

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 October 2024

DOCKET NUMBER: AR20240001325

APPLICANT REQUESTS: retroactive payment of a Health Professions Officer Retention Bonus (HPO RB).

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

- DD Form 149 (Application for Correction of Military Record)
- USAREC Form 1131 (Health Professions Scholarship Program), 3 June 2010
- Memorandum, Subject: Request for HPO RB, 13 April 2016
- Completion Certificate – Residency Training in Oral and Maxillofacial Surgery from 1 July 2016 to 30 June 2021
- Email Correspondence

FACTS:

1. The applicant states:

a. He is a direct commission active duty Army dentist who received a 3 year scholarship for dental school with a 3 year payback commitment for the scholarship. He graduated dental school in 2013 and completed his payback service on active duty from 1 July 2013 to 30 June 2016. He signed a 4 year multi-year retention bonus (HPO RB) for 63A (Dentist) immediately prior to starting residency for Oral Maxillofacial Surgery at Walter Reed, which ran from 1 July 2016 to 30 June 2021. Currently he is an Oral Surgeon (63N) serving as active duty residency training staff at Fort Bliss, TX, with an active duty obligation until 2026. He missed out on an opportunity to re-sign multiple multi-year retention bonuses that could have been served back as a concurrent payback, along with his Active Duty Service Obligation (ADSO) for oral surgery training, which ends 30 June 2026. Other officers in the exact same situation were given the opportunity by the Special Pay Branch to sign a 4 year multi-year retention bonus for a 63N, which was served concurrently with their ADSO for residency training. He states the difference in the pay amounts up to approximately \$350,000.00 for identically classed officers, performing the exact same job, with the same amount of service time and commitment.

b. According to the Special Pay Branch, at the time that he was eligible to re-sign a new multi-year HPORB on 1 July 2020, the official guidance was to allow individuals who previously signed for the HPO RB could continue to sign new retention bonuses, with concurrent service payback obligations to their residency payback obligations. Only he and two other 63Ns fit these specific criteria and one of the two were given the opportunity to sign a 4 year HPO RB with a concurrent payback at the completion of their residency in 2021. This individual was not aware of this opportunity and was alerted to this opportunity by a member of the Special Pay Branch. The applicant states he was not able to sign for this retention bonus because he was not aware of this unique opportunity and additionally, at the time he should have signed the multi-year retention bonus, the spring and summer, the COVID-19 shutdowns were occurring and without doubt led to a loss of more unique opportunities, the three officers qualified for. He does not think this error was intentional or due to gross error or incompetence at the Special Pay Branch, the staff at the Special Pay Branch has always been very professional and helpful.

c. He believes the Board should find it in the interest of justice to consider his request because in his current field of Oral and Maxillofacial Surgery (OMS), the Army is currently near 60-70 percent capacity of its target goal of OMS surgeons. Military underpayment of its surgeons is without doubt one of the leading factors for personnel loss, especially, when guaranteed starting salaries are being advertised at large corporations such as Aspen Dental for 4-5 times the military compensation. The current Army recruiting signing bonus for an Oral Maxillofacial Surgeon is \$600,000.00 and it is still difficult to attract anyone. It is in the Army's best interest to retain its current OMS surgeons. Additionally, given the scenario that one officer was given an opportunity to sign a retention bonus that was worth approximately \$300-350,000.00 and a similar officer with the same qualifications, years in service, same rank, and the exact same MOS (63N) was not given the opportunity to also sign the same retention bonus under similar conditions may qualify as a violation of Equal Opportunity principles, which govern the Armed Forces. Again, he does not think this was an intentional oversight by the Special Pay Branch given the situation during the COVID-19 pandemic peak. If necessary, he can obtain documentation of the other officer's signed HPORB and their correspondence on the issue or the Army Medical Department (AMMED) Special Pay Branch point of contact can be referenced for verification. He appreciates the Board's time and consideration in this matter.

2. A review of the applicant's official records shows:

a. On 12 May 2010, the applicant was appointed as a Reserve commissioned officer and executed an oath of office.

b. On 3 June 2010, the applicant completed USAREC Form 1131 (HPSP) service agreement wherein he agreed in item 28 that in return for a 3-year academic scholarship he would serve on active duty for 3 years.

c. On 1 July 2013, the applicant was appointed as a Regular Army commissioned officer in the Dental Corps and executed an oath of office.

d. USAREC Form 1284 (Election or Declination of a Critical Skills Accession Bonus (CSAB) with Participation in the U.S. Army Medical or Dental Corps Health Professions Scholarship Program) dated 3 June 2010, where the applicant declined the \$20,000.00 HPSP CSAB in accordance with the agreement.

e. On 30 September 2014 and 21 September 2015, the applicant completed a Memorandum, Subject: Request for Health Professions Officer (HPO) Incentive Pay (IP) wherein he qualifies for the requested IP and agreed to engage in his specialty of General Dentist (63A) for which the award is made during the agreement period for sufficient time to fully maintain his professional skills in his specialty. He also confirmed he is licensed in the state of Texas and will keep his license current during the IP agreement. And on 29 October 2021, he completed another Memorandum, Subject: Request for Health Professions Officer HPO IP wherein he qualifies for the requested IP and agreed to engage in his specialty of Oral Surgery – Oral Maxillofacial Surgeon (63N) for the agreement period and confirmed he is licensed in the state of Texas and will keep his license current during the IP agreement.

f. Memorandum, Subject: Request for HPO RB dated 13 April 2016, show his commander approved the retention bonus agreement in the amount of \$25,000.00 and the applicant agreed and understood that on the effective date of the agreement he agreed to serve a 4 year continuous ADSO that would begin on 1 July 2016.

g. A National Capital Consortium completion certificate for the applicants Residency Training in Oral and Maxillofacial Surgery shows he attended and completed training from 1 July 2016 to 30 June 2021.

h. On 12 April 2016, a credential coordinator from the Dental Activity Credentials Office of the Texas State Board of Dental Examiners verified the license of the applicant.

i. The following orders announce the promotion of the applicant:

- Orders Number 273-009 dated 30 September 2013 issued by the U.S. Army Human Resources Command (HRC) - Captain (CPT/O-3) with the Date of Rank (DOR) of 1 July 2013

- Orders Number 172-024 dated 21 June 2019 issued by HRC – Major (MAJ/O-4) with the DOR of 1 July 2019

j. The applicant remains on active duty.

