

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 October 2024

DOCKET NUMBER: AR20240002810

APPLICANT REQUESTS: reconsideration of the previous Army Board for Correction of Military Records (ABCMR) decision, as promulgated in Docket Number AR20220008313 on 16 June 2023. Specifically, he requests his:

- a. Health Professional Loan Repayment Program (HPLRP) benefits be backdated to his Army enrollment start date of 19 August 2021;
- b. delayed second tranche of HPLRP benefits be promptly and immediately paid; and
- c. Accession Bonus period begin as of 19 August 2023, i.e., the date he should have received his second HPLRP payment.

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

- self-authored request for reconsideration
- 29 pages of documents marked Exhibit A through Exhibit G

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220008313 on 16 June 2023.
2. The applicant provides a written appeal for reconsideration, wherein he states:
  - a. He is appealing the ruling of the Army Board for Correction of Military Records "the "Board," that backdated his Health Professional Loan Repayment Program (HPLRP) benefits to November 2021. Specifically, he seek the following relief:
    - (1) his HPLRP benefits be backdated to his Army enrollment start date (19 August 2021);

(2) his delayed second tranche of HPLRP benefits be promptly and immediately paid; and

(3) that his Accession Bonus period begin to run as of August 19, 2023- i.e., the date I should have received my second HPLRP payment. am sending this mail to appeal the partial approval from the ABCMR.

b. The applicant states, he is a doctor; he is currently a practicing hospitalist internal medicine physician in [REDACTED] He also serves valiantly in [REDACTED] Army National Guard ([REDACTED] ARNG) as a Captain; he deployed and served in the Middle East as well. He joined the Army to serve my country, hoping to be treated fairly and to support and be supported by his country. Unfortunately, he have encountered several errors and delays by the Army in processing his records and payments.

c. Regarding the first ground for relief, the Board committed substantive error in backdating his HPLRP benefits only to November 2021, instead of his Army start date of 19 August 2021. The basis for the Board's decision was the erroneous premise that he had not selected HPLRP benefits until November 2021. In reality, and as the enclosed correspondence history reflects, he specifically advised the Army on 18 August 2021, that he wanted to do HPLRP for the first two years of service and then transition to special accession pay. The relevant timeline, as well as additional corroborating evidence, is as follows: -August 18, 2021 - he wrote the Army to advise that he intended to do HPLRP for the first two years of service and then transition to special accession pay. In light of the foregoing, he asks the Board to promptly backdate his HPLRP benefits to his Army enrollment date of 19 August 2021.

d. Regarding the second ground for relief, it is December 2023, and yet he still has not received his second payment of HPLRP. This second payment was due two years after his HPLRP period started- and thus should have been received by August 2023 (i.e., two years after his August 2021 enrollment), or at the latest by November 2023 (under the Board's erroneous decision to commence my HPLRP clock in November 2021). Either way, this second HPLRP payment is late, and this delay has caused him substantial hardship. Among other things, this delay in payment has caused him immense financial distress- since he lives paycheck to paycheck; this has also rendered him ineligible to start his special accession period, thus adding insult to injury. Thus, he strongly requests that his delayed second tranche of HPLRP benefits be promptly and immediately paid.

e. Regarding the third ground for relief, he ask that his Accession Bonus period begin to run as of August 19, 2023, because as noted, that is the date he should have received his final HPLRP payment had the Army correctly processed his records. Had he received said payment by 19 August 2023, he could have transitioned to his special accession period starting on that date.

f. In sum, Because of the multitude of events, he continues to be delayed incentives. He is appealing in hopes the Army will do the right fair thing and grant the foregoing requests, and given the Army's delays to date, he hopes and trusts the Board will make all reasonable efforts to expedite this appeal.

3. The applicant provided an email to the [REDACTED] ARNG, dated 18 August 2021, wherein he states, in effect he wanted to proceed with a combination of the incentive. The first two years to be the HPLRP and the rest being the special pay accession bonus and \$250,000 over seven years.

