

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20240000464

APPLICANT REQUESTS: correction of her record to show she was paid Health Professions Officer Incentive Pay (HPO IP) at a rate equivalent to that of an internship physician Post-Graduate Year 1 (PGY1) beginning June 2023.

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number A-04-300377, 4 April 2023
- Doctor of Medicine Degree, 20 May 2023
- DA Form 71 (Oath of Office – Military Personnel), 5 June 2023

FACTS:

1. The applicant states, in part, she has not received medical internship specialty pay in the amount of \$1,200.00 since June 2023 and she is seeking backpay. Her active duty start date was 5 June 2023.

2. A review of the applicant's available service record reflects the following:

a. Having prior Reserve service as a commissioned officer in the Transportation Corps, on 15 July 2019, she was appointed as a Reserve commissioned officer and executed an oath of office.

b. U.S. Army Recruiting Command Form 601-37.28 (Department of the Army Service Agreement F. Edward Herbert Armed Force Health Professions Scholarship Program, dated 25 July 2019, shows a 4-year active duty service agreement upon completion of her degree in medicine.

c. On 4 April 2023:

(1) The U.S. Army Human Resources Command (HRC) issued Order Number 0423-094-SG04-6 appointing her in the Regular Army in the rank of captain (CPT) with assignment to the Medical Corps branch.

(2) HRC issued Orders Number A-04-300377 ordering her to active duty for acceptance of a Regular Army appointment, effective 5 June 2023.

d. On 23 May 2023, the Department of the Army issued Orders Number 0004835334.00 for voluntary separation from the Individual Ready Reserve, effective 4 June 2023.

e. On 5 June 2023, she was appointed as a Regular Army commissioned officer in the Medical Corps and executed an oath of office.

f. She continues service on active duty.

3. The applicant provides the Doctor of Medicine Degree certificate, dated 20 May 2023, showing the completion of her medical degree from the Medical University of South Carolina College of Medicine.

4. On 8 August 2024, the Office of the Surgeon General, Chief, Army Medical Department Special Pay Branch Human Resources, G-1, provided an advisory opinion for the applicant's request stating, in pertinent part:

a. The applicant has formally requested an amendment to the Intern HPO IP effective date, proposing 5 June 2023 (Active Duty Start date) as the new effective date.

b. A comprehensive review of the relevant supporting documentation, special pay, and finance data has been meticulously conducted. This thorough review confirms that she is ineligible for the requested date because the internship began on 1 July 2023. A provider may receive the HPO IP at \$1,200.00 per year once the program's official start date. The applicant did not meet the eligibility criteria until 21 August 2023.

c. After a thorough review, it has been determined that the applicant is ineligible for the requested date. However, she is eligible for a 21 August 2023 effective date, the earliest eligible date after qualifying training completion (20 May 2023) plus three months. It is important to note that she did not enter the HPO IP agreement until 1 October 2023. The applicant is now eligible to receive \$133.33 (21 August 2023 – 30 August 2023; \$33.33, 1 September 2023 - 30 September 2023; \$100.00). Defense Finance and Accounting Service will calculate the exact arrears payment. Please provide a copy of the final board results to this office.

5. On 14 August 2024, the applicant was provided a copy of the advisory opinion and afforded 15 days to provide comments. As of 29 August 2024, the applicant had 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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant requests an amendment to the Intern HPO IP effective date, proposing 5 June 2023 (Active Duty Start date) as the new effective date. The evidence shows the applicant is ineligible for the requested date because the internship began on 1 July 2023. A provider may receive the HPO IP at \$1,200.00 per year once the program's official start date. The applicant did not meet the eligibility criteria until 21 August 2023. Additionally, although she is ineligible for the requested date, the applicant is eligible for a 21 August 2023 effective date, which is the earliest eligible date after qualifying training completion (20 May 2023) plus three months. It is important to note that she did not enter the HPO IP agreement until 1 October 2023. The Board reviewed and agreed with the advisory official's determination that the applicant is now eligible to receive \$133.33 (21 August 2023 – 30 August 2023; \$33.33, 1 September 2023 - 30 September 2023; \$100.00). DFAS will calculate the exact arrears payment.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
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:	:	:	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 Health Profession Officer (HPO) submitted timely request for HPO IP – Internship for the period 21 August 2023 – 30 September 2023
- showing the HPO's request was approved by the appropriate office and paying the applicant any Internship HPO IP she is due as a result of this correction

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 any relief in excess of that described above.

[REDACTED]

[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.

REFERENCE:

Department of Defense Financial Management Regulation, Volume 7A (Health Professions Special (HPS) and Incentive Pay (IP) Plan) provides that subject to acceptance by the Secretary of the Army, a Health Professions Officer (HPO) who is eligible for and not in an existing Retention Bonus 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&IP plan. IP agreements must be for at least 1 year and cannot be prorated. Medical Corps Officers (interns) are entitled to the \$1,200.00 (annually) prorated monthly.

//NOTHING FOLLOWS//