

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02359

XXXXX X. XXX

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His home of record (HOR) be changed from XXXXX to XXXXX.

APPLICANT'S CONTENTIONS

He was a dependent at XXXXX Air Force Base (AFB), XXXXX upon entering the service. Prior to retirement, he moved to XXXXX. He recently learned about the XXXXXXX and was informed since he has a 100 percent total and permanent disability rating with the Department of Veterans Affairs, his dependents could potentially receive education assistance if XXXXX is listed as the HOR on his DD Form 214.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force chief master sergeant (E-9).

On 26 Feb 97, according to DD Form 1966, *Record of Military Processing – Armed Forces of the United States*, the applicant certified his HOR was XXXXX.

On 26 Feb 97, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant enlisted in the Regular Air Force. The applicant's HOR is identified as XXXXX.

On 31 Dec 20, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was separated for the purpose of retirement. His HOR is listed at XXXXX.

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

APPLICABLE AUTHORITY

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 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 recommends denying the application. 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.

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice. When the applicant entered active duty his DD Form 1966 and DD Form 4 both reflect his HOR as, XXXXXX. Finally, the applicant's DD Form 214 ending 31 Dec 20 shows his HOR as XXXXXX.

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 Sep 22 for comment (Exhibit D), and the applicant replied on 22 Sep 22. In his response, the applicant contended that his adopted father was stationed at XXXXX AFB from 94 – 02. During that time, he enlisted and was not sure what state to list as his HOR. His biological parents and siblings resided in XXXXX, and his adopted grandparents resided in XXXX. He requested assistance and was instructed to list XXXXXX. Shortly after he enlisted, he changed his state of legal residence to XXXXX and acquired a XXXXX driver's license. After serving more than 23 years in the Air Force, he retired in XXXXX where he lives with his wife and children.

The applicant's complete response is at Exhibit E.

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 applicant's HOR when he enlisted in the Regular Air Force is listed as XXXXX, and he did not provide proof that his HOR was recorded in error. The applicant claims shortly after he enlisted, he changed his state of legal residence to XXXXX, acquired a XXXXX driver's license, and retired in XXXXX. However, as noted above 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, the HOR remains unchanged unless there is a break in service of at least one day. The applicant did not have a break in service of more than one full day; therefore, a change to his HOR is not authorized. Accordingly, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, 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-2022-02359 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 2 Sep 22.
Exhibit B: Documentary Evidence, including relevant excerpts from official records.
Exhibit C: Advisory, AFPC/DP2LT, w/atchs, dated 13 Sep 22.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 15 Sep 22.
Exhibit E: Applicant's Response, w/atchs, dated 22 Sep 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