

**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. 2010-165**

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**FINAL DECISION**

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the applicant's completed application on April 29, 2010, and assigned it to staff member J. Andrews to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated February 4, 2011, 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 asked the Board to correct his official home of record (HOR) from an address in Elmhurst, New York, zip code 11373, which is in Queens, New York City, to an address in Hamburg, New York, which is near Buffalo. He stated that he would like his HOR changed "before my discharge on 6 MAY 2010 so that I may move my household to CT from Hamburg, NY." He alleged that his HOR is incorrectly shown in his record.

**SUMMARY OF THE RECORD**

On September 6, 2005, the applicant enlisted in the Coast Guard as a xxxxxxxxxxxxxxxx in the rate of xxxxxxxxxx. His original enlistment contract, dated September 6, 2005, shows a street address in Elmhurst, New York, zip code 11373, as his home of record and that he was enlisted at a recruiting office in Queens. On May 4, 2010, the applicant was discharged. His DD 214 shows that his HOR was in Elmhurst, NY, zip code 11373.

**VIEWS OF THE COAST GUARD**

On September 1, 2010, the Judge Advocate General submitted an advisory opinion adopting the findings and analysis provided in a memorandum on the case prepared by the Personnel Service Center (PSC). The PSC recommended that the Board deny the applicant's request.

The PSC stated that the applicant reported his HOR as being in Elmhurst, NY, upon his enlistment and that under COMDTINST M1900.4D, a DD 214 is supposed to show, as the HOR, the “address if known where member originally entered active duty without a break in service.” Because the applicant’s DD 214 reflects the same place shown on his enlistment contract, the PSC argued, he has failed to substantiate any error in his record.

### **APPLICABLE LAW**

The Joint Federal Travel Regulations (JFTR), Appendix A, Part 1, define the HOR as follows:

**HOME OF RECORD (HOR).** The place recorded as the home of the individual when commissioned, appointed, enlisted, inducted, or ordered into a tour of active duty.

**NOTE 1:** The place recorded as the home of the individual 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.

**NOTE 2:** 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 actual home of the member 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 submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application was timely.
2. The applicant alleged that his official HOR should be Hamburg, NY, rather than Elmhurst, NY, which is the HOR in his record. The Board begins its analysis in every case 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 disputed information is erroneous or unjust. 33 C.F.R. § 52.24(b). 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.” *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).
3. The applicant submitted no evidence whatsoever to support his allegation that his home at the time of his enlistment was Hamburg, NY. Nothing in his military records supports his assertion. Moreover, his enlistment at a recruiting office in Queens, NY, supports an HOR in Queens when he enlisted and not across the state near Buffalo.
4. Accordingly, the applicant’s request should be denied.

**ORDER**

The application of xx, USCG, for correction of his military record is denied.

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Philip B. Busch

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Nancy L. Friedman

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Lynda K. Pilgrim