

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2012-132

**XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX**

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 April 27, 2012, and subsequently prepared the final decision as required by 33 CFR § 52.61(c).

This final decision, dated January 18, 2013, 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 record by changing his home of record from St. Clair, Michigan to Fort Myers, Florida, retroactive to January 5, 2009. He alleged that when he moved to Florida, the yeoman informed him that his mailing address needed to be changed to Florida but not his home of record. He stated that he followed the advice of his yeoman.

The applicant stated his Basic Allowance for Housing (BAH) is paid at the Michigan rate instead of the Florida rate. He stated that he discovered the error on March 5, 2012. The applicant submitted a 2009 W-2, showing civilian employment in the state of Florida. He also submitted a copy of his Florida driver's license and a copy of his insurance card showing a Florida address.

VIEWS OF THE COAST GUARD

On September 28, 2012, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant alternative relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC). PSC recommended the following alternative relief:

The applicant's home address should have been entered into "Direct Access" to show [his Florida address] on February 1, 2009 to coincide with applicant's move

[to Florida]. The applicant's State of Legal Residence (for military benefits and pay purposes) should have been changed from Michigan to Florida on February 1, 2009.

Changing the applicant's home address may cause differences in entitlements owed by the Coast Guard for BAH and BAS [basic allowance for subsistence]. It may also affect the applicant's State of Legal Residence [for] tax earning purposes back through February 2009.

PSC stated that according to the Personnel and Pay Procedures Manual, a home of record cannot be changed. It can only be corrected. PSC stated that based upon a review of documents in the applicant's military record, the Coast Guard believes that the applicant intended to request [on his BCMR application] that his home address as noted in "Direct Access" be changed to reflect his move from Michigan to Florida. PSC stated that the applicant transferred from a duty station in Michigan to one in Florida on February 1, 2009, and his mailing address was changed to his Florida address in "Direct Access" on February 3, 2009, but his home address remained at the Michigan address. PSC stated that on March 6, 2012, the applicant's home address was corrected to the Florida address in "Direct Access." PSC stated that although the applicant lived in Florida, he received BAH at the Michigan rate until March 6, 2012.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On November 4, 2012, the Board received the applicant's response to the views of the Coast Guard. He agreed with the alternative relief recommended by PSC.

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 section 1552 of title 10 of the United States Code. The application was timely.
2. The Coast Guard admitted, and the Board agrees, that the applicant's home address and legal residence in "Direct Access" should be changed from Michigan to Florida retroactive to February 1, 2009. The Coast Guard also admitted that the correction could result in "differences in entitlements owed by the Coast Guard [to the applicant] for BAH and BAS [basic allowance for subsistence]." The Coast Guard also noted that the correction could impact the applicant's state income taxes retroactive to February 2009. The applicant agreed with the relief recommended by the Coast Guard.
3. Accordingly, the applicant should have the relief recommended by the Coast Guard.

[ORDER AND SIGNATURES APPEAR ON NEXT PAGE]

ORDER

The application of XXXXXXXXXXXXXXXXUSCGR, for correction of his military record is granted. His record shall be corrected to show that since February 1, 2009, his home address has been his current address in Punta Gorda, Florida, and his legal residence has been in the State of Florida. The Coast Guard shall pay him any sum it owes him as a result of these corrections.

No other relief is granted.

Philip B. Busch

Ashley A. Darbo

Dorothy J. Ulmer