

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]
[REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20240008814

APPLICANT REQUESTS: in effect, retroactive payment of Fellowship Health Professions Officer Incentive Pay (HPO IP).

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

- DD Form 149 (Application for Correction of Military Record)
- Virginia Medical License dated 9 July 2012, which shows she was issued her medical license on 9 July 2012 with an expiration date of 30 November 2024
- Johns Hopkins University Fellowship certificate dated 30 June 2016, which shows she completed her fellowship during the period of 1 July 2015 to 30 June 2016
- Applications for Clinical Privileges/Medical Staff Appointment dated 6 July 2017 – 22 August 2024, which provides information necessary to credential the applicant and determine whether she should have privileges to work, or continue working, in a military treatment facility or otherwise within the Military Health System
- She was granted credentials and privileges on 6 July 2017, 25 June 2019, 4 June 2021, and 23 August 2022

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:

- She completed a civilian medical fellowship supported by the military (Cornea, External Disease and Refractive Surgery) after her ophthalmology residency
- She has not been paid the fellowship specialty pay
- The local pay office and layers above have all determined that this Board review is the only way to have it corrected prior to 1 October 2023

- It has been difficult to see in her pay due to all the prior separated specialty pays now being lumped into Save Pay
- She completed the fellowship and should be paid the additional money
- She graduated fellowship from Johns Hopkins on 30 June 2016 and then went to William Beaumont Army Medical Center, El Paso, TX

3. A review of the applicant's official records show:

- On 7 June 2007, she was appointed as a Regular Army Medical Service Corps commissioned officer and executed her oath of office as a second lieutenant
- On 21 July 2007, she completed the Army Medical Department Officer Basic Leaders Course
- On 10 February 2011, DA Form 5074-R (Record of Award of Entry Grade Credit (Medical and Dental Officers)) shows the applicant was granted her qualifying Medical Doctor degree on 21 May 2011 from the Uniform Services University of the Health Sciences; the credits she was awarded qualified her for the rank of captain
- On 25 September 2015, the applicant requested and was approved for Medical Incentive Special Pay (ISP) in her specialty of Ophthalmology (CF), in a one-time lump sum, in the amount of \$28,000.00
- On 18 May 2016, the applicant requested and was approved for Medical Additional Special Pay, in a one-time lump sum, in the amount of \$15,000.00
- On 30 June 2016, DA Form 1059-1 (Civilian Institution Academic Evaluation Report) shows the applicant completed her fellowship at the Johns Hopkins Wilmer Eye Institute; the duration of the course was from 1 July 2015 to 30 June 2016
- On or about 6 November 2016, she passed the examination in Ophthalmology conducted under the authority of the American Board of Ophthalmology

4. The agreements/contracts for Legacy Fellowship for Ophthalmology and Fellowship HPO IP were not in the applicant's military service record.

5. On 5 May 2025, the Office of the Surgeon General (OTSG), Chief, Special Pay Branch Human Resources, G-1, provided an advisory opinion for this case and states:

a. The applicant has formally requested retroactive payment of the \$36,000.00 Legacy Fellowship for Ophthalmology, effective 1 October 2016 and \$59,000.00 Fellowship HPO IP, for the 1 July 2017 – 30 September 2023 timeframe.

b. After reviewing the supporting documentation, policy, special pay, and financial data, it has been determined that the applicant received the Lump Sum of \$36,000.00 for the 1 October 2016 – 30 September 2017 timeframe. This payment is annotated on

the applicant's Leave and Earning Statement as "Continuation Pay" dated "2016103" [3 October 2016]. The amount eligible concerning this request is \$0.00.

c. Further, she requested \$59,000.00/year but entered a \$51,000.00 agreement effective 1 July 2017. She received \$318,750.00 for 1 July 2017 30 September 2023 but is eligible to receive \$368,750.00 for the \$59,000.00/year HPO IP for the same timeframe. The applicant should expect to receive \$50,000.00 (the difference between the total amount eligible and received: $\$368,730.00 - \$318,750.00 = \$50,000.00$). The Defense Finance and Accounting Service - Indianapolis (DFAS-IN) will determine the exact amount for any arrear's payment.

d. Please provide a copy of the final board results to this office (DASG-HR).

6. On 6 May 2025, the applicant was provided with a copy of the OTSG advisory opinion to allow for comments or rebuttal.

7. On 14 May 2025, the applicant responded to the advisory opinion concurring with the recommendation.

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 Office of the Surgeon General (OTSG), Chief, Special Pay Branch Human Resources, G-1 advisory opinion, the Board concurred with the advising official recommendation finding applicant received a Lump Sum of \$36,000.00 for the 1 October 2016 – 30 September 2017 timeframe. The opine noted this payment is annotated on the applicant's Leave and Earning Statement as "Continuation Pay" dated "2016103" [3 October 2016]. The amount eligible concerning this request is \$0.00.

2. The Board determined after additional review, based on the opine, the applicant requested \$59,000.00/year but entered a \$51,000.00 agreement effective 1 July 2017. The applicant received \$318,750.00 for 1 July 2017 through 30 September 2023 but is eligible to receive \$368,750.00 for the \$59,000.00/year HPO IP for the same timeframe. Concurring with the opine review, they found the applicant should expect to receive \$50,000.00 (the difference between the total amount eligible and received: $\$368,730.00 - \$318,750.00 = \$50,000.00$). Based on advising official opine, the Board granted relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 is authorized payment of retroactive payment of Fellowship Health Professions Officer Incentive Pay (HPO IP) and should expect to receive \$50,000.00 (the difference between the total amount eligible and received: \$368,730.00 - \$318,750.00 = \$50,000.00). The Defense Finance and Accounting Service - Indianapolis (DFAS-IN) will determine the exact amount for any arrear's payment.

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 (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. Title 31, USC, section 3702, also known as the barring act, prohibits the payment of a claim against the Government unless the claim has been received by the Comptroller General within 6 years after the claim accrues. Among the important public policy considerations behind statutes of limitations, including the 6-year limitation for filing claims contained in this section of Title 31, U. S. Code, is relieving the government of the need to retain, access, and review old records for the purpose of settling stale claims, which are often difficult to prove or disprove.

3. Department of Defense 7000.14-R, Financial Management Regulation, Volume 7A, Chapter 5 (Health Professions Officer (HPO) Special and Incentive Pay). The purpose of this chapter is to establish policy pertaining to Health Professions Special and Incentive (HPS&I) Pay. Paragraph 6.0 (Incentive Pay) provides in pertinent part; the effective date of the Incentive Pay (IP) agreement will be calculated from the date the member completes the qualifying training plus 3 months. To be eligible for IP, an HPO must be: Serving in an Active Component or Reserve Component of a Military Service and entitled to basic pay under Title 37, USC, section 204 or compensation pursuant to Title 37, USC, section 206; serving on Active Duty or in an active Reserve status in a designated health professional specialty; and be eligible as prescribed in paragraph 2.4. Table 5-4 (Medical Corps IP and Retention Bonus) shows:

- A fully qualified ophthalmologist is authorized HPO IP at a rate of \$51,000.00 per year prorated monthly
- Physicians who are fellowship trained in ophthalmology are authorized HPO IP at a rate of \$59,000.00 per year prorated monthly (Subspecialty Category V, Note 9)

//NOTHING FOLLOWS//