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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02059

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COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His home of record (HOR) be changed from Work-Product Wor... to Work-PrWor...

### APPLICANT'S CONTENTIONS

He served his entire military career in Wor... and has lived there since entering the military in 1992. He thought his HOR had been changed to Wor... while he was on active duty, however, he recently learned that his HOR still reflects Wor...

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is an honorably discharged Air Force Reserve captain (O-3).

On 29 Sep 97, the applicant was released from active duty and issued a DD Form 214, *Certificate of Release or Discharge from Active Duty*, for the period 26 Jul 92 to 29 Sep 97. His HOR is identified as Wor...

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

### APPLICABLE AUTHORITY/GUIDANCE

According to the DD Form 214 Personnel Services Delivery Guide, the HOR on the application for appointment (AF Form 24, *Application for Appointment as Reserve of the Air Force or USAF without Component*) is used as the HOR on the DD Form 214 for active-duty officers. As a secondary source, the HOR listed on the Extended Active Duty order for the starting period of service recorded on the DD Form 214, block 12a, *Date Entered Active Duty this Period*, may be used.

### 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 (MPF), the HOR remains unchanged unless there is a break in service of at least one day.

AFBCMR Docket Number BC-2022-02059

Work-Product

Work-Product

## AIR FORCE EVALUATION

AFPC/DPMLT (Accessions) recommends denying the application. Based on the documentation provided and analysis of the facts, there is no evidence of an error or injustice. The Joint Travel Regulation states the HOR is the place recorded as the member's home when commissioned, appointed, enlisted, inducted, or ordered to active duty. A member only changes their 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. There was no documentation found in the applicant's military personnel record indicating he had a break in service for more than 1 day, or evidence to support a HOR of Wor...

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 8 Mar 23 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 that the applicant is not the victim of an error or injustice. The Board finds the applicant did not provide proof his HOR was recorded in error. In addition, the applicant did not have a break in service of more than one full day; therefore, a change to his HOR is not authorized. 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 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.

## 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 Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-02059 in Executive Session on 27 Sep 23:

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Panel Chair

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Panel Member

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Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 18 Jul 22.

Exhibit B: Documentary Evidence, including relevant excerpts from official records.

Exhibit C: Advisory, AFPC/DPMLT, dated 7 Mar 23.

Exhibit D: Notification of advisory, SAF/MRBC to applicant, dated 8 Mar 23.

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.

3/26/2024

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