

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 October 2024

DOCKET NUMBER: AR20240001971

APPLICANT REQUESTS: retroactive entitlement to Health Professions Officer Retention Bonus (HPO RB), effective 2 December 2022.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement

FACTS:

1. The applicant states his original obligation concluded on 30 October 2022. In the beginning of November 2022, he started contacting his local medical retention office to initiate an RB contract of 6 years for \$40,000.00 per year as is outlined for Area of Concentration (AOC) 73B (Clinical Psychologist). His local Human Resource Department (HRD) and U.S. Army Medical Department (AMEDD) Special Pay Branch had been unable to appropriately back-date the start of his contract offering start dates of March 2023 and October 2023, despite his signing of a contract for 2 December 2022. He is requesting his start date for this 6 year contract to be backdated to the date in which was promised of 2 December 2022 and to be appropriately back paid the \$80,000.00 he has not received yet. Beginning November 2022, he attempted to extend his military service and agreed to a 6 year extension which would come with a \$40,000.00 annual retention bonus as a psychologist. Due to negligence of the HRD's retention office at Guthrie Medical Clinic his request for a renewed contract and RB was never processed. The representative lied to him at multiple stages to include stating the Integrated Personnel and Pay System-Army brownout had delayed the process and that his application had been submitted to and approved by the Office of the Surgeon General (OTSG), and that he is simply awaiting for the Defense Finance and Accounting Service (DFAS) to populate his bonus via direct deposit, and that if there were any delays it would be easily backdated to 2 December 2022. This representative no longer works for that office, and he has been continually working with that office with no success to initiate his 6 year contract and subsequent bonus for the time originally requested and promised. He has been directed to Army Review Board Agency by both Medical Readiness Command-East, the Inspector General (IG) and HRD at Guthrie Medical Clinic. He has never wavered in his commitment to extend his contract with the

Army and has extensive documented proof along with countless phone calls that he has been actively engaged for the past 15-months with trying to get this issue resolved. In short, he was misled by an HRD representative which has potentially cost him \$80,000.00 and over a year of service obligation if this correction is unable to be resolved.

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

a. The applicant executed his oath of office on 10 May 2017 and was appointed as a Reserve commissioned officer in the rank/grade of second lieutenant (2LT)/O-1.

b. Orders Number T-06-705719 issued by the U.S. Army Human Resources Command (HRC) dated 21 June 2017, ordered the applicant to active duty to fulfill his duty requirements in the Healthcare Professions Scholarship Program (HPSP) at George Fox University in Newberg, Oregon and attached him to Madigan Army Medical Center at Joint Base Lewis-McChord, Washington.

c. Orders Number 918-255-SG12-2 issued by HRC dated 12 September 2018, appointed the applicant as a Regular Army commissioned officer in the rank/grade of captain (CPT/O-3) with the effective date of his appointment on the execution of the oath of office, and will not be executed prior to the assigned report date annotated on the accompanying assignment order.

d. Orders Number A-09-801119 issued by HRC dated 12 September 2018, ordered the applicant to active duty to fulfill his duty requirements in a voluntary indefinite status.

e. DA Form 5074-1-R (Record of Award of Entry Grade Credit (Health Service Officers)) shows the Doctorate Degree of Psychology (Clinical Psychology) was conferred on the applicant in August 2019, by George Fox University.

f. The applicant completed the Aeromedical Psychology Training Course hosted by Fort Rucker, AL, from 28 October 2019 to 15 November 2019.

g. On 18 July 2023, the credential coordinator of U.S. Army MEDDAC, Fort Drum, New York, verified the applicants State of Wyoming Board of Psychology license that had licensed the applicant to practice as a licensed psychologist.

h. Memorandum, Subject: Request for HPO RB dated 1 February 2024, show his commander approved the RB agreement in the amount of \$40,000.00 per year in AOC 73B and the applicant agreed and understood that on the effective date of the agreement he agreed to serve a 6 year continuous Active Duty Service Obligation (ADSO) that would begin on 24 August 2023.

i. The applicant remains on active duty.

3. The applicant provides a self-authored statement that details a timeline showing his efforts in an attempt to resolve his RB issue prior to him contacting IG. He was in constant communication with Mr. [REDACTED] from 30 October 2022 through 23 June 2023 via emails and telephone calls affirming that his request had been submitted to OTSG and that DFAS would disburse his payment. On 25 September 2023 he learned Mr. [REDACTED] was no longer with the organization and was provided contact information with new points of contacts and queried the new point of contact on whether or not his contract could be back dated to 2 December 2022. On 30 October 2023 he reached out to the points on contact because he was getting close to his second disbursement date, and he had yet to get resolution on the 2 December 2022 date. After some back and forth with the points of contact in December 2023 he received some updates referencing his contract and his ADSO. Throughout the month of December 2023, he and others along with the point of contact were unable to resolve his RB/contract back date issue. On 18 December 2023, he was emailed a contract to sign by 20 December 2023, however, the contract was dated in March 2023 and the amount was \$5,000.00 per year rather than \$40,000; on 21 December 2023, he contacted the IG office for assistance.

4. On 2 October 2024, in the processing of this case an advisory opinion was obtained from the Office of the Surgeon General, Chief, Special Pay Branch, that states:

a. The applicant has formally requested retroactive HPO RB for 2 December 2022. The applicant claims eligibility.

b. An Advisory Opinion is issued after a review of supporting documentation, policy, special pay, and finance data, the applicant was eligible to receive HPO RB for the requested date. The timeframe is 2 December 2022 – 1 December 2028 and the consecutive HPO RB obligation is 23 August 2023 – 22 August 2029. The applicant received \$80,000.00 for 24 August 2023 – 23 August 2024 and 24 August 2024 – 23 August 2025. Based on the above discussion, the applicant received all monies owed or eligible and no payments are due. The recommendation is to adjust the dates of eligibility only.

