

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20240002170

APPLICANT REQUESTS: correction to his service record to include the following:

- Retroactive enrollment to Continuation Pay (CP)
- Pay Entry Base Date (PEBD) to reflect 3 June 2012 vice 13 November 2011

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

- DD Form 149 (Application for Correction of Military Record)
- Orders Number A05299076, dated 3 May 2012 to be addressed in the service record below
- Orders Number 112-720, dated 22 April 2015 showing he was ordered to a Permanent Change of Station (PCS) to 6th Aviation Squadron in Fort Riley, KS
- Orders Number RY-179-0046, dated 27 June 2016 showing he was ordered to a temporary change of station for deployment in support of Operation Freedom's Sentinel, Bagram, Afghanistan
- Orders Number 086-210, dated 27 March 2017 showing he was ordered to PCS as a student at Walter Reed National Military Medical Center
- Order Number 091-17, dated 1 April 2019 showing he was ordered to a PCS to the U.S. Army Medical Department Activity, Fort Campbell, KY
- Orders Number 080-0113, dated 21 March 2022 showing he was ordered to PCS as a student at the Walter Reed National Military Medical Center
- Order Number 179-04, dated 28 June 2022 showing he was ordered to PCS as a student at the Walter Reed National Military Medical Center
- Leave and Earnings Statement – January 2024 showing his PEBD as 13 November 2011
- Email correspondence showing he was referred to contact the Army Board for Correction of Military Records (ABCMR) for assistance with his CP benefit request

FACTS:

1. The applicant states, in part:

- He is an active duty physician

- He did not realize the application for CP needed to be completed prior to the completion of 12 years of service
- He was under the impression he would have automatically been enrolled in CP or enrolled automatically upon the completion of 12 years
- He executed his oath of office on 3 June 2012 as a physician and understood his 12 years to be 3 June 2024, however, the PEBD was backdated to show time while he was a medical student in school which the date is incorrect
- His PEBD needs to be corrected

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

- On 23 June 2008, a Memorandum, Subject: Appointment as a Reserve Commissioned Officer of the Army was issued in conjunction, he accepted a Reserve commission and executed an oath of office; he was subsequently transferred to the U.S. Army Reserve Control Group (Office Active Duty Obligor)
- USAREC Form 1131 (Department of the Army Service Agreement F. Edward Herbert Armed Forces Health Professions Scholarship Program) was signed for enrollment in a medical degree program in Osteopathy in exchange for an 8-year service obligation upon completion
- Orders Number A05299076, dated 3 May 2012 was issued ordering him to active duty to fill requirements for Graduate Medical Education training, in the grade of captain, with a report date of 5 June 2012
- On 12 May 2012, he accepted a commission in the Regular Army Medical Corps and executed an oath of office
- The Officer Record Brief, dated 24 November 2022 shows his PEBD as 13 November 2011
- He continues service in the Regular Army

3. On 18 December 2024, the Office of the Surgeon General, Executive Director, Medial Education Directorate, provided an advisory opinion of the applicant's request stating, in part:

a. The applicant is requesting reconsideration for missing the deadline for application for CP. He also requests a review of his PEBD, as he is unclear whether time as a medical student is creditable for pay.

b. On 23 June 2008, he signed USAREC Form 1131, Rev 1, Department of the Army Service Agreement F. Edward Herbert Armed Forces Health Professions Scholarship Program (HPSP), indicating acceptance of a four-year medical scholarship requiring four years on extended active duty and four years in the Individual Ready Reserve. Paragraph 21 of this agreement states: "I further understand and agree that service performed while I am a member of this program will not be counted: a. in determining eligibility for retirement other than by reason of a physical disability incurred

while on active duty as a member of the program or b. in computing years of service creditable under Section 205, Title 37, United States Code."

c. HPSP entitlements include academic year tuition, fees, reimbursable out-of-pocket educational expenses, monthly stipend for 10.5 months, and one 45-day Active Duty Training (ADT) for each year of participation. He completed four (4) 45-day ADT periods during his 4-year HPSP membership, totaling 180 days on active duty.

d. He graduated from the A.T. Still University of Health Sciences with a Doctor of Osteopathy (D.O.) degree on 12 May 2012, ending his membership in HPSP. At that time, he was reappointed as a CPT in the U.S. Army, and he was ordered to active duty, with a report date of 5 June 2012. These appointment orders, dated 3 May 2012 also contain the additional instructions (3rd sentence): "The time spent as HPSP student or attending USUHS is not creditable service for determining pay or retirement eligibility."

e. During his initial in-processing, a DA Form 1506 (statement of service) was completed. This form is not present in the packet; however, it is likely the individual preparing the form inadvertently included the HPSP ADT periods as service creditable for pay. His current PEBD of 13 November 2011 is exactly 6 months earlier than the correct date of 12 May 2012.

f. The Office of the Surgeon General (OTSG) has performed an independent audit of former HPSP member PEBD dates after becoming aware of inaccuracies in certain HPSP graduates' pay dates. Notification to individual members affected had begun earlier this month (December 2024). Information on how to correct the pay error and request remission from any overpayments is provided to the affected Service member at the time of notification.

g. In accordance with Section 205, Title 37, U.S. Code, no time as a member of HPSP is creditable for pay. Therefore, his PEBD must be corrected. This is accomplished by the completion of a new statement of service (DA 1506) which is validated by a career counselor at the Service member's duty station. Once the date is corrected and a letter of indebtedness is issued by the Defense Finance and Accounting Service, he may apply for remission of the debt. OTSG has worked with the Army Deputy Chief of Staff for Personnel (G1) to expedite and simplify the remission request process for affected former HPSP members.

h. With respect to CP, that matter is beyond the purview of this office.

