



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

[REDACTED]
Docket No. 7344-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
XXX-XX [REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) Joint Federal Travel Regulations (2001) Appendix A

Encl: (1) DD Form 149 w/attachments
(2) DD Form 1966/1 of 7 Sep 01
(3) DD Form 4/1 of 7 Sep 01
(4) NAVPERS 1070/613 of 24 Sep 01
(5) DD Form 1966/1 of 23 Oct 01
(6) OPM Security Clearance Application SF 86 of 23 Oct 01
(7) DD Form 4/1 of 23 Oct 01
(8) Record of Emergency Data (DD Form 93) of 23 Oct 01
(9) NAVPERS 1070/602 of 14 Aug 03
(10) DD Form 214 eff 4 Nov 05
(11) NAVPERS 1070/615 eff 30 Oct 09
(12) Advisory Opinion by NPC (PERS-312) of 30 Dec 21
(13) DD Form 215 of 7 Feb 22

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 establish his Certificate of Release or Discharge from Active Duty (DD Form 214) reflects a Home of Record (HOR) as [REDACTED] and his participation in Operation Iraqi Freedom.

2. The Board reviewed Petitioner's allegations of error and injustice on 10 February 2022 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 (13), 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, 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.

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b. In accordance with reference (b), the place recorded as the home of the individual when commissioned, appointed, enlisted, inducted, or ordered into a tour of active duty.¹

c. On 7 September 2001 Petitioner was issued an a Record of Military Processing (DD Form 1966/1) listing place of birth as ██████████, ██████████, current address of ██████████ ██████████ ██████████, and ██████████ of ██████████). ██████████. Additionally, Petitioner attended and graduated from high school ██████████, ██████████. See enclosure (2).

d. On 7 September 2001 Petitioner signed a Enlistment/Reenlistment Document (DD Form 4/1) listing a ██████████ of ██████████, ██████████ and place of enlistment/reenlistment ██████████, ██████████. See enclosure (3).

e. On 24 September 2001 Petitioner was issued an Administrative Remarks (NAVPERS 1070/613) stating he was administratively separated this date with an uncharacterized ENTRY LEVEL SEPARATION. See enclosure (4).

f. On 23 October 2001 Petitioner was issued an a Record of Military Processing (DD Form 1966/1) listing place of birth as ██████████, ██████████ and listing both current address and ██████████ of ██████████), ██████████. Additionally, Petitioner attended and graduated from high school in ██████████, ██████████. See enclosure (5).

g. On 23 October 2001 the Office of Personnel Management Security Clearance Application stating Petitioner resided at ██████████, ██████████ from 27 May 1983 to 1 August 2001, and at ██████████, ██████████ from 1 August 2001 to present. See enclosure (6).

h. On 23 October 2001 Petitioner signed a Enlistment/Reenlistment Document (DD Form 4/1) listing a ██████████, ██████████ and place of enlistment/reenlistment ██████████, ██████████. See enclosure (7).

i. On 23 October 2001 Petitioner signed a Record of Emergency Data (DD Form 93) listing Father's address at ██████████, ██████████ and Mother's address at ██████████, ██████████. See enclosure (8).

j. On 31 October 2001 Petitioner entered active duty. See enclosure (7).

k. On 14 August 2003 Petitioner signed a Dependency Application/Record of Emergency Data (NAVPERS 1070/602) listing his spouse residing at ██████████, ██████████. Furthermore, Father's address at ██████████, ██████████ and Mother's address at ██████████, ██████████. See enclosure (9).

¹ 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 wasn't 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.

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l. On 4 November 2005 Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) with a ██████████, ██████████ and a mailing address after separation of ██████████, ██████████. See enclosure (10).

m. On 30 October 2009 Petitioner was issued a Record of Discharge from the Navy Reserve (Inactive) (NAVPERS 1070/615) with a home address at the time of discharge of ██████████, ██████████. See enclosure (11)

n. On 30 December 2021 Navy Personnel Command provided an advisory opinion concluding that the evidence proffered by Petitioner is insufficient to support the requested record change. See enclosure (12).

o. On 7 February 2022 Petitioner was issued a Correction to DD Form 214 Certificate of Release or Discharge from Active Duty (DD Form 215) updating block 18 with Operation Iraqi Freedom from 1 November 2004 to 31 March 2005. See enclosure (13).

MAJORITY CONCLUSION

The Board majority in its review of Petitioner's entire record and application, carefully considered the policy guidance of reference (b), upon review and consideration of all the evidence of record, the Board majority found Petitioner's HOR administratively correct based on the available evidence. The Board majority noted Petitioner signed his enlistment contract (DD Form 4/1) on 23 October 2001 and listed his ██████████, ██████████. The Board concluded that Petitioner did not have a break in service exceeding one full day, therefore, Petitioner is not eligible to change his HOR.

The Board majority noted that Petitioner's request to change his (DD Form 214) for his participation in Operation Iraqi Freedom was already corrected. Therefore, no action by the Board majority was taken. See enclosure (13).

MAJORITY RECOMMENDATION

In view of the above, the Board majority recommended that the Petitioner's request be denied.

MINORITY CONCLUSION

The Board minority disagreed with the Board majority's conclusion and concluded that Petitioner's request be granted. The Board minority noted that Petitioner resided in ██████████, ██████████ from 27 May 1983 to 1 August 2001 and lived in ██████████, ██████████ with his mother while attending high school from August 1997 through January 2000. On 9 September 2001, Petitioner enlisted at the ██████████ MEPS with HOR of ██████████, ██████████. This enlistment was voided on 24 September 2001 while in the Delayed Entry Program. In less than one month, Petitioner enlisted from the ██████████, ██████████ MEPS listing his father's address of ██████████, ██████████ as his home address and HOR on 23 October 2001. The Board minority concluded the election of the HOR of ██████████, ██████████ was an oversight by Petitioner, who did not fully comprehend the consequences of this action.

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The Board minority noted that Petitioner's request to change his (DD Form 214) for his participation in Operation Iraqi Freedom was already corrected. Therefore, no action by the Board minority was taken. See enclosure (13).

MINORITY RECOMMENDATION

In view of the above, the Board minority directs the following corrective action:

Petitioner's Record of Military Processing (DD Form 1966/1) executed on 23 October 2001 block 4 (HOR address) was [REDACTED], [REDACTED] vice [REDACTED], [REDACTED].

Petitioner signed an Enlistment/Reenlistment Document (DD Form 4/1) executed on 23 October 2001 block 3 (HOR) was [REDACTED], [REDACTED] vice [REDACTED], [REDACTED].

Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) effective 4 November 2005 block 7b (HOR at time of entry) was [REDACTED], [REDACTED] vice [REDACTED], [REDACTED] 72103.

That any other material or entries relating to the Board minority's recommendation be corrected.

That a copy of this report of proceedings be filed in Petitioner's naval record.

EXECUTIVE DIRECTOR CONCLUSION

The Executive Director agreed with the Board majority's conclusion and recommendation. The Executive Director concluded that the Petitioner's HOR was clearly an administrative oversight which should be changed to [REDACTED] [REDACTED] based on the available evidence.

EXECUTIVE DIRECTOR RECOMMENDATION

That Petitioner's request for correction to his naval record be granted, and that the corrective action recommended by the Board minority be taken.

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.

3/15/2022

[REDACTED]

Executive Director

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From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Majority Recommendation (Deny Relief)

Reviewed and Approved Minority and Executive Director Recommendation (Grant Relief)

3/30/2022

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]