4. Orders 001342377.00, published by the [REDACTED] ARNG, Army Element, Joint Force Headquarters, on August 2021, appointed him in the ARNG effective 19 August 2021, in the rank of CPT.

5. His DA Form 71 (Oath of Office – Military Personnel) shows he was appointed as a Reserve commissioned officer in the rank/grade of CPT/O-3, effective 19 August 2021.

6. A DA Form 5536, (HPLRP Agreement), dated 7 March 2022, shows the applicant was in military occupational specialty 61F (Internal Medicine Physician). The form states, the anniversary date would be determined based upon the date the agreement is signed. Each complete satisfactory year of service performed under the agreement establishes an anniversary date.

7. Special Orders Number 39, published by National Guard Bureau (NGB), on 1 February 2023, extended the applicant federal recognition of his appointment in the [REDACTED] ARNG effective 19 August 2021, in the rank of CPT with a date of rank of 11 May 2017.

8. An approved Request for Health Professions Officer Incentive Pay effective 12 February 2023, with an annual rate of \$43,000.00.

9. The applicant's request was previously considered by the ABCMR in Docket Number AR20220008313, on 16 June 2023.

a. On 2 May 2023, prior to the Board's decision, the [REDACTED] ARNG, provided input to the National Guard Bureau (NGB) regarding this issue. An official of the [REDACTED] ARNG stated:

(1) The [REDACTED] ARNG, Recruiting and Retention Battalion, Officer Strength Force (OSF) advises the applicant's request should be approved with one alteration. Recommendation the contract be backdated to 9 November 2021.

(2) The applicant met all eligibility requirements for HPLP in accordance with the references upon the date of his appointment. He was erroneously advised that he did

not meet the eligibility requirements and was not afforded the opportunity to sign the DA Form 5536 until administrative errors were corrected in the applicant's Integrated Personnel Pay System (IPPS) profile. These administrative errors did not make the applicant eligible for the HPLRP and he could have signed a contract sooner.

(3) The applicant was undecided about which incentive he wanted to enact at the time of his appointment. He informed OSF of his intentions to pursue the HPLRP on 9 November 2021. This is when he should have been afforded the opportunity to sign the DA Form 5536.

b. On 22 May 2023, prior to the Board's decision, the Chief, Special Actions Branch, NGB provided an advisory opinion for the Board's consideration, which states, in effect:

(1) The NGB recommends approval of the applicant's request.

(2) Documents provided by the applicant shows that on 18 August 2021, he discussed with the [REDACTED] ARNG Incentive Manager for Specialty Branch his interest in several incentives he could be eligible for once he entered a contract with the ARNG. Several incentives were discussed of which one was the HPLRP.

(3) A review of the records provided by the applicant as well as their internal records was conducted by the [REDACTED] ARNG. The review concluded the applicant had met all eligibility requirements for HPLRP in accordance with ARNG policy, and regulation. The review also determined the applicant had erroneously been advised that he did not meet the eligibility requirements and was not afforded the opportunity to sign the DA Form 5536 until administrative errors were corrected in his IPPS profile. These administrative errors did not make the applicant ineligible for HPLRP, and therefore he could have signed a contract sooner.

(4) After further review and discussions with the [REDACTED] ARNG and the ARNG Medical Specialty Incentive Officer, this office recommends that that applicant's request to have his HPLRP contract backdated to 19 August 2021, which is the date of his commissioning and would fall in line with ARNG policy and regulation.

(5) The [REDACTED] ARNG believes the applicant's contract should be partially approved to 9 November 2021, because he was undecided about which incentive he wanted to enact at the time of his appointment, and eventually informed his Officer Strength Manager of his intentions to pursue the HPLRP on 9 November 2021.

