



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204

JET
Docket No. NR2996-14
18 Aug 14

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CNPC Memo 1780 PERS-312 of 18 Jun 14

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show Petitioner's Home of Record (HOR) was changed to [REDACTED]

2. The Board, consisting of Mr. Zsalman, Mr. George, and Mr. Ruskin, reviewed Petitioner's allegations of error and injustice on 18 August 2014 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the U.S. Navy on 18 June 2007 for a term of 4 years. At the time of enlistment, she listed her home address as [REDACTED]. In accordance with the governing regulations, her Home of Record (HOR) was established and entered as [REDACTED]

c. In 2004, Petitioner married a [REDACTED] her home state since 1990 when she and her parents moved there. Her

husband was then stationed in [REDACTED] and in 2005 Petitioner moved back to [REDACTED] to stay with her parents when her husband went on his first deployment. In 2007 Petitioner and her husband separated, and he went on his second deployment. She lacked the finances at the time to immediately return to her parent's home in [REDACTED]. Given her situation, Petitioner enlisted into the Navy in April 2007 at the local recruiting station in [REDACTED]. Petitioner claims that it was not explained to her at the time that she could put her parents address in [REDACTED] as her HOR and the physical address where she was staying in [REDACTED] (her soon-to-be ex-husband's address). Petitioner was later able to obtain a roundtrip ticket back to [REDACTED] until it was time for her to ship out to boot camp. Recruiters arranged her flight from [REDACTED] to [REDACTED].

d. Petitioner claims that when she reported to her first command she was told that she could change her HOR, and she filled out the tax portion of her Leave and Earnings Statement (LES) believing that her HOR had been changed. She later found out that those were two separate processes.

e. Petitioner went to high school in [REDACTED] and though she attended the University of Phoenix while she lived in North Carolina, she used her parents [REDACTED] address on the university's records. Petitioner also filed for 2007 Texas taxes. (See enclosure (1)).

f. In correspondence attached as enclosure (2), the office having cognizance over the subject matter involved in Petitioner's application has recommended denial, commending that in accordance with Military Personnel Manual Article 1000-100, only a member with a break in service exceeding 1 full day (more than 24 hours) may elect a new Home of Record, and that Petitioner does not meet this requirement.

CONCLUSION

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (2), the Board found the existence of an injustice warranting the requested relief. The Board opined that Petitioner proved a connection and existence of a Home of Record in [REDACTED]. Petitioner and her parents moved to [REDACTED] in 1990, she went to high school in [REDACTED], she got married in [REDACTED], she filed taxes in [REDACTED], and though Petitioner was attending the University of [REDACTED] in [REDACTED], she used her parents [REDACTED].

address for the university's records. Petitioner also moved back to Texas while waiting to be shipped out to boot camp. Moreover, it appears clear to the Board that when she reported to her first duty station she made a good faith attempt to change her HOR based on advice she was given by Navy officials which later turned out to be unsuccessful.

Accordingly, the Board recommends the following corrective action.

RECOMMENDATION:

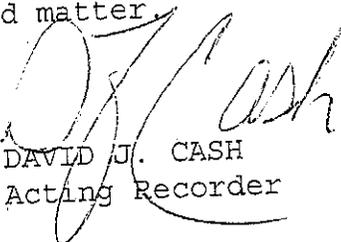
That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner's HOR was recorded as [REDACTED] when she enlisted in the U.S. Navy.

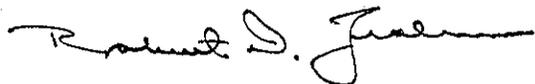
b. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

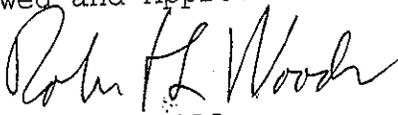
ROBERT D. ZSALMAN
Recorder


DAVID J. CASH
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.


ROBERT D. ZSALMAN
Acting Executive Director

Reviewed and Approved:


ROBERT L. WOODS
Assistant General Counsel
(Manpower and Reserve Affairs)
1000 Navy Pentagon, Rm 4D548
Washington, DC 20350-1000

10/16/14