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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-01644

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

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

APPLICANT'S CONTENTIONS

When he was 16 years old, he was living on his own and had a couple of different temporary guardians. His brother, a lance corporal in the Marine Corp, was one of his guardians and was stationed in Wor... . In 85, he had to leave Wo... to reside with his brother in Wor... . Upon arrival in Wor... , he enlisted in the Air Force but his entry on active duty was delayed due to his age. He remained with his brother in Wor... until he was able to enter active duty. As a veteran, his children are entitled to use his Hazelwood Act benefits to attend college. His daughter is currently attending college in Wor... and is being denied use of his Hazelwood Act benefits because of the error in his HOR.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

According to Standard Form 88, *Report of Medical Examination*, dated 1 Nov 85, the applicant's HOR is identified as Wor... .

According to Standard Form 93, *Report of Medical History*, dated 1 Nov 85, the applicant's HOR is identified as Wor... .

On 17 Sep 86, 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 12 Sep 90, the applicant was released from active duty and issued a DD Form 214, *Certificate of Release or Discharge from Active Duty*, for the period 17 Sep 86 to 12 Sep 90. His HOR is identified as Wor... .

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

APPLICABLE AUTHORITY/GUIDANCE

AFBCMR Docket Number BC-2023-01644

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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*.

AIR FORCE EVALUATION

AFPC/DPMLT (Accessions) recommends denying the application. Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice regarding the applicant's HOR.

The Joint Travel Regulation (JTR) states the "HOR" is the place recorded as the individual'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 individual may change the HOR. If there is a break in service of less than one full day, then the individual may not change the HOR. Additionally, the JTR states "An individual may correct the HOR if, through a bona fide error, the place originally named at the time of entry into the military was not the actual home. The correction must be justified, and the corrected HOR must be the individual's actual home upon entering the military, not a different place selected for the individual's convenience. If an enlisted individual receives a commission or warrant and the HOR is changed to the place where serving when commissioned or warranted, then the individual may receive allowances to the enlistment HOR upon separation or release from active duty. The individual must certify that the HOR was changed in error. If an enlisted individual changes the HOR to the place where the individual receives a commission or warrant, then the individual may later certify that the HOR was changed in error and may receive allowances to the enlistment HOR upon separation or release from active duty."

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 19 Jul 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 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. Therefore, the board recommends against correcting the applicant's records. 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 and finds the application untimely.

RECOMMENDATION

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-2023-01644 in Executive Session on 9 Apr 24:

Work-Product, Panel Chair

Work-Product, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 23 Feb 23.

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

Exhibit C: Advisory, AFPC/DPMLT, w/atchs, dated 19 Jul 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 19 Jul 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.

4/25/2024

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Board Operations Manager, AFBCMR

Signed by Work-Product