

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01610

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected to reflect **Work-Product** in item 7a (Place of Entry into Active Duty) (PLEAD) and **Work-Pro...** in item 7b (Home of Record at Time of Entry).

APPLICANT'S CONTENTIONS

It is debatable whether the PLEAD is indeed an error. However, his home of record (HOR) was always **Work-Pro...**, which is also his birthplace. He entered into a delayed enlistment contract on or about 31 Oct 82 while residing in **Work-Pr...**, as his father relocated there from **Work-Pr...** months prior. He moved to **Work-Product** shortly thereafter where he entered active duty. Throughout his military career, he questioned his HOR entry, but was never able to change it. Administrators redirected him to claiming **Work-Pro...** residency for tax purposes. As a 70 percent disabled veteran in **Work-Prod...** he is eligible for the **Work-Pro...** Hazelwood Act, which provides certain tuition and fee exemptions for veterans and family members. This error is negating educational benefits that he would otherwise qualify for as a **Work-Pro...** born veteran.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force technical sergeant (E-6) who served in the Regular Air Force from 30 Jul 84 to 5 Feb 00.

On 6 Jul 92, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant reenlisted. His HOR and PLEAD are identified as **Work-Pr...**

On 5 Feb 00, according to DD Form 214, the applicant was released from active duty. He was credited with 15 years, 6 months, and 6 days of active service. His HOR and PLEAD are listed as **Work-Pr...**

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

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 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.

The JTR, Appendix A, defines the PLEAD as the place of acceptance in current enlistment, commission, or appointment of an active service member, or for a Reserve Component member, when enlisted, commissioned, or appointed. The JTR further states that a member may only change the PLEAD if a break in service exceeds one full day where the member reenters active duty.

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.

State Residency:

According to the Air Force Personnel Center myPers website, state 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, the HOR remains unchanged unless there is a break in service of at least one day.

AIR FORCE EVALUATION

AFPC/DP2LT (Enlisted Accessions) recommends denying the application. Based on the documentation provided and analysis of the facts, there is no evidence of an error or injustice with the applicant's HOR or PLEAD. In accordance with the governing instruction, the HOR is defined as the place recorded as the individual's home when enlisted or ordered to active duty. The PLEAD is defined as the place from which an individual is called or ordered to active duty. In addition, the HOR and PLEAD can only be changed if there is a break in service exceeding one full day or if a bona fide error exists. The applicant failed to provide a copy of his initial enlistment document indicating the HOR and PLEAD on his DD Form 214 were recorded in error. The applicant did not have a break in service; therefore, the HOR and PLEAD appear to be correct and cannot be changed. To grant relief would be contrary to the criteria established by the JTR.

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 15 Jul 22 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 Department of the Air Force Instruction (DAFI) 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2022-01610 in Executive Session on 16 Mar 23:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 27 May 22.
Exhibit B: Documentary Evidence, including relevant excerpts from official records.
Exhibit C: Advisory, AFPC/DP2LT, dated 5 Jul 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 Jul 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9

X

Board Operations Manager, AFBCMR