

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE:

DOCKET NUMBER: AR20240002335

APPLICANT REQUESTS:

- Continuation Pay Blended Retirement System
- Health Professions Officer Accession Bonus

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

- two DD Forms 149 (Application for Correction of Military Record)
- Memorandum, Subject: U.S. Army Reserve (USAR) Health Professions Special and Incentive (HPS&I) Pay Plan Policy for Fiscal Year (FY) 2023, 29 September 2022 (35 pages)
- Statement for Commissioning Army Medical Department (AMEDD) Officer USAR, 16 March 2023
- USAREC Form 601-37.33 (Selected Reserve Special Pay Program Contract (Special Pay for SELRES Health Care Professional in Critically-Short Wartime Specialties), August 2023
- Education and Incentives Screenshot
- Request for Continuation Pay (Blended Retirement System), 29 March 2023
- USAR Form 27_R (Pay Inquiry), March 2023
- Memorandum, Subject: Blended Retirement System (BRS) Continuation Pay (CP) - Calendar Years 2024/2025 (CY24/CY25) Implementation Guidance, 11 March 2024

FACTS:

1. The applicant states:

a. There was no option for him to obtain a bonus upon commissioning into the USAR as a Critical Care Nurse. The area of concentration (AOC) 66S was assigned to him, but there was no mention of a bonus available until he started drilling with his unit. He was told by the recruiting station he would need to take a two year break in service to qualify for any type of commissioning bonus or retention bonus. When he arrived at his unit, he learned he did qualify for a bonus, so he applied and was accepted, but after

reviewing, the bonus was rescinded and never paid because he was in the student loan repayment program, which all have been paid off with his personal income, not by the military. He wanted to continue to serve and support his fellow Soldiers, so he signed an agreement allowing him to commission. He says he was not told this commission was in an AOC that was critically short and qualified for a bonus which could aid him in helping his wife and children have more security and better quality of life.

b. He was not told that if there was a \$100,000 loss of income over 4 years that he should qualify for as a critical care nurse in the USAR. He stands ready to deploy in support of any military operation anywhere in the world, and it feels as if the recruiters and Army incentives program managers are doing their best to ensure he does not receive extra income to help support his family. After seeing documents stating he was in a position to have received this bonus, and met multiple Soldiers in a comparable situation, these records need to be corrected so he can help his family feel more secure if he is ordered to deploy to support his country.

c. He signed up for the BRS in 2018 and was not given an opportunity by finance to apply for the CP that was offered to servicemembers between 8 and 12 years of service. His local pay representative has changed at least 3 times since he has been at the unit, so he has had to submit a pay request at least 3 times and it has made tracking financial matters difficult. His Pay Entry Base Date (PEBD) and years in service are still incorrect on his LES and he has not received compensation for being in the service 12 years.

d. If they had proper S-1 personnel, Soldiers would be better educated on the types of compensation available under the BRS, but unfortunately there is not a continuation of service at this particular unit. There is no way for him to verify if his financial records are correct and it has resulted in him missing a deadline to apply for CP under the BRS. He would like to be properly compensated for the time he has already served in the military and also for the further amount of time he plans to commit to his new position.

2. On 19 December 2011, the applicant enlisted in the Alabama Army National Guard (ALARNG) for a period of 6 years.

3. On 28 December 2011, Orders Number 1362004 issued by Governor of Alabama and the Department of Defense, Military Entrance Processing Station, Montgomery, Alabama, ordered the applicant to initial active duty for training (IADT) for approximately 10 weeks of basic training and 10 weeks of military occupation specialty (MOS) training.

4. DD Form 214 shows in block 12a that the applicant entered active duty this period on 21 February 2012 and was honorably released from active duty training on 18 July 2012 for completion of required active service.

