

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 December 2024

DOCKET NUMBER: AR20240002168

APPLICANT REQUESTS: Health Professions Officer (HPO) Board Certification Pay (BCP) for the period 30 June 2023 thru 30 December 2023.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum, Subject: Request for Health Professions Officer (HPO) Board Certification Pay (BCP)
- National Board of Certification and Recertification for Nurse Anesthetists - Certified Registered Nurse Anesthetist Certificate
- AMEDD Special Pay Record Brief dated 5 February 2024

FACTS:

1. The applicant states he is requesting back pay for Health Professions Officer (HPO) Board Certification Pay (BCP) for 30 June 2023 – 30 December 2023 at \$6,000 per Calendar Year 2023 (CY23) Pay Plan and he has attached documents supporting his eligibility.

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

a. He enlisted in the South Dakota Army National Guard (SDARNG) on 20 April 1998.

b. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows in block 12a that the applicant entered active duty this period on 8 June 1999 and was honorably released from the active duty training on 31 August 1999 for completion of period of ADT.

c. DA Form 2-1 (Personnel Qualification Record) show in item 35 (Records of Assignments) dated 31 August 2001 that the applicant was honorably discharged from the SDARNG for attendance in the Reserve Officers' Training Corps program.

d. On 31 August 2001, he was honorably discharged from the SDARNG for enrollment into ROTC; his NGB 22 (Report of Separation and Record of Service) show he completed 3 years, 4 months, and 12 days of net service this period.

e. The applicant enlisted in the U.S. Army Reserves (USAR) on 21 September 2001, and he acknowledged on DA Form 597-3A-R (Addendum to Army Senior Reserve Officers' Training Corps Scholarship Cadet Contract) his participation ROTC program with attendance to South Dakota State University.

f. Orders Number KSD-DS 082-2-5, dated 22 March 2004, issued by the Department of Military Science, South Dakota State University, discharged him with an honorable discharge from the USAR Control Group (ROTC) for the purpose of accepting a commission in the United States Armed Forces effective 15 May 2004.

g. Memorandum, Subject: Appointment as a Reserve Commissioned Officer of the Army Under Title 10, United States Code, Sections 12201, 12203, 2104, 2106 and 2107 431 dated 15 May 2004 appointed him as a Reserve commissioned officer in the Army Nurse Corps and executed his oath of office.

h. Orders Number 194-7-A-2255, dated 12 July 2004, issued by Headquarters, United States Army Cadet Command, ordered him to active duty for his active duty commitment of 4 years in the Army Nurse Corps.

i. Memorandum, Subject: Request for HPO RB (five pages) dated 9 July 2019, show his commander approved the RB agreement in the amount of \$35,000.00 per year in AOC: Critical Care Nurse (8A) – Critical Care Nursing (66S) 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 22 August 2019.

j. The applicant remains on active duty.

### 3. The applicant provides

a. Memorandum, Subject: Request for Health Professions Officer (HPO) Board Certification Pay (BCP) in the amount of \$6,000.00/year prorated monthly. It was not endorsed by the senior commander.

b. Certified Registered Nurse Anesthetist Certificate from the National Board of Certification and Recertification for Nurse Anesthetists with an expiration date of 30 June 2027.

c. AMEDD Special Pay Record Brief dated 5 February 2024 show the applicant's entered on active duty on 17 February 2004 and his pay AOC as Nurse Anesthetist.

4. On 9 October 2024, in the processing of this case an advisory opinion was obtained from the Office of the Surgeon General, Chief, AMEDD, Special Pay Branch, that is opined in pertinent part: a meticulous review of the relevant supporting documentation, special pay, and finance data has been conducted, confirming the applicant's eligibility for the HPO RB for the requested effective date. The current effective date is 1 January 2024. The applicant is eligible to receive a total of \$3,416.66 (6 June 2023 – 30 June 2023 = \$416.66; 1 July 2023 – 31 December 2023 = \$3,000.00).

#### 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. The applicant requests the Health Professions Officer Retention Bonus Incentive Pay (HPO BCP) effective date be amended to reflect 20230630, the date of board certification. The evidence confirms the applicant's eligibility for the HPO BCP for the requested effective date. The current effective date is 20240101. The applicant is eligible to receive a total of \$3,416.66 (20230606-20230630 = \$416.66; 20230701-20231231 = \$3,000.00). The Board agreed with the advisory official and determined relief is warranted. 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 timely request for Health Professions Officer Board Certification Pay (HPO BCP) for the periods 6 June 2023 to 30 June 2023 and 1 July 2023 to 31 December 2023
- showing the HPO's request was approved by the appropriate office and paying him any HPO BCP at the appropriate rate, 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. 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//