

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 April 2025

DOCKET NUMBER: AR20240008465

APPLICANT REQUESTS: adjustment of his Active Duty Service Obligation (ADSO) from 30 June 2027 to 30 June 2026.

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

- DD Form 149 (Application for Correction of Military Record)
- Office of the Surgeon General (OTSG) Letter dated 8 February 2011, the applicant was selected for the Army Graduate Medical Education (GME) training in Plastic Surgery:
 - if he accepted the training, he would incur a 5-year ADSO following the completion of the training
 - no portion of his current ADSO may be satisfied during his 5-year ADSO including the 1-year research period
 - his ADSO expiration would be 30 June 2018
- OTSG Letter dated 26 March 2014, the applicant was selected for the Army GME training in Craniofacial Surgery:
 - If he accepted the training
 - he would incur a 5-year ADSO following the completion of the training
 - no portion of his current ADSO may be satisfied during his 5/6-year GME program including the 1-year research period
 - ADSO shall not be less than 2-years
 - Collective ADSO takes into account the additional ADSO resulting from participation in the GME
 - ADSO is in addition to any other ADSO incurred and cannot be repaid concurrently
 - If successful completion the revised ADSO expiration date will be 30 June 2026
- E-mail dated 15 February 2024, the applicant informed the U.S. Army Human Resources Command (AHRC) he intended to retire June 2026, which is his

service obligation date, AHRC responded they would initiate a 2-year extension through his ADSO

- E-mail dated 24 April 2024, AHRC informed the applicant upon contacting OTSG, his ADSO would be recalculated based on his fellowships and GMEs
- E-mail dated 1 May 2024, AHRC responded, stating "his ADSO should have been 10 June 2027, and he could still apply for retirement if he submitted an ADSO waiver"
- E-mail dated 21 June 2024; the applicant was offered employment beginning in 2026 but his promise of a position could not be guaranteed through 2027
- E-mail dated 21 June 2024, an in-person employment interview was confirmed
- Physician Independent Contractor Agreement for New Skin Medical for potential employment in July 2026 which was not completed between the applicant and the employer
- Integrated Personnel and Pay System – Army screen shot shows the applicant's ADSO is 30 June 2027

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 in part:

- Due to the time sensitive nature of his request, he requests an expedited hearing
- Contract date of 26 March 2014 for GME in Craniofacial Surgery for training during the period of 1 July 2015 through 30 June 2016, his ADSO would be 30 June 2026
- GME for a Plastic Surgery fellowship for the period of 1 July 2012 through 30 June 2015, he incurred a 3-year ADSO
- AHRC portals shows his ADSO as 30 June 2026 for over 10-years
- Planned his career and retirement based on this ADSO
- He received an employment offer to begin in the summer of 2026
- His career manager discovered his ADSO was 30 June 2026
- A week later OTSG notified his ADSO was in 2027
- If his ADSO is not adjusted, he might miss out on an employment opportunity

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

- On 24 May 2000, he executed his oath of office and was appointed as a Reserve commissioned officer

- DA Form 591 (Application for Initial (Educational) Delay from Entry on Active Duty and Supplemental Agreement) shows he had a 4-year active duty obligation, 8-years as a commissioned officer to include 2 to 5 consecutive years of active duty based on receipt of an Army scholarship
- On 24 May 2000, he was assigned to the USAR Control Group (Officer Active Duty Obligor) by Orders Number 143-44 dated 22 May 2001
- On 11 June 2004, he was ordered to active duty to fulfill an active Army requirement by Orders Number A-03-490563 dated 29 March 2004
- On 16 May 2004, he was appointed as a Reserve commissioned officer
- AHRC letter dated 5 January 2005, the applicant was selected for the Army GME residency in General Surgery, his new ADSO was calculated based upon his current Army GME selection and previous obligations, new ADSO was 30 June 2018
- National Capital Consortium certificate shows he completed Residency in General Surgery during the period of 1 July 2004 through 30 June 2010
- [REDACTED] certificate shows he completed Plastic and Reconstructive Surgery residency program during the period of 1 July 2012 through 30 June 2015
- [REDACTED] certificate shows he was the Chief, Resident on Plastic Surgery Service during the period of 1 July 2014 through 30 June 2015

4. On 10 April 2025, in the processing of this case OTSG, provided an advisory opinion regarding the applicant's request for his ADSO to be adjusted to 30 June 2026. The advisory official stated his ADSO of 30 June 2027 is correct. The applicant had an original 8-year ADSO from Reserve Officers' Training Corps and Health Professions Scholarship Program (consecutive) when he entered active duty. His ASDO remained at 8-years after completion of his internship year. Upon completion of 5-years of continuous GME training for his general surgery residency plus research year, his ADSO remained at 8-years. When he started his plastic surgery fellowship, he had served 2-years of his original 8-year ADSO, with 6 years remaining. Both the plastic surgery and craniofacial fellowships were civilian-sponsored training, meaning the additional ADSO incurred from the training (3-years for plastic surgery, 2-years for craniofacial surgery) were to be served consecutively with his previous 6-year ADSO. When the applicant completed his 5-years of additional GME on 30 June 2016, his total ADSO was 11-years. ADSOs for GME training is generally served concurrently with other ADSOs. An exception is when a service member accepts civilian sponsored training at a non-military institution. The contract clearly states the obligation from civilian sponsored GME training is consecutive with training/educational ADSOs.

5. On 16 April 2025, the Army Review Boards Agency, Case Management provided the applicant the advisory opinion for review and comment.