(6) NGB finds that the applicant's request to have his contract backdated is the correct course of action to take since the applicant, per the [REDACTED] ARNG was improperly counseled and given wrong information and thereafter, the applicant could not make a proper decision on which incentive to take.

c. On 25 May 2023, prior to the Boards consideration, the advisory opinions were provided to the applicant to allow him the opportunity to respond. The applicant responded stating he challenges the [REDACTED] ARNG's claim stating he was not sure which incentive to proceed with. He was very sure about wanting to proceed with the HPLRP the first two years. He included an email stating the same. He offers additional evidence in hopes that the contract be backdated to the accurate date of 19 August 2021. He included an email he sent on 18 August 2021 sharing with the [REDACTED] ARNG that he wanted to do the HPLRP. His decision was in fact sure since that date.

d. On 16 June 2023, after reviewing the application and all supporting documents, the Board found that partial relief was warranted. The Board concurred with the advisory official finding the applicant's contract should be backdated to 9 November 2021, because he informed his Officer Strength Manager of his intentions to pursue the HPLRP on 9 November 2021. 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 amending the HPLRP contract incentive date to show 19 August 2021.

10. His record contains an approved Request for Health Professions Officer Incentive Pay effective 25 October 2023, with an annual rate of \$43,000.00.

11. The applicant provides exhibits A-G regarding his appointment and HPLRP which reveal, in part:

a. He is currently serving in the rank/grade of CPT/O-3, in the [REDACTED] ARNG. He was appointed in the ARNG on 19 August 2021. Due to multiple errors out of his control, his HPLRP incentive was delayed. His service since 19 August 2021 is not being counted because the loan incentive contract was not signed until 7 March 2022. He was originally given information about HPLRP on 8 February 2021. Another email was sent on 18 August 2021, informing him that HPLRP is a program where you serve one year, and the loan servicer will receive payment. He was also notified that the Guard Incentives Management System (GIMS) is old and process incentives were no longer functional, but they were receiving training the next day and he would be provided with signatures after. His contract was signed with the ARNG on 19 August 2021. He was notified after the enrollment process that the incentive contract was not complete and unable to be completed due to his military occupational specialty being improperly loaded in the Standard Installation and Division Personnel Reporting System (SIDPERS)/Integrated Personnel Pay System. He was put in as duty military occupational specialty 61F instead of 62B (Field Surgeon). He received another email on 2 February 2022, to submit his contract. His incentive contract was signed and sent in March 2022. After having served a year, in August 2022, he was notified that the service that counts toward HPLRP starts when the contract is signed. He was also

informed that his start date would not be backdated to the time he started his service, 19 August 2021.

b. Numerous emails between the applicant and the [REDACTED] ARNG. Of note, on 9 November 2021, he was asked if he wanted to sign up for a Special Pay Accession Bonus or the HPLRP. He requested the HPLRP the same day. On 10 November 2021, he was informed his military occupational specialty was improperly input in SIDPERS and until corrected, he was ineligible for HPLRP.

c. Emails between the applicant and this agency concerning an advisory opinion received from the [REDACTED] ARNG dated 2 May 2023. The [REDACTED] ARNG recommended his contract be backdated to 9 November 2021, stating the applicant was undecided about what incentive he wanted at the time of his appointment. An advisory opinion from the NGB dated 22 May 2023, contradicts the [REDACTED] ARNG opinion and states, "after further review and discussions with the [REDACTED] ARNG and the ARNG Medical Specialty Incentive Officer, this office recommends that [the applicant's] request to have his HPLRP contract backdated to 19 August 2021, which is the date of his commissioning and would fall in line with ARNG policy and regulation." The NGB found the applicant's request to have his contract backdated was the correct course of action since the applicant was improperly counseled and given wrong information and therefore, he could not make a proper decision on which incentive to take.

d. Email to the [REDACTED] ARNG from the applicant dated 18 August 2021, informing them that he wanted to proceed with a combination: the first two years to be the HPLRP and the remaining being a Special Pay Accession Bonus and \$250,000 over seven years before taxes.

e. Memorandum from the [REDACTED] ARNG for the NGB Army Medical Department (AMEDD) Incentives Team, dated 12 July 2023, which states the applicant's HPLRP contract was signed by an incorrect State Representative. The Specialty Branch Manager certified the contract was valid and the applicant met all eligibility requirement.

f. Emails from September to December 2023, from the applicant and the [REDACTED] ARNG repeatedly checking on the status of the 2023 HPLRP payment.

