

## **RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-01985

XXXXXXXXXXXXXXXXXXXX

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

Her home of record (HOR) be changed from XXXX (XX) to XXXX (XX).

### **APPLICANT'S CONTENTIONS**

She was medically retired and out-processed at a recruiting squadron since the base was hours away. She was not given an opportunity to review and sign her DD Form 214, *Certificate of Release or Discharge from Active Duty*. It was not until her children were college-bound that she realized the error would prevent benefits for their schooling. She has also been rated with service-connected traumatic brain injury which interferes with decision making.

The applicant's complete submission is at Exhibit A.

### **STATEMENT OF FACTS**

The applicant is a disability retired Air Force staff sergeant (E-5).

On 14 Oct 98, 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 XX.

On 11 Jun 03, according to DD Form 4, the applicant reenlisted in the Regular Air Force. Her HOR is identified as XX.

On 28 Nov 06, the applicant was disability retired from active duty and issued a DD Form 214 for the period 14 Oct 98 to 28 Nov 06. Her HOR is identified as XX.

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

### **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.

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 (Accessions) recommends denying the application. The Joint Travel Regulations (JTR), states the HOR is the place recorded as the member's home when commissioned, appointed, 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 a review of the documentation provided and analysis of the facts, there is no evidence of an error or injustice. The applicant's initial enlistment and reenlistment documents reflect her HOR as XX. The applicant failed to submit any supporting documentation for a HOR of XX prior to the original enlistment. To grant relief would be contrary to the criteria established by the law and/or Department of Defense guidance in effect at that time.

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 25 Sep 23 for comment (Exhibit D) but has received no response.

### **FINDINGS AND CONCLUSION**

1. The application was not timely filed. The Board 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)*.
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.

### **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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2023-01985 in Executive Session on 28 Mar 24:

, 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 13 Jun 23.

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

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

Exhibit D: Notification to Applicant, SAF/MRBC, dated 25 Sep 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.

X

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Board Operations Manager, AFBCMR