

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02436

XXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

Her home of record (HOR) be changed from Utah to Texas.

### APPLICANT'S CONTENTIONS

She joined the Air Force Reserve while temporarily living in Utah. She was born and raised in Texas, and after getting married she decided to become an official resident of Texas. She has lived in Texas since separating from the service and has no association with the state of Utah.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

On 14 Jun 88, according to DD Form 1966, *Record of Military Processing – Armed Forces of the United States*, the applicant certified her HOR was Utah.

On 14 Jun 88, 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 Utah.

On 31 Dec 07, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was released from active duty and transferred to the Air Force Reserve. Her HOR is listed as Utah.

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.

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:**

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.

## **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 that her 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 her 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 (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2022-02436 in Executive Session on 15 Dec 22:

, 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 28 Aug 22.  
Exhibit B: Documentary Evidence, including relevant excerpts from official records.

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**

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Board Operations Manager, AFBCMR