



Work-Product

UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00578

Work-Product

COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Her home of record (HOR) be changed from Work-Produ Wor... to Work-PrWor...

APPLICANT'S CONTENTIONS

In 2005, prior to being deployed, she reenlisted while living and attending college in Wor... During this time, she was buying a home, and claimed Wor... as her residency on her federal taxes. She recently became aware of the error when trying to utilize the Hazelwood Act Educational Benefits for her twin sons who graduated from high school in 2023.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a disability retired Air Force senior airman (E-4).

On 13 Sep 01, 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 Wor...

On 2 May 05, via DD Form 4, the applicant reenlisted in the Regular Air Force. Her HOR is identified as Wor...

On 8 Dec 08, the applicant was disability retired and issued a DD Form 214, *Certificate of Release or Discharge from Active Duty*, for the period 12 Sep 01 to 8 Dec 08. Her HOR is identified as Wor...

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

AFBCMR Docket Number BC-2023-00578

Work-Product

Work-Product

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.

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.

AIR FORCE EVALUATION

AFPC/DPMLT recommends denying the application. Based on the documentation provided and analysis of the facts, there is no evidence of an error or injustice. The applicant entered the Air Force on 12 Sep 01. The applicant's DD Form 214 supports [Wor...] as the HOR and the Place of Entry as [Work-Product]. The applicant failed to supply any documentation to support a different HOR before 12 Sep 01.

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 22 Jun 23 for comment (Exhibit C) 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/DPMLT and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant's DD Form 214 supports [Wor...] as the HOR. The applicant failed to supply any documentation to support a different HOR at the time she entered active duty. Further, the Joint Travel Regulation states the "HOME OF RECORD is the place recorded as the Service member's home when commissioned, appointed, enlisted, inducted, or ordered to active duty. If there is a break in service of more than one full day, then the Service member may change the home of record. If there is a break in service of less than one full day, then the Service member may not change the home of record." 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.

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 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-2023-00578 in Executive Session on 6 Mar 24:

Work-Product Panel Chair
Work-Product Panel Member
Work-Product Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 9 Jun 23.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPMLT, dated 22 Jun 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 22 Jun 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.

3/18/2024

Work-Product