3. The applicant provides the following supporting documents that were previously discussed in the service record and email correspondence from a representative of the AMEDD Special Service Pay branch directing him to petition ABCMR for concurrent ADSO and backdated HPORB:

- USAREC Form 1131 (HPSP) service agreement, dated 3 June 2010
- Memorandum, Subject: Request for HPO RB, dated 13 April 2016
- A National Capital Consortium completion certificate for the applicants Residency Training in Oral and Maxillofacial Surgery from 1 July 2016 to 30 June 2021.

4. On 11 August 2024, in the processing of this case an advisory opinion was obtained from the Office of the Surgeon General, Chief AMEDD, Special Pay Branch, who opined in pertinent part, a review of supporting documentation, policy, special pay, and finance data, it has been determined that the applicant did not enter the HPO RB and HPO IP agreements when eligible. The applicant was eligible for the 63A, General Dentist HPO RB effective 1 July 2020-30 June 2022 at \$13,000.00/year for two years totaling \$26,000.00. However, he received \$55,000.00/year (\$4,583.33/month) for the 63N, Oral Maxillofacial Surgeon HPO IP effective 27 October 2021. If he seeks retroactive for the above-described HPO RB, then the HPO IP must be terminated and recouped as the corresponding HPO IP rate for the 63B HPO RB is \$20,000.00/year/\$1,666.66/month. The total recoupment amount is \$23,625.02 (27 October 2021-30 October 2021 = \$291.66; 1 November 2021-30 June 2022 = \$23,333.36). The applicant was eligible to enter the HPO RB for the 63N effective 1 July 2022 following the prescribed residency. The applicant was eligible for a 4-year HPO RB totaling \$180,000.00 (1 July 2022-30 June 2023 = \$90,000.00; 1 July 2023 – 30 June 2024 = \$90,000). The total amount eligible is \$206,000.00. \$206,000.00 - \$23,625.02 (recoupment total) = \$182,374.98. The Officer is eligible to receive \$182,374. 98. Defense Finance and Accounting Service (DFAS-IND) will calculate the exact arrears payment.

5. On 14 August 2024, the applicant was provided a copy of the advisory opinion for comment. On 26 September 2024, the applicant responded to the advisory concurring with the recommendation.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.

According to OTSG Special Pay Office, the applicant did not enter the HPO RB and HPO IP agreements when eligible. The applicant was eligible for the 63A, General Dentist HPO RB, effective 1 July 2020 through 30 June 2022 at \$13,000.00/year for two years totaling \$26,000.00. However, he received \$55,000.00/year (\$4,583.33/month) for the 63N, Oral Maxillofacial Surgeon HPO IP effective 27 October 2021.

a. If he seeks retroactive pay for the above-described HPO RB, then the HPO IP must be terminated and recouped as the corresponding HPO IP rate for the 63B HPO RB is \$20,000.00/year/\$1,666.66/month. The total recoupment amount is \$23,625.02 (27 October 2021-30 October 2021 = \$291.66; 1 November 2021-30 June 2022 = \$23,333.36).

b. The applicant was eligible to enter the HPO RB for the 63N effective 1 July 2022 following the prescribed residency. The applicant was eligible for a 4-year HPO RB totaling \$180,000.00 (1 July 2022-30 June 2023 = \$90,000.00; 1 July 2023 – 30 June 2024 = \$90,000). The total amount eligible is \$206,000.00. \$206,000.00 - \$23,625.02 (recoupment total) = \$182,374.98. The Officer is eligible to receive \$182,374. 98. Defense Finance and Accounting Service (DFAS-IN) will calculate the exact arrears payment.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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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 Health Professions Officer (HPO) submitted a timely request for the 4-year HPO Retention Bonus (RB) for the period 1 July 2022-30 June 2026
- showing the HPO's request was timely received and approved by the appropriate office and paying him any HPO RB for the period 1 July 2022-30 June 2024 less any HPO IP (Incentive Pay) received for the same period

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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.

REFERENCE:

Department of Defense Financial Management Regulation, Volume 7A:

a. A retention bonus under Department of Defense Instruction (DODI) 1304.34 (General Bonus Authority for Officers) provides a monetary incentive that may be offered by the Military Department to retain adequate numbers of qualified officers.

b. Specifically, the bonus may be used by the Military Department to obtain the voluntary extension of an officer's service in exchange for an agreement to serve for a specified period in a designated military skill, career field, unit, or grade or to meet some other condition or conditions imposed by the Military Department concerned.

c. Signs a written agreement and successfully completes training and becomes qualified in a designated skill or career field, as well as additional conditions and requirements prescribed by the Secretary concerned, govern the award and administration of the retention bonus.

d. Have completed a minimum of 4 years of active commission service or qualifying service for a Reserve Component officer, in accordance with DODI 1215.07 (Service Credit for Non-regular Retirement); and agrees to remain on Active-Duty or in an active status for a period of at least 2 years.

//NOTHING FOLLOWS//