5. DD Form 214 shows in block 12a that the applicant entered active duty this period on 10 January 2013 and was honorably released from active duty on 17 December 2013 for completion of required active service.
6. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) dated 8 April 2017, shows the applicant continued service in the ALARNG through reenlistments and extensions and the DA Form 4836 shows in item 7 that he extended his enlistment in the ALARNG for a period of 10 months and 12 days, changing his Expiration Term of Service (ETS) to 30 October 2018.
7. On 30 October 2017, the Education Service Office provided a civilian education update which verified his transcript showing he received an Applied Science Degree from Jefferson State Community College on 6 May 2016 and
8. On 19 December 2017, the Education Service Office provided a civilian education update which verified his transcripts showing he received a Bachelor of Science in Nursing from Jacksonville State University on 15 December 2017.
9. DD Form 214 shows in block 12a that the applicant entered active duty this period on 22 June 2017 and was honorably released from active duty on 24 June 2018 for completion of required active service.
10. Five additional DA Forms 4836 shows the applicant continued to serve in the ALARNG through reenlistments and extensions and DA Form 4836 dated 26 April 2022; shows in item 7 that he extended his enlistment in the ALARNG for a period of 1 year changing his Expiration Term of Service (ETS) to 30 June 2023.
11. On USAREC Form 601-37.48 (USAR and ARNG Incentives Declaration Statement) dated 12 May 2022, the applicant selected to be considered for the Health Professional Loan Repayment Program (HPLRP) and acknowledge that he understood incentives are subject to change and the Army will honor incentives current at the time he receives his commission and sign his contract.,
12. USAREC Form 601-37.23 (Incentive Enrollment Data Sheet) dated 8 September 2022, show he completed the incentive enrollment data sheet.
13. The applicant provides a Memorandum, Subject: U.S. Army Reserve (USAR) Health Professions Special and Incentive (HPS&I) Pay Plan Policy for Fiscal Year (FY) 2023 dated 29 September 2022 (35 pages), detailing the purpose, guidance, and distinct types of incentives programs in the USAR AMEDD Incentive Program.

14. DD Form 368 (Request for Conditional Release) endorsed by an authorizing official on 24 January 2023, shows he requested a conditional release from the ALARNG for appointment in the USAR.

15. NGB Form 22 (National Guard Report of Separation and Record of Service) shows the applicant was honorably released from ALARNG and transferred to USAR Control Group (Reinforcement) on 25 January 2023. He had 11 years, 1 month and 7 days of net service that period.

16. DA Form 71 (Oath of Office) dated 16 March 2023 show he was appointed as a Reserve commissioned officer in the grade of second lieutenant (2LT) and executed an oath of office and acknowledged that he was commissioning for the Army Nurse Corps and Area of Concentration of 66S - Critical Care Nursing, into the Troop Program Unit (TPU) and the HPLRP, in the rank of first lieutenant (1LT).

17. The applicant provides a/an -

a. acknowledgement dated 16 March 2023, that he was commissioning for AMEDD Officer USAR, Army Nurse Corps and Area of Concentration of 66S - Critical Care Nursing, into the Troop Program Unit (TPU) and the HPLRP, in the rank of first lieutenant (1LT).

b. Request for CP BRS, dated 29 March 2023, showing the applicant requested CP BRS at 4x his monthly basic pay in return for an additional obligated service of 4 years to be paid in one single, lump sum payment. The form shows he understood that he must complete the BRS opt-in procedures prior to completion of his 12th year of service, based on his PEBD, in order to be eligible to receive CP. The form is not endorsed by a certifying official or an approval authority.

c. USAR Form 27_R (Pay Inquiry) dated 29 March 2023 shows he requested information reference a bonus; adding in the remarks that hos Pay Entry Base Date is not properly inputted into the finance system.

18. Orders Number D-05-312573 dated 9 May 2023, issued by t U.S. Army Human Resources Command (AHRC), honorably discharged him from to USAR Control Group (Reinforcement) to fulfill his active duty requirement in a voluntary indefinite status and appointed him in the Regular Army Medical Specialist Corps.

