

## FY23 MEDICAL DEPARTMENT SPECIAL PAYS ADMINISTRATIVE INFORMATION

1. Special and Incentive Pays. All special pays under the Consolidated Special Pays Program are discretionary, and eligibility for special pays is determined by Chief, Bureau of Medicine and Surgery (BUMED). Policies for the Medical Department Special and Incentive Pays for FY23 are contained within DoDI 6000.13, OPNAVINST 7220.17, and this pay guidance. Special Pay obligations cannot exceed statutory service limits as determined by Chief, BUMED. Members are responsible for complying with the DoD and DON requirements and the FY23 Pay Guidance herein.

Commanding Officers are responsible for ensuring the command is adhering to the policies and regulations listed within DoDI 6000.13, OPNAVINST 7220.17 (to the extent it is not in conflict with DoD policy), this pay guidance, and for ensuring periodic review of the command's records to ensure members are complying with the requirement to be privileged and practicing the specialty for which receiving special pays in order to maintain eligibility for Incentive Pay (IP) and Retention Bonus (RB).

2. Submission of Retroactive Requests: As a result of the changes in the eligibility for FY23, only retroactive requests for effective dates prior to 1 October 2022, where there is sufficient justification to explain the delay will be accepted. The only acceptable justifications for a retroactive request is when there is verifiable documentation a member submitted a request via email to the command admin office, or to the member's chain of command, prior to 1 October 2022, and the command failed to process the request, or when waiting on higher headquarters decision, such as the officer submitted for an age waiver, or retired retained prior to 1 October 2022, and had to wait on PERS approval. When the justification is the command failed to properly submit the request, email communications between the member and the command must be provided along with the request and CO endorsement. No other unsupported retroactive requests for an effective date prior to 1 October 2022 will be approved. Any retroactive requests submitted for an effective date in FY23 must adhere to the policies in OPNAVINST 7220.17, which state the justification must be explained in detail, and be specific, and explain how the delay was unavoidable on the part of the member to submit the request within the authorized period.

3. Termination of Entitlement to Special Pay. A Commanding Officer will submit notifications to Chief, BUMED with a recommendation on whether to terminate an officer's IP and/or RB, or endorse recommending approval/disapproval of a request for IP and/or RB, as a result of any of the following conditions, but not limited to: failure to maintain a current, unrestricted license to practice medicine; summary suspension of clinical privileges greater than 30 calendar days per DHA-PM 6025.13 or BUMEDINST 6010.31(request for restarting special pays may be considered if the local final decision is to reinstate, restrict, or reduce privileges as long as the member receiving special pays is able to practice the specialty which special pays will be paid in some capacity, with or without supervision); courts martial convictions; violations of the Uniform Code of Military Justice disposed of at NJP or administrative separation; or reasons that are in the best interest of the Navy. Chief, BUMED will make determination on what, if any, special pays are to be terminated/denied. If eligibility to one or more of the aforementioned

special pays is approved to be terminated/denied, the officer shall be paid, on a pro-rata basis, the portion served up to the official date of termination/denial.

a. Special pay that is terminated will result in recoupment of the unexecuted portion of the agreement. Caution should be taken to ensure all regulations have been adhered to by the command regarding the program for which the recommendation is being made, and the member has been given every opportunity to correct any deficiencies prior to recommending termination or denial of special pays. Also, it is essential the officer must be counseled by the command regarding this recommendation prior to submission to Chief, BUMED.

b. Eligibility for special pays is determined by Chief, BUMED, and includes determination of whether member is able to obligate for the length of the agreement being requested. Special Pay obligations cannot exceed statutory service limits as determined by Chief, BUMED.

#### 4. Repayment Policy

a. Except as provided in paragraphs b and c below, an officer who is paid IP, RB, or Board Certification Pay (BCP) the receipt of which is contingent upon the officer fulfilling specified conditions of eligibility, service, or assignment, shall repay the United States any unearned portion of the IP, RB, or BCP if the officer fails to fulfill the conditions of eligibility, service, or assignment and may not receive any unpaid amount of the IP, RB, or BCP after failing to fulfill such specified conditions. Situations requiring repayment include, but are not limited to:

(1) An approved request for voluntary release from the written agreement specifying the conditions for receipt of the bonus or pay if, due to unusual circumstances, it is determined by Chief, Navy Personnel that such release would clearly be in the best interests of both the Navy and the officer concerned;

(2) An approved voluntary request for relief from an assignment;

(3) Failure to execute orders to a billet commensurate with the officer's specialty or skill, grade, or career progression;

(4) Disability or physical disqualification resulting from misconduct, willful neglect, or incurred during a period of unauthorized absence;

(5) Upon processing for separation for cause, including misconduct;

(6) An approved detachment for cause; and

(7) Upon processing for separation by reason of weight control and/or physical readiness test failure.

(8) Upon promotion to RDML/O-7; however, an officer continues eligibility for both IP and RB until actually promoted to RDML/O-7.

b. If for any of the following reasons an officer fails to fulfill the specified conditions of eligibility, service, or assignment for which IP, RB, or BCP are paid to the officer, repayment of the unearned portion of the IP, RB, or BCP is not required, but any remaining unpaid amount shall not be paid:

(1) Separation from the Naval service by operation of laws or regulations independent of misconduct;

(2) Separation from the Naval service under a hardship separation or sole survivor discharge as defined under section 303a(e)(2)(b) of Title 37, United States Code.

(3) Where the Secretary of the Navy (or designee) determines that repayment of the unearned portion of the pay or bonus would be contrary to a personnel policy or management objective, against equity or good conscience, or contrary to the best interests of the United States.

c. If for any of the following reasons an officer fails to fulfill the specified conditions of eligibility, service, or assignment for which IP, RB or BCP are paid to the officer, repayment of the unearned portion of the pay or bonus will not be required, and any remaining unpaid amount will be paid to the member's final pay account or upon separation:

(1) Disability separation or retirement under Chapter 61 of Title 10, United States Code, where such disability is not the result of the officer's misconduct, willful neglect, or incurred during a period of unauthorized absence; and, the injury or illness was incurred in the line of duty in a combat zone designated by the President or the Secretary of Defense or in a combat related operation designated by the Secretary of Defense.

(2) Death in which the proximate cause is not misconduct on the part of the officer or individual; or

(3) Where the Secretary of the Navy (or designee) determines that the repayment of the unearned portion of the pay or bonus received by the officer and to refrain from paying any remaining unpaid amount to the officer would be contrary to a personnel policy or management objective, against equity or good conscience, or contrary to the best interests of the United States.

5. Bankruptcy. An obligation to repay the United States as described herein is, for all purposes, a debt owed to the United States. A discharge in bankruptcy under Title 11, United States Code does not discharge an officer from such debt if the discharge order is entered less than five years after—

a. The date of termination of the written agreement/contract on which the debt is based or

b. In the absence of such written agreement or "contract", the date of termination of the eligibility, service, or assignment on which the debt is based.