

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2025

DOCKET NUMBER: AR20240003246

APPLICANT REQUESTS: retroactive pay of Health Professions Officer (HPO) Board Certification Pay (BCP) from 20 November 2018 to 20 January 2024.

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

- DD Form 149 (Application for Correction of Military Record)
- Memorandum; Subject: Request for HPO Incentive Pay (IP)
- American Board of Emergency Medicine Certification
- Uniformed Services University of the Health Sciences (USUHS) Degree; Doctor of Medicine
- Certificate of Training; Emergency Medicine Residency
- Commonwealth of Virginia Medicine License
- North Carolina Medical Board Physician License Certificate
- Excerpt; Department of Defense (DoD) Financial Management Regulation (FMR) 7000.14-R, Volume 7A, Chapter 5
- Leave and Earnings Statements (LES) (November 2018 through February 2024)
- Email; Subject: Back-Pay for Board Certification Pay
- Florida Department of Health License
- Email; Subject: Back Pay Army Review Board Case Tracking System (ACTS) Query

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states he misunderstood HPO BCP and assumed it was included in his IP contract, which he applied for and received after finishing his Emergency Medicine Residency in 2017. IP for Emergency Medicine is \$49,000.00/year prorated monthly. This equals \$4083.33/month. This is what he has been getting paid since signing his IP contract in October 2017. He never received a separate contract for BCP and never received this pay, which would be an additional \$500.00/month in addition to

his IP (\$4583.33/month). He realized he had never received BCP when he was told to re-sign a new contract for the 2024 BCP increase to \$8,000.00/year prorated monthly. He notified his command and his special pays office in order to acquire back-pay. They were told this was a medical special pays issue and not finance. He reached out to the Office of the Surgeon General (OTSG) Special Pays office who stated he had to resolve this issue via the Army Review Boards Agency as this involved prior fiscal year monetary assets.

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

a. Having had prior Regular Army enlisted service, Orders Number A-06-915927 issued by the U.S. Army Human Resources Command (AHRC) on 3 June 2009 ordered the applicant to active duty in an indefinite status, with a report date of 3 August 2009.

b. Orders Number 53-1-A-126 issued by AHRC on 4 June 2009, appointed the applicant as a Regular Army commissioned officer. He subsequently executed an oath of office on 12 June 2009.

c. A transcript from USUHS shows he earned a Doctor of Medicine degree on 17 May 2014.

d. Certificate of Training shows he completed the Emergency Medicine Residency at Carl R. Darnall Army Medical Center from 1 July 2014 to 30 June 2017.

e. Memorandum; Subject: Request for HPO IP, dated 3 October 2017, shows the applicant requested HPO IP in area of concentration 62A (Emergency Medicine Physician) from 1 October 2017 at the rate of \$49,000.00/year, prorated monthly.

f. The American Board of Emergency Medicine issued the applicant a certificate of Emergency Medicine that is good from 20 November 2018 through 31 December 2028.

g. His record is void of an approved request for HPO BCP for the period in question.

4. The applicant provides:

a. The American Board of Emergency Medicine issued the applicant a certificate showing he was certified in Emergency Medicine from 20 November 2018 through 31 December 2028.

b. USUHS Doctor of Medicine degree, issued to the applicant on 17 May 2014.

c. Commonwealth of Virginia Medicine License, issued to the applicant on 16 November 2015.

d. North Carolina Medical Board Physician License Certificate issued to the applicant with a renewal date of 17 November 2024.

e. Excerpt of DoDFMR 7000.14-R, Volume 7A, Chapter 5, dated April 2023, in which the applicant highlights the portion pertaining to BCP. It states the annual amount payable is \$8,000.00/year to be prorated monthly.

f. LES from November 2018 through February 2024, that shows the applicant's HPO special pay was in the amount of \$4083.33, monthly.

g. Email; Subject: Back-Pay for BCP, from the applicant to the OTSG Special Pay Branch between 4 and 5 March 2024 in which he inquired about instructions to receive retroactive pay for BCP. He was advised by the Army Medical Department (AMEDD) Special Pay Branch to petition the ABCMR, as they cannot obligate funds from previous fiscal years.

h. Florida Department of Health License status dated 19 March 2024, that shows his license is active and expires on 31 January 2026.

i. Email; Subject: Back Pay ACTS Query, dated 14 March 2024, in which the applicant inquires with the Army Review Boards Agency about the status of his application and how to submit his prior LES.

5. On 20 December 2024, the Chief, Special Pay Branch, OTSG, provided an advisory opinion for this case. The advisory opinion states after a review of supporting documentation, policy, special pay, and finance data to provide clear and concise guidance, the applicant's HPO BCP compensation began on 1 February 2024(\$8,000.00/year). The applicant was eligible to receive \$30,183.26 (20 November 2018-30 November 2018 = \$183.26; 1 January 2019 – 30 December 2023 = \$30,000.00) for the \$6,000.00/year HPO BCP and \$444.44 (1 January 2024 – 20 January 2024) for the \$8,000.00/year HPO BCP. The total amount he is eligible to receive is \$30,627.70.

6. On 20 December 2024, the applicant was provided with a copy of the advisory opinion for comment or rebuttal. He did not provide a response.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief was warranted.

2. The Board carefully considered the applicant's contentions, his record of service, the terms of his contracts and Chief, Special Pay Branch, OTSG advisory opinion. The

Board concurred with the recommendation of eligibility determined by the advising official. Based on a preponderance of evidence, the Board determined that the applicant was eligible to receive Health Professions Officer (HPO) Board Certification Pay (BCP) from 20 November 2018 to 20 January 2024 and his record should be corrected accordingly.

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:

- showing the applicant timely submitted the appropriate request/form for payment of HPO/BCP (at the following rates/year) for 20 November 2018-30 November 2018 in the amount \$183.26 (\$6,000/year); 1 January 2019 – 30 December 2023 at \$6,000.00/year HPO BCP and 1 January 2024 – 20 January 2024) at \$8,000.00/year HPO BCP
- showing the appropriate office timely received his requests and authorized payment 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. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Active Component HPO Special and Incentive Pay Plan, effective 1 January 2018 states:

a. A HPO any health profession performed by officers who are in the Medical Corps of a Uniformed Service or designated as Medical Officers; in the Dental Corps of a Uniformed Service or designated as Dental Officers; in the Medical Service Corps of a Uniformed Service or designated as Medical Service Officers; in the Medical Specialists Corps of a Uniformed Service or designated as Medical Specialists; in the Nurse Corps of a Uniformed Service or designated as Nurses; in the Veterinary Corps of a Uniformed Service or designated as Veterinary officers.

b. Credentialed. A qualification held by a HPO constituting evidence of qualifying education, training, licensure, experience, current competence, etc.

c. To be eligible for the HPOBCP, an HPO must:

- execute a BCP agreement, and have at least one-year retainability on Active Duty beginning on the effective date
- be certified by an approved recognized clinical specialty professional board (not a State board) in the clinical specialty/Area of Concentration (AOC) as listed in the pertinent section of Table 2
- the effective date of the HPOBCP agreement is the date the HPO becomes board certified in the clinical specialty/AOC.

d. HPOBCP is paid on a prorated monthly basis and all Active Component HPOs must execute a written HPOBCP agreement, with a copy of the board certificate.

e. HPOBCP is paid at a rate of \$6,000.00 per year; prorated monthly.

//NOTHING FOLLOWS//