19. DA Form 5074-1-R (Record of Award of Entry Grade Credit (Health Service Officers)) dated 23 May 2023, shows a Bachelor of Science in Nursing was conferred to the applicant on 15 December 2017, by Jacksonville State University.

20. Memorandum, Subject: Recommendation for Reserve of the Army Appointment dated 23 May 2023, shows the applicant was recommended for appointment to the United States Army Nurse Corps with the following pertinent information:

- Area of Concentration AOC): 66S
- USAR Grade/Rank: O2/first lieutenant (1LT)
- Constructive service credit of 03-00-00 is awarded as of 16 March 2023
- Troop Program Unit (TPU) assignment
- Incentive applied for: Health Profession Loan Repayment Program (HPLRP)

21. Orders Number 0005079994 dated 16 June 2023, issued by Department of the Army, rehired the applicant in the position of Critical Care Nurse effective 16 March 2023 and he remains in the active Army Reserves (TPU), USAR.

22. The applicant provides a/an -

a. USAREC Form 601-37.33 (Selected Reserve Special Pay Program Contract (Special Pay for SELRES Health Care Professional in Critically-Short Wartime Specialties) dated 3 August 2023, shows he applied for participation in the Selected Reserve (SELRES) Special Pay Program in the SELRES of the Army where he agrees he is entitled to annual special pay of \$25,000/\$100,000 total and he incurs a 4 year obligation in USAR as a 66S.

b. A screenshot from his Education and Incentives page, taken on 2 March 2024.

c. Memorandum, Subject: Blended Retirement System (BRS) Continuation Pay (CP) - Calendar Years 2024/2025 (CY24/CY25) Implementation Guidance dated 11 March 2024, indicate the eligibility amounts and additional service obligation for receipt of the BRS CP.

23. On 13 August 2024, the Office of the Deputy Chief of Staff, G-1, Program Analyst, Compensation and Entitlements Division, provided an advisory opinion which stated:

a. After careful review, this office does not support the applicant's request due to incomplete and missing data on the CP application form. In accordance with reference 1.d the CP application must be completed in its entirety prior to submission for payment. The CP application is missing block 6 (control number), block 9 (certifying official printed name, rank, signature, and date), and block 11 (approving authority printed name, rank, signature, and date). The missing information is required should the request for payment be favorably.

b. Supporting documentation properly completed would indicate the authorized multiplier and compliance with the additional service obligation required for CP for CY23.

24. On 13 September 2024, Headquarters, United States Army Reserve Command (USARC), Director Resources Management, provided an advisory opinion which stated on 25 January 2023, the applicant left the ALARNG. According to Department of Defense Instruction (DoDI) 6000.13, dated 30 December 2015, Section 10b(f) of Enclosure 3 states, "Have been discharged from any Uniformed Service at least 24 months before execution of the written agreement to receive an accession bonus (AB), and no longer hold an appointment, if a former Health Professions Officer (HPO)." Consequently, the applicant was ineligible for the Health Professions Accession Bonus (HPAB) on 16 March 2023, when he commissioned in the Army Reserve. However, on 1 March 2024, he signed a 4-year Health Professions Retention Bonus contract, receiving \$25,000 annually for a total of \$100,000.

25. On 2 October 2024, the applicant was provided with copies of the advisory opinions for comment or rebuttal, and he did not respond.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the finding outlined in the G1 advisory opinion and the USARC advisory opinion, as well as the lack of any rebuttal of those findings submitted by the applicant, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| : | : | : | GRANT FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| █ | █ | █ | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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. Title 37 United States Code, 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 an active duty member, shall not be less than 2.5 times the member's monthly basic pay.

c. The maximum amount the Secretary concerned may pay a member under this section is — 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.

2. Department of Defense Instruction 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military HPOs) states -

a. 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

b. 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.

3. 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//