

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 July 2025

DOCKET NUMBER: AR20240003652

APPLICANT REQUESTS:

- re-evaluation of his constructive service credit
- correction of his record to reflect his rank as lieutenant colonel (LTC)

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

- DD Form 149 (Application for Correction of Military Record)
- US Army Recruiting Command (USAREC) Form 601-37.19 (Army Medical Department (AMEDD) Transmittal Sheet) from the 5th Medical Recruiting Battalion which shows a scroll action was submitted on behalf of him for direct commissioning in the U.S. Army
 - Projected Area of Concentration (AOC): 61H (Family Medicine)
 - Date Projected on Direct Commissioning Accession: 9 February 2012
 - AMEDD Corps: Medical
 - Component: Reserve
 - Notes: U.S. Army Reserve/LTC/Family Medicine Physician
- Correspondence between him and his U.S. Army Medical Recruiter emailed on 16 April 2021, shows he inquired why his approved rank of Major (MAJ) was not the rank of LTC or colonel (COL) as previously discussed
- Correspondence between him, the Medical Corps Talent Manager, Human Resources Command (HRC), Incentives Manager, AMEDD Professional Management Command, and the Program Analyst, USAREC emailed between January 2024 and March 2024, wherein he seeks clarification on his promotion eligibility and re-evaluation of his constructive service credits
- DA Form 5074-R (Record of Award of Entry Grade Credit (Medical and Dental Officers) dated 4 October 2021, reflects he was awarded a total of 10 constructive credits, qualifying him for entry grade MAJ/O-4
- Professional resume which details his education, experience, and Board certifications and licenses

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, 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:

a. Only 3 credits/6 years of his 20 years of professional experience as a medical doctor was used for constructive service credits on his initial DA Form 5074-R. His extensive professional medical experience should earn him additional credits. By applying a waiver and counting his 14 plus years of additional experience, those additional constructive service credits should put him in the zone of consideration for at least LTC/O-5.

b. His current DA Form 5074-R created a military and medical career injustice since other officers with similar 20 years of professional experience were either direct commissioned as an LTC/O-5 or COL/O-6.

3. A review of the applicant's service records reflect the following:

a. On 29 January 2021, DA Form 61 (Application for Appointment) shows he applied for appointment as a commissioned officer – Army Reserve in the Medical Corps. Item 3 (Grade For Which Applying (Reserve appointments only)) reflects O-4.

b. On 29 July 2021, DA Form 71 (Oath of Office - Military Personnel) shows he was appointed as a Reserve commissioned officer in the grade of O-4 and executed an oath office.

c. DA Form 5074-1-R, prepared on 4 October 2021, shows he was awarded 10 total constructive credit, which qualified him for an entry grade of O-4 with a date of rank of 29 July 2021. Section E (Credit for Professional Experience) reflects in:

- item 21 (Location of Practice): Physician, Texas license #Lxxx4
- item 22 (Inclusive Dates): 20010701-20210302
- item 23 (Credit Awarded): 03-00-00

d. Orders T-02-300927, published by HRC, ordered him to active duty for training to attend the AMEDD Direct Commission Course with a report date of 12 March 2023.

e. On 4 April 2023, he successfully completed the AMEDD Direct Commission Course.

f. Orders T-08-416326, published by HRC, ordered him to active duty for training to attend the Medical Center of Excellence Center for the Training of the Reserve with a report date of 29 September 2024.

g. On 25 October 2024, DA Form 1059 (Service School Academic Evaluation Report) shows he completed the Reserve Component Basic Officer Leader Course.

4. In the processing of this case, an advisory opinion was obtained on 20 February 2025, from the Director, Health Services Directorate, USAREC. The advisory official opined:

a. After a thorough review of the applicant's record, DA Form 5074, and support of the AOC Consultant, he should be granted the rank of LTC.

b. He attended medical school from 12 July 1996 to 30 May 1998. He attended internship from 1 July 1998 to 30 June 1999, and residency was from 1 July 1999 to 30 June 2001. The applicant was awarded ½ day credit for work experience from 1 July 2001 to 2 March 2021 per Department of Defense Instruction (DoDI) 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)). This provided him with constructive credit to be granted the rank of MAJ.

c. Based on his long history of professional experience, the Consultant has approved additional credit, providing him with enough constructive credit to be granted the rank of LTC as of the date of the DA Form 5074 (4 October 2021).

5. On 20 February 2025, the applicant was provided a copy of the advisory opinion and afforded 14 days to provide comments. On 2 March 2025, he responded stating he agreed with the assessment that he had enough constructive service credit to support the entry rank of LTC.

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 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 Board concurred with the advisory opinion. Upon review of the applicant's DA Form 5074, the Board determined there is sufficient evidence to support constructive credit based on his professional experience in excess of 20 years to be granted the rank of LTC.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XX	:XX	:XX	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 to show he was awarded constructive service credit for his professional experience in excess of 20 years to qualify him for the rank of LTC, effective 4 October 2021 with applicable back pay and allowances.

X //signed//

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. Title 10, U.S. Code, 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. DoDI 6000.13 (Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)) states, in pertinent part –

a. Maximum Entry Grade Credit. The total entry grade credit granted will be no more than that required for an original appointment to the grade of O-4, unless a waiver is granted in accordance with this enclosure.

b. Waivers:

(1) The Secretary concerned may waive the maximum entry grade credit limitation and grant credit beyond that required for an original appointment in the grade of O-4 when:

- An individual has earned more grade credit than required for appointment to the grade of O-4.
- The Secretary concerned determines that the individual receiving the waiver possesses the overall ability to perform effectively at a higher grade level and appointment to that higher grade will not be detrimental to the efficiency and effectiveness of the individual's military assignment.

(2) Waiver requests involving the award of more constructive service credit than is needed for a Regular appointment to the grade of O-4 may only be approved for medical and dental officers, but waiver requests involving the award of more constructive service credit than is needed for a Reserve appointment to the grade of O-4 may be approved for any HPO.

//NOTHING FOLLOWS//