6. On 28 April 2025, the applicant provided his rebuttal to the advisory opinion via e-mail stating; the OTSG advisory opinion dated 10 April 2025 asserts his ADSO ends 30 Jun 2027. That view disregards the bold faced "30 June 2026" date that OTSG itself placed in his 2014 fellowship contract. Its finding that paragraph 15 of the contract which contains "multiple errors" can be ignored under a savings clause is factually and legally flawed. OTSG can produce no evidence or document that a 2027 ADSO expiration date was ever asserted a single time prior to May 2024. For a decade, the Army uniformly represented - on a signed contract, in multiple AHRC systems, and throughout his career manager as late as 2024 - that the ADSO expired on 30 June 2026. Ten years of Army personnel records, U. S. AHRC calculations, and career planning decisions for him and his nurse practitioner spouse all relied on this date. U. S. HRC specifically again confirmed this information in April 2024 before he participated in a civilian interview, only to have OTSG retroactively assert a "revised" 2027 date after he had been offered the job and was preparing his retirement packet. The evidence shows the contract's bold-faced 2026 date is controlling. The Army's own systems and officers relied on it, and he managed his career accordingly. His spouse's medical profession requires long-term planning, their children's school enrollments have already been put into motion, and his retired parents are relocating and purchasing a home. The greater [REDACTED] area is home to many Department of Veteran Affairs (VA), military, and Tricare beneficiaries which is great place to work for a military-retired surgeon. This last-minute adjustment will cause him to lose an in-hand job offer and derail 10-years of planning and two medical careers that have been carefully managed. Correcting the record of this error preserves fairness and prevents an extreme injustice and hardship, aligning with the ABCMR mission to remedy errors and injustices. Army Regulation 350-100 (Officer Active Duty Service Obligations) allows the waiver of ADSO for either the convenience of the government or personal hardship. Granting relief costs the Army zero dollars and places a fully trained surgeon in the VA and Tricare eligible civilian practice in a beneficiary rich environment 1-year sooner. The applicant's full rebuttal is available for the Board's review.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The Board carefully considered the advisory opinion, but ultimately determined the preponderance of the evidence showed an injustice occurred. The applicant and a government agent agreed to and signed a training agreement that stipulated the applicant's ADSO expired on 30 June 2026. For ten years Army documents and communications also reflected an ADSO that expired on 30 June 2026. The applicant reasonably relied on the contract and subsequent Army records when arranging his post service affairs and changing the ADSO to expire on 30 June 2027 was an injustice.

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 amending the applicant's record by adjusting his Active Duty Service Obligation from 30 June 2027 to 30 June 2026.

5/6/2025

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. 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. Army Regulation 350-100 (Officer Active Duty Service Obligations), establishes policies and procedures governing ADSOs for all commissioned officers and warrant officers serving on the active duty list. It prescribes the computation and notice of ADSOs and how ADSOs are served with commissioning ADSOs.

a. Paragraph 1-9 (Who incurs active duty service obligations), officers who complete certain formal education or training programs, undergo a permanent change of station, or receive certain promotions incur an ADSO. Officers must fulfill ADSOs before they are eligible for voluntary separation. Officers will not be further obligated beyond the dates voluntary ADSOs are fulfilled without their consent, either expressed or implied. Officers who attend military or civilian courses of instruction may incur an ADSO for up to 6-years on completion or termination from the course(s). Exceptions are for:

- Officers who attend civilian institutions may exceed the 6-year maximum ADSO
- Officers who attend the Advanced Strategic Planning and Policy Program (ASP3) which consists of non-consecutive phases of resident civil schooling incur a maximum 6-year ADSO when considering all phases in total
- Officers who attend initial entry flight training under AR 611-110 will exceed the 6-year maximum ADSO

For any ADSO established or modified, the CG, HRC must notify the officer of the establishment or modification prior to the start of the program or personnel action. The ADSO may not be applied retroactively.

b. Paragraph 2-1, Officers entering military service must complete a total of 8 years military service obligation. Service will be on active duty or in the Reserve Components, in either enlisted or officer status.

c. Paragraph 2-7 (Civilian schooling), Participation in various Army programs that support civilian educational and training opportunities incurs ADSOs as prescribed in this regulation. Officers who attend fully funded courses at civilian institutions, including the training with industry program for 60 days or more will incur an ADSO on completion or termination of the education program. The officer's ADSO will equal three times the length of schooling. The length of schooling will be computed in days calculated from

the first day they arrive at the school until the last day of schooling, to include summers, whether or not they attend classes. Officers who accept statutory fellowships and scholarships incur an ADSO on completion or termination of the education. The ADSO will equal three times the length of schooling, computed in days, and may exceed 6-years. Officers who participate in partially funded educational programs for 60 days or more incur an ADSO on completion of the education, or withdrawal or removal from the program. The ADSO will equal three times the length of schooling, computed in days. Partially funded programs include, but are not limited to, the Degree Completion Program and the Cooperative Degree Program.

d. Paragraph 3-3 (Consecutive obligations), ADSOs resulting from more than one civilian education program are served consecutively. For example, an officer completing a graduate degree program followed by another graduate degree or Ph.D. program will incur multiple ADSOs to be served consecutively. The time spent attending a civilian school will not be credited toward fulfilling an existing civilian schooling ADSO. When a newly incurred ADSO is to be served consecutive to another ADSO, add the period of the new ADSO to the remaining portion of the existing ADSO. The compounded period may not exceed 6-years, except for officers attending civil schooling programs.

e. Paragraph 4-1 (Requests for waiver of active duty service obligations), statutory service obligations will not be waived except for the convenience of the Government or personal hardship. The ASA (M&RA) is the approval authority for statutory ADSO waivers. The authority to grant waivers or exceptions to this regulation will be referenced in all contractual obligations, and when not expressly incorporated, will be implied to be present. The CG, HRC is the approval authority for non-statutory ADSO waivers for all officers, except Chaplain Corps and JAGC officers.

//NOTHING FOLLOWS//