



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No. 1622-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN,
XXX-XX █

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1000-100

Encl: (1) DD Form 149 w/attachments
(2) DD Form 1966 of 12 Jul 16
(3) █ High School Transcript
(4) █ Transcript
(5) DD Form 4 dtd 4 Aug 16
(6) DD Form 2808 of 4 Aug 16
(7) Rental Agreement of 4 Sep 16
(8) █ Driver License
(9) Member Data Summary
(10) Advisory Opinion by NPC memo 1070 PERS-312/DV of 19 Mar 21
(11) BCNR Advisory Opinion Rebuttal email to Petitioner of 2 Jun 21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to reflect Home of Record (HOR) as █ vice █.

2. The Board, reviewed Petitioner's allegations of error and injustice on 26 October 2021 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 enclosures (1) through (11), relevant portions of Petitioner's 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), correction to the HOR may be authorized when, there is a bona fide error with the place originally named at time of current entry into the Service was not in fact the actual home or a break in service that exceeds one full day.

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- b. Petitioner was born in [REDACTED] on [REDACTED]. See enclosure (2).
- c. Petitioner graduated from high school in [REDACTED] on 12 June 2015. See enclosures (2) and (3).
- d. On 12 July 2016, official transcript from University of [REDACTED] was reproduced for military records and issued to Recruiting Station, [REDACTED]. Transcript indicates Petitioner's attendance at University of [REDACTED] began in "2015 Fall Quarter." See enclosures (2) and (4).
- e. On 12 July 2016, Petitioner signed DD Form 1966, Record of Military Processing certifying the information provided was "true, complete and correct to the best of my knowledge and belief." Block 3 (Current Address) [REDACTED] Block 4 (Home of Record Address) [REDACTED] and Block 14 (Valid Driver's License) [REDACTED] 20200414. See enclosure (2).
- f. On 4 August 2016, Petitioner enlisted in the Naval Reserve for a term of 8 years of which 4 years was an active duty obligation. DD Form 4, Enlistment/Reenlistment Document reflects Block 3 (Home of Record) [REDACTED], and Block 4 (Place of Enlistment/Reenlistment) [REDACTED]. See enclosure (5).
- g. On 4 August 2016, Petitioner signed a statement on DD Form 2808, Report of Medical Examination consenting to undergo the examination. Block 4 (Home Address) [REDACTED] and Block 16 (Name of Examining Location and Address) [REDACTED] MEPS, [REDACTED]. See enclosure (6).
- h. Petitioner provided a Rental Agreement signed on 4 September 2016 indicating he rented a room at "[REDACTED]" from 4 September 2016 through 31 January 2017. See enclosure (7).
- i. Petitioner provided a copy of his [REDACTED] Driver License issued on 21 November 2016. See enclosure (8).
- j. Petitioner's Active Duty Service Date is 7 February 2017. See enclosure (9).
- k. On 19 March 2021, Navy Personnel Command (PERS-312) provided an unfavorable advisory opinion to enclosure (1). PERS-8031 recommended disapproval of relief based on not finding an error at time of enlistment that warranted correction to Petitioner's record. See enclosure (10).
- l. On 2 June 2021, Petitioner was provided a copy of PERS-312 advisory opinion for an opportunity to provide additional documentation or statement; a rebuttal was not received. See enclosure (11).

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BOARD CONCLUSION

Upon review and consideration of all the evidence of record, and notwithstanding the contents of enclosure (10), the Board finds the existence of an injustice warranting the following corrective action. In this regard, the Board concluded Petitioner met the basic eligibility criteria to elect HOR in California; however, under incorrect guidance elected his father's address as HOR. The Board found that had Petitioner received proper guidance, he would have elected the correct location for his HOR at time of enlistment. Therefore, the Board felt under these circumstances, relief is warranted.

BOARD RECOMMENDATION

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

Petitioner's enlistment documents (DD Form 4, Enlistment/Reenlistment Document and DD Form 1966, Record of Military Processing) dated 4 August 2016 are amended to reflect HOR as "[REDACTED]" vice "[REDACTED]".

4. It is certified that a 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.

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

11/17/2021

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

12/13/2021

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]