



CUI//SP-MIL/SP-PRVCY

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2020-02970

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His home of record (HOR) be changed from Kansas (KS) to Texas (TX).

APPLICANT'S CONTENTIONS

His current DD Form 214, *Certificate of Release or Discharge from Active Duty*, incorrectly lists his HOR as KS, instead of TX. He believes this error is because his father was stationed in KS, but he was not a resident of KS. He provided that information while in the service. His taxes have always shown he is a resident of TX.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

The applicant's DD Form 398-2, *National Agency Questionnaire*, dated 1 Jun 93, submitted by AFPC/DP2LT, lists his current address in Leavenworth, KS.

The applicant entered the Regular Air Force on 14 Dec 93.

AF Form 100, *Request and Authorization for Separation*, Special Order XX-XXX, dated 6 Feb 96, listed the applicant's PLACE OF ENTRY ON ACTIVE DUTY OR ENLISTMENT – Kansas City, Missouri (MO), and HOME OF RECORD – Leavenworth, KS.

On 6 Feb 96, the applicant was released from active duty and issued a DD Form 214, *Certificate of Release or Discharge from Active Duty*, for the period 14 Dec 93 to 6 Feb 96. His HOR is listed as Leavenworth, KS.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

APPLICABLE AUTHORITY

The Joint Travel Regulations (JTR), Appendix A, defines the HOR as the place recorded as the individual's home when appointed, commissioned, enlisted, inducted, or ordered into a tour of active duty. The JTR further states that a member may only change the HOR if a break in service exceeds one full day. Additionally, in instances of a bona fide error where the place originally

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named at the time of current entry into the service was not in fact the actual home, the correction must be fully justified and the home, as corrected, must be the member's actual home upon entering the service, and not a different place selected for the member's convenience.

[Enlisted] According to the DD Form 214 Personnel Services Delivery Guide, the HOR shown on the initial DD Form 4-1 is used as the HOR on the DD Form 214, *Certificate of Release or Discharge from Active Duty*.

[State Residency] The Air Force Personnel Center myPers website states residency is the home for the purposes of taxes as a member moves throughout their military career. While the state residence may be updated at any time by completing a DD Form 2058, *State of Legal Residence Certificate*, at the Military Personnel Flight (MPF), the HOR remains unchanged unless there is a break in service of at least one day.

AIR FORCE EVALUATION

AFPC/DP2LT recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice for the applicant's HOR. The available documentation: DD Form 398-2, dated 1 Jun 93, and DD Form 214, dated 6 Feb 96, reveal the applicant's HOR as Leavenworth, KS, and Place of Enlistment as Kansas City, MO. The JTR states that "the place recorded as the individual's home 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." The applicant does not have a break in service and there does not seem to be a "bona fide error" therefore the applicant cannot change his home of record.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 11 Aug 21 for comment (Exhibit D), but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2LT and finds a preponderance of the evidence does not substantiate the applicant's contentions. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

CERTIFICATION

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2020-02970 in Executive Session on 27 Apr 22:

Work-Product [redacted] Panel Chair
Work-Product [redacted], Panel Member
Work-Product [redacted], Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, dated 11 Sep 20.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DP2LT, w/atchs, dated 10 Aug 21.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 11 Aug 21.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.

3/16/2023

X *Work-P...*

Work-Product
Board Operations Manager, AFBCMR
Signed by: USAF