BOARD DISCUSSION:




1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records, and the advisory opinions from both the National Guard Bureau – Special Actions Branch (NGB) and [REDACTED] Army National Guard ([REDACTED] ARNG), the Board noted that the applicant previously received partial relief under AR20220008313 on 16 June 2023. That decision amended his Health Professional Loan Repayment Program (HPLRP) benefits to commence on 9 November 2021. The [REDACTED] ARNG advisory opinion, dated 2 May 2023, supported this partial relief based on the applicant's expressed intent to pursue the HPLRP incentive as of 9 November 2021. At that point, he notified the Officer Strength Force (OSF) of his decision, and the [REDACTED] ARNG determined this was when he should have been afforded the opportunity to sign the DA Form 5536.

2. However, the Board also reviewed the NGB – Special Actions Branch advisory opinion, dated 22 May 2023, which recommended full approval of the applicant's request to backdate his HPLRP benefits to his commissioning date of 19 August 2021. This recommendation was based on documentation showing the applicant discussed his interest in available incentives, including HPLRP, with the [REDACTED] ARNG Incentives Manager for Specialty Branch on 18 August 2021—prior to entering into a contract. After further coordination with the [REDACTED] ARNG and the ARNG Medical Specialty Incentive Officer, the NGB concluded that backdating the applicant's contract to align with his commissioning date was consistent with ARNG policy and regulation.

3. Although the Board acknowledged the differing recommendations between the [REDACTED] ARNG and NGB advisory opinions, the Board ultimately concurred with the NGB – Special Actions Branch. The Board found the applicant was not properly counseled at the time of his appointment, which prevented him from making an informed decision regarding his incentive options. Based on the preponderance of evidence and in the best interest of the applicant, the Board granted full relief, to amend his HPLRP contract with a backdate of 19 August 2021, his commissioning date and his Accession Bonus period beginning on 19 August 2023, aligning with the timeline for his second HPLRP payment. Final arrears calculations will be determined by the Corrections–Claims Section, DFAS–IN.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

			GRANT FULL RELIEF
:	:	:	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 show his HPLRP contract with a backdate of 19 August 2021, his commissioning date and his Accession Bonus period beginning on 19 August 2023, aligning with the timeline for his second HPLRP payment. Final arrears calculations will be determined by the Corrections–Claims Section, DFAS–IN.

6/20/2025

X

CHAIRPERSON

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. Army Regulation 621-202 (Army Educational Incentives and Entitlements), chapter 8 (Selected Reserve HPLRP) states this chapter provides policy and guidance for the administration of the HPLRP. Under Title 10, United States Code, section 16302, the program is designed to repay designated loans secured by eligible health professions officers serving in Selected Reserve with wartime critical medical skill shortages.



a. Paragraph 8-3 states, repayment of loans is made on the basis of each year of satisfactory service performed by a health professional as a qualified commissioned officer in the Selected Reserve. For each year of satisfactory service as a Selected Reserve member, the Government will repay designated loans for an officer that:

- is participating satisfactorily as a Selected Reserve member
- initiates DA Form 5536 (Agreement HPLRP)

b. Paragraph 8-4 states, to apply for participation in the HPLRP, the eligible officer must have qualifying loans at the time of signing the DA Form 5536. Selected Reserve unit members will process through their AMEDD recruiter. The anniversary date for repayment of the loan is based on the date the officer completes the agreement. Each year of satisfactory Selected Reserve service performed under the terms of the agreement will qualify the Service member for repayment of eligible loans.

2. Title 10, USC, section 1552 states, the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//