

**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for the Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2015-183**



**FINAL DECISION**

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application upon receipt of the applicant's completed application on August 8, 2015, and assigned it to staff member [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated June 10, 2016, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST AND ALLEGATIONS**

The applicant, currently on active duty in the Coast Guard, asked the Board to change his home of record<sup>1</sup> (HOR) from [REDACTED] to [REDACTED]. [REDACTED] discovered the error while reviewing his military records for accuracy and wants the erroneous HOR corrected because it could "negatively affect entitlements upon retirement." In support of his request, he submitted a Coast Guard Reserve enlistment contract dated July 26, 2002, which shows that his HOR is [REDACTED], a Report of Medical History dated July 30, 2002, which shows that his HOR is [REDACTED], and a DD 214 for his service at the Coast Guard Academy from July 26, 2002, to June 29, 2003, which shows that his HOR is [REDACTED].

**SUMMARY OF THE RECORD**

On May 20, 2002, the Coast Guard sent the applicant a letter to an address in [REDACTED] [REDACTED] congratulating him on being accepted to the Coast Guard Recruiting Initiative<sup>2</sup>.

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<sup>1</sup> Home of Record is the city, state, or complete address where the member originally entered active duty without a break in service. COMDTINST M1900.4D, Appendix A, Part 1 of the Joint Federal Travel Regulations (JFTR) states that a member's HOR is the place recorded as the home of the individual when commissioned, appointed, enlisted, inducted, or ordered into a tour of active duty.

<sup>2</sup> CGRIT is a recruiting program designed to expand the pool of applicants for the Coast Guard Academy and Officer Candidate Schools (OCS). Its major focus is to increase the pool of qualified applicants seeking appointments to the Coast Guard Academy by providing one year of funding to students for their collegiate

(CGRIT) Class of 2007. The letter directed him to report to the Coast Guard Academy on July 20, 2002.

On July 26, 2002, the applicant signed a two-year enlistment contract at the Coast Guard Academy in [REDACTED], for the Coast Guard Reserve. The contract states that his HOR is [REDACTED] and that the two-year active duty enlistment is for the purpose of participating in the CGRIT program.

On July 30, 2002, the applicant underwent a physical examination at the Coast Guard Academy, and the Report of Medical History shows that his HOR is [REDACTED].

On June 29, 2003, the applicant was separated from the Coast Guard for enrollment in the Coast Guard Academy and received a DD 214. The DD 214 shows that he entered active duty at the Coast Guard Academy on July 26, 2002, and that his HOR is [REDACTED]. The DD 214 also shows that he was born in [REDACTED]; that his nearest relative lives in [REDACTED]; and that his mailing address after separation is that relative's address.

### **VIEWS OF THE COAST GUARD**

On December 18, 2015, the Judge Advocate General of the Coast Guard submitted an advisory opinion recommending that the Board grant relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC).

PSC argued that the application is untimely because the applicant received the disputed DD 214 in 2003. Notwithstanding the untimeliness, PSC argued that relief should be granted because there is sufficient evidence in the applicant's records to prove that the applicant was residing in [REDACTED] when he enlisted in the Coast Guard and that [REDACTED] is his true HOR. Specifically, the JAG noted that his home address on his Report of Medical History is [REDACTED]; his high-school transcript lists his home address as [REDACTED]; and his 2001 W-2 Wages and Tax Statement shows that he paid taxes in [REDACTED] and lists his home address as [REDACTED]. Finally, PSC stated that email correspondence with the applicant revealed that he listed his grandparents' [REDACTED] address when he arrived at the Coast Guard Academy rather than his [REDACTED] address for the purpose of receiving mail at an address closer to the Academy.

### **APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD**

On January 7, 2016, the Chair sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The applicant responded on January 21, 2016, and stated that he agreed with the recommendations of the Coast Guard. He also submitted additional documents to support his allegation that his HOR is [REDACTED], including the letter that was sent to him by the Coast Guard to his home in [REDACTED] congratulating him on being accepted to the CGRIT program, and a copy of his [REDACTED] provisional driver's license showing a home address in [REDACTED].

### APPLICABLE REGULATIONS

Chapter 1.D.2.a of COMDTINST M1900.4D, the manual for preparing DD 214s, states that the home of record (HOR) is the city, state, or complete address where the member originally entered active duty without a break in service.