5. On 3 October 2024, the applicant was provided a copy of the advisory opinion for comment.

6. On 4 October 2024, the applicant responded to the advisory acknowledging receipt of the advisory opinion/recommendation that indicated the opine from OTSG:

a. He agrees with the advisory opinion to grant change of eligibility from 23 August 2023 – 22 August 2029 to the updated timeframe of 2 December 2022 – 1 December 2028.

b. He also agrees and affirm that he received \$80,000.00 for 24 August 2023 – 23 August 2024 and 24 August 2024 – 23 August 2025. This payment was received in 2 installments on 14 March 2024 and 23 August 2024 respectfully.

c. He would like to confirm that the remaining 4 installments of \$40,000.00 each will be dispersed on or about 2 December 2024, 2 December 2025, 2 December 2026, and 2 December 2027.

d. He would like to confirm that his service obligation to the Army would be complete on 1 December 2028; at which point he would be eligible for separation or for a new HPO RB if still offered at that me.

e. And if 3 (c) and 4 (d) are confirmed, he is in full agreement with the recommendation and would have no further requests.

#### 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 retroactive HPO RB (Health Professions Officer Retention Bonus (HPO RB) for 2 December 2022. The applicant was eligible to receive HPO RB for the requested date. The timeframe is 2 December 2022 – 1 December 2028 and the consecutive HPO RB obligation is 23 August 2023 – 22 August 2029. The applicant received \$80,000.00 for 24 August 2023 – 23 August 2024 and 24 August 2024 – 23 August 2025. Based on the above discussion, the applicant received all monies owed or eligible and no payments are due. The Board determined no money is owed; however, an adjustment of the applicant's dates of eligibility only is appropriate.

BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> |                      |
|--------------|--------------|--------------|----------------------|
| :            | :            | :            | 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 changing the eligibility date from 23 August 2023 – 22 August 2029 to the updated timeframe of 2 December 2022 – 1 December 2028.
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.

10/31/2024

X [REDACTED]

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CHAIRPERSON

[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 Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military HPOs) states to be eligible for a HPORB an HPO must:

- be below the grade of Brigadier General
- have completed qualification for the specialty for which the HPORB is being paid before the beginning of the Fiscal Year during which a written agreement is executed
- enter into a written agreement to remain on active duty or in an active status in the Reserve Component as an HPO for 2,3, or 4 years, which is accepted by the Secretary concerned

In calculating ADSOs, if there are no education and training ADSOs, the HPO RB ADSO will be served concurrently with the HPORB contract period and all non-education and training ADSOs. If the HPORB contract is executed before the start date of specialty education or training and no other education and training ADSO exists, the HPO RB ADSO will be served concurrently with the HPORB contract period. However, if the HPORB contract is executed on or after the start date of specialty education or training, the HPORB is obligated for the full specialty education or training period and the HPORB ADSO will begin 1-day after the specialty education or training ADSO is completed. Once an HPO has begun to serve an HPORB ADSO, the obligation will be served concurrently with any existing ADSO, including obligations for other special pay agreements or medical education and training obligations incurred after the execution date for that particular HPORB contract.

2. Department of Defense Financial Management Regulation 7000.14-R, Volume 7a, chapter 5: (Health Professions Officer (HPO) Special and Incentive Pay), establish policy pertaining to Health Professions Special and Incentive Pay. Paragraph 7.0 (Health Professions Officers Retention Bonus (HPO RB)), an HPO with an existing multiyear special pay, or with an RB contract, may request termination of that contract to enter into a new RB contract with an equal or longer obligation at the RB annual rate in effect at the time of execution of the new contract. The new obligation period will not retroactively cover any portion or period that was executed in accordance with the prior contract. The Secretary concerned may pay an RB to HPOs based on their clinical specialty or subspecialty regardless of their ability to spend appropriate time in a clinical setting. To be eligible for an RB, an HPO must:

- meet the eligibility criteria
- have a current, valid, and unrestricted license or approved waiver;
- maintain all licensing, credentialing, and specialty qualifications;
- meet privileging requirements; and

- sign a service agreement indicating:
- amount of bonus or pay;
- method of payment of the bonus or pay;
- period of obligated service for the bonus or pay;
- whether the service will be performed on Active Duty (AD) or in active status in a Reserve Component (RC);
- type or conditions of the service; and
- circumstances that may result in termination of the agreement and repayment of any unearned portion of the bonus or pay if the officer fails to fulfill the conditions of the bonus or pay, to include an unfulfilled service obligation or eligibility requirement
- have completed qualifications for the specialty or subspecialty for which the RB is being paid before the beginning of the fiscal year during which a written agreement is executed
- enter into a written agreement, accepted by the Secretary concerned, to remain on AD or in an active status in an RC as an HPO for 2, 3, or 4 years
- be below the grade of O-7 and
- meet one of the following requirements:
- have completed any AD or reserve duty service commitment incurred for any and all pre-commissioning education and training; or
- have completed the service obligation for an AB (an individual eligible for an AB may decline the AB and accept the RB)

3. Title 37 United States Code (USC), section 301d (Multiyear retention bonus: medical officers of the armed forces), (a) (1) a medical officer who executes a written agreement to remain on active duty for two, three, or four-years after completion of any other active-duty service commitment may, upon acceptance of the written agreement by the Secretary of the military department concerned, be paid a retention bonus. The amount of a retention bonus may not exceed \$75,000 for each year covered by a four-year agreement.

//NOTHING FOLLOWS//