a preponderance of evidence, the Board determined that the applicant was entitled to HPO IP effective 1 October 2023 and that a records correction was warranted.

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 partial relief. As a result, the Board recommends that all Department of the Army records show:

- The applicant submitted a request for HPO-IP effective 1 October 2023;
- It was accepted and processed by the appropriate authority, and;
- He is eligible for HPO-IP, less any prior payments, between 1 October 2023 and 30 November 2023. DFAS will determine the exact arrears amount.

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 the applicant being eligible for HPO IP effective 1 July 2023.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 7000.14-R, Financial Management Regulation, Volume 7A, Chapter 5, establishes policy pertaining to Health Professions Special and Incentive Pay.
 - a. Paragraph 6.1.3. (Effective Date) states, the effective date of the Incentive Pay (IP) agreement will be calculated from the date the member completes the qualifying training plus 3 months.
 - b. Paragraph 6.2 (Eligibility) states, to be eligible for IP, an HPO must be: (1) Serving in an Active Component or Reserve Component of a Military Service and entitled to basic pay under Title 37, U.S. Code, section 204 or compensation pursuant to Title 37, U.S. Code, section 206; (2) Serving on Active Duty or in an active Reserve status in a designated health professional specialty; and (3) Eligible as prescribed in paragraph 2.4 (Eligibility).
 - c. Paragraph 6.3 (Amounts) states, 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/Retention Bonus (RB), Medical Corps IP/RB, Nurse Corps IP/RB, and Specialty IP/RB tables on DFAS.MIL.
 - d. Table 5-4A (Medical Corps IP and RB) shows that a Medical Corps Initial Residency is authorized IP 1-year rate in the amount of \$8,000.00; paid on a prorated monthly basis.
2. Army Regulation 15-185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the Army Board for Correction of Military Records (ABCMR). In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency.

//NOTHING FOLLOWS//