PPCINST M5231.3, the Coast Guard's Servicing Personnel Office (SPO) Manual, states the following in Part III, Chapter 8: Home of Record. Note: The regulation governing the home of record is the JFTR, Appendix A. As defined by the JFTR, an individual's home of record is a place recorded as the home of the member when commissioned appointed, enlisted, inducted or ordered on active duty.

Appendix A of the JFTR defines "Home of Record" as follows in pertinent part:

A. General. The place recorded as the individual's home when commissioned, appointed, enlisted, inducted, or ordered into a tour of active duty.

B. Break in Service. The place recorded as the individual's home when reinstated, reappointed, or reenlisted remains the same as that recorded when commissioned, appointed, enlisted or inducted or ordered into the tour of active duty unless there is a break in service of more than one full day. Only if a break in service exceeds one full day may the member change the HOR.

C. Bona Fide Error. Travel and transportation allowances are based on the officially corrected recording in those instances when, through a bona fide error, the place originally named at time of current entry into the Service was not in fact the actual home. Any such correction must be fully justified and the home, as corrected, must be the member's actual home upon entering the Service, and not a different place selected for the member's convenience.

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submission and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application is timely because although the applicant enlisted in the CGRIT program on July 26, 2002, and was released from active duty in 2003 for immediate enrollment in the Coast Guard Academy, he has continued serving as an enlisted member in CGRIT, a cadet, or an officer of the Coast Guard since his enlistment in 2002.<sup>3</sup>

2. The applicant alleged that the HOR in his record is erroneous and unjust and asked the Board change to his HOR from [REDACTED], [REDACTED], [REDACTED]. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of the evidence that the

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<sup>3</sup> *Detweiler v. Pena*, 38 F.3d 591, 598 (D.C. Cir. 1994) (holding that, under § 205 of the Soldiers' and Sailors' Civil Relief Act of 1940, the BCMR's three-year limitations period under 10 U.S.C. § 1552(b) is tolled during a member's active duty service).

disputed information is erroneous or unjust.<sup>4</sup> Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties “correctly, lawfully, and in good faith.”<sup>5</sup>

3. The Board finds that the HOR listed in the applicant’s Coast Guard records is incorrect and should be changed. COMDTINST M1900.4D, the Commandant’s instructions for completing the DD 214, states that a member’s home of record is the city, state, or complete address where the member originally entered active duty without a break in service, and the JFTR states that a member’s HOR is the place recorded as the home of the individual when commissioned, appointed, enlisted, inducted, or ordered into a tour of active duty. Although the applicant’s DD 214 shows his HOR at time of entry into the Coast Guard as [REDACTED], the preponderance of the evidence in the record shows that he was living in [REDACTED] when he was accepted into the CGRIT program and directed to travel to the Academy to enlist in the Coast Guard and that [REDACTED] is his HOR.

4. The applicant’s record shows that he was born in [REDACTED]; graduated from high school in [REDACTED]; worked in [REDACTED] before joining the Coast Guard; paid taxes in [REDACTED]; and received a provisional [REDACTED] driver’s license with a [REDACTED] address. Most significantly, his mailing address was in [REDACTED] when the Coast Guard sent him a letter on May 20, 2002, congratulating him on being accepted into CGRIT and directing him to report to the Coast Guard Academy on July 20, 2002. The record indicates that the applicant travelled from [REDACTED] to the Coast Guard Academy for the sole purpose of enlisting in the Coast Guard. Therefore, it is clear to the Board that he was living in [REDACTED] at the time he reported to the Coast Guard Academy to sign his enlistment contract. His true HOR is therefore [REDACTED]

5. It is unclear from the record exactly why [REDACTED] is shown as the applicant’s HOR on his DD 214, but the Board notes that his nearest living relative is listed on the DD 214 as living in [REDACTED], so it is likely that the applicant provided this relative’s address when he signed his initial enlistment contract at the Coast Guard Academy. Moreover, PSC stated that the applicant explained via email that he used the [REDACTED] address so he could receive mail there while attending the Coast Guard Academy in [REDACTED]

6. The applicant has proven by a preponderance of the evidence that his HOR is [REDACTED]. His record should be corrected accordingly.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

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<sup>4</sup> 33 C.F.R. § 52.24(b).

<sup>5</sup> *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

**ORDER**

The application of LT [REDACTED], for correction of his military record is granted. The Coast Guard shall correct his record to show that his official Home of Record is [REDACTED]

June 10, 2016