4. On 29 January 2025, the applicant was provided a copy of the advisory opinion and afforded an opportunity to respond.

5. On 3 February 2025, he responded in agreement to the advisory opinion and offered no further statements or documentation for the Board to consider.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that a partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board concurred with the OTSG advising official to grant the applicant a correction of his PEBD from 3 November 2011 to 12 May 2012 noting the applicant's PEBD was calculated incorrectly using his HPSP ADT which is not creditable service for determining pay or retirement eligibility.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted for the portion of the applicant's request pertaining to BRS CP. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The evidence of record shows the applicant was beyond the qualifying eligibility period for CP. Furthermore, he did not submit the BRS CP request form to request CP showing his rank at the time he completed his 12th year of service, multiplier, additional obligated service, certifying official, and approval authority signature.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

::	:	:	GRANT FULL RELIEF
XX	:XX	:XX	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 of the individual concerned be corrected by amending the applicant's PEBD to show 12 May 2012.

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 retroactive entitlement to continuation pay.



X

//signed//

CHAIRPERSON
Signed by:

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. Title 37 USC, section 356 (CP) states:

a. The Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service. Enters into an agreement with the Secretary to serve for not less than three additional years of obligated service. A full TSP member may elect to receive CP in a lump sum or in a series of not more than four payments.

b. Payment Amount—the Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member's monthly basic pay. The multiple for a full TSP member who is a member of a Reserve Component, if the member is performing Reserve duty (as defined in Title 10, USC, section 101(d)(6)), shall not be less than 2.5 times the member's monthly basic pay.

2. Public Law 114-92, National Defense Authorization Action (NDAA) for Fiscal Year (FY 2016, section 634 (CP for Full TSP Member with 12-Years of Service), (a) CP, the Secretary concerned shall make a payment of CP to each full TSP member of the uniformed services under the jurisdiction of the Secretary who:

- completes 12 years of service; and
- enters into an agreement with the Secretary to serve for an additional 4-years of obligated service

a. Amount, the amount of CP payable to a full TSP member under subsection (a) shall be the amount that is equal to in the case of a member of a regular component: the monthly basic pay of the member at 12 years of service multiplied by 2.5; plus at the discretion of the Secretary concerned, the monthly basic pay of the member at 12-years of service multiplied by such number of months (not to exceed 13-months) as the Secretary concerned shall specify in the agreement of the member under subsection (a).

b. Timing of Payment, the Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides CP under subsection (c) to the member, that CP shall be provided when the member completes 12 years of service.

3. Deputy Secretary of Defense Memorandum dated 27 January 2017, Subject: Implementation of the BRS, implements guidance for the BRS for the Uniformed Services, which was authorized in Public Law 114-92 section 631 through 635 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016. Members of the

Uniformed Service are covered under the provisions of the BRS who served in a Uniformed Service for fewer than 12-years as calculated from their PEBD.

4. Army Regulation 637-1 (Army Compensation and Entitlements Policy) provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active duty Soldiers. Paragraph 18-26 (Continuation Pay), the BRS provides for CP in exchange for additional service obligation by Soldiers when they reach between the 8 and 12-years point in their career. Soldiers will receive a minimum of 2.5 times base pay for Regular component and .5 times base pay for Reserve components if they commit to a minimum of 3-years of additional service.

5. AR 601-141 (U.S. Army Health Professions Scholarship, Financial Assistance, and Active Duty Health Professions Loan Repayment Programs) sets policies and procedures for implementing the Army portion of the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program. Paragraph 2-9 (Determination of creditable service), military service performed while a member of the program will not be counted: (1) In determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or (2) In computing years of service creditable under Section 205, Title 37, United States Code (37 USC 205). b. Exceptions to 2-9a(1) and (2), above, may be made pursuant to 10 USC 2126(b).

6. Department of Defense Financial Management Regulation 7000.14, Volume 7a, chapter 1, prescribes the criteria for determining creditable service for military members; provides examples for computing valid creditable service; states periods of service that are not creditable for pay purposes; cites conditions for the payment of military pay entitlements; explains the computation of leave and conditions for leave accrual; and provides for situations where enlistments are not valid. Paragraph 10201 (Service not Creditable) the time a member serves while enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Programs, or while a student at the Uniformed Services University of Health Sciences (USUHS).

//NOTHING FOLLOWS//