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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02149

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT’S REQUEST

His home of record (HOR) and Place of Entry into Active Duty (PLEAD) be changed from Louisiana to Alabama.

APPLICANT’S CONTENTIONS

After his wife’s passing, he was given a Humanitarian Assignment to Maxwell Air Force Base (AFB), Alabama in Feb 00 to be close to family for support with his three infant children. While at Maxwell he went to Officer Training School and was commissioned in May 00. His first assignment as an Officer kept him at Maxwell. His follow-on Humanitarian assignment was to Gunter AFB in Montgomery, Alabama, where he served until Feb 04, when he was reassigned to South Korea for three years. After serving in Korea, he returned to Maxwell AFB in Feb 07, as a Squadron Officer School Instructor and then retired from the Air Force in Montgomery in Aug 08. He has maintained residence in Alabama and currently lives in Wetumpka AL. These two simple admin errors are preventing his now six sons from receiving college benefits from the Alabama Veterans Affairs system.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS.

The applicant is a retired Air Force captain (O-3).

On 12 Jul 84, according to DD Form 1966, *Record of Military Processing – Armed Forces of the United States*, the applicant certified his HOR was Louisiana.

On 18 Jul 84, 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 Louisiana.

On 25 May 00, according to DD Form 214, *Certificate of Release or Discharge from Active Duty*, the applicant was discharged from active duty for the purpose of accepting a commission in the Air Force. His HOR is listed at Louisiana.

On 26 May 00, according to AF Form 133, *Oath of Office (Military Personnel)*, the applicant’s PLEAD reflects as Maxwell AFB, Alabama.

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On 31 Aug 08, the applicant was released from active duty and issued a DD Form 214, for the period 26 May 00 to 31 Aug 08. His HOR is identified as Louisiana.

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

APPLICABLE AUTHORITY/GUIDANCE

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 on the application for appointment (AF Form 24, *Application for Appointment as Reserve of the Air Force or USAF without Component*) is used as the HOR on the DD Form 214 for active duty officers. As a secondary source, the HOR listed on the EAD order for the starting period of service recorded on the DD Form 214, block 12a (Date Entered Active Duty this Period), may be used.

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 (MPF), the HOR remains unchanged unless there is a break in service of at least one day.

AIR FORCE EVALUATION

AFPC/DPMLT (Military Accessions) recommends partially granting the application. The applicant's DD Form 4, DD Form 1966, and DD Form 214 all reflect his HOR as Louisiana. Additionally, the JTR states:

A Service member may correct the home of record if, through a bona fide error, the place originally named at the time of entry into the Service was not the actual home. The correction must be justified, and the corrected home of record must be the Service member's actual home upon entering the Service, not a different place selected for the Service member's convenience.

B. If an enlisted Service member receives a commission or warrant and the home of record is changed to the place where serving when commissioned or warranted, then the Service member may receive allowances to the enlisted home of record upon separation or release from active duty. The Service member must certify that the home of record was changed in error. If an enlisted Service member changes the home of record to the place where the Service member receives a commission or warrant, then the Service member may later certify that the home of record was changed in error and may receive allowances to the enlistment home of record upon separation or release from active duty."

Based on the documentation provided by the applicant and analysis of the facts, there is no evidence of an error or injustice for the member's Home of Record. To grant relief would be contrary to the criteria established by the JTR. However, the applicant's request to identify his PLEAD as Alabama is approved.

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

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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 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 substantiates the applicant’s contentions in part. Specifically, the applicant has provided documentation that reflects his PLEAD as Alabama, which is sufficient to justify the applicant’s request to change his PLEAD. However, for the remainder of the applicant’s request, the evidence did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant’s request. Therefore, the Board recommends correcting the applicant’s records as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show his PLEAD as Alabama.

However, regarding the remainder of the applicant’s request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2023-02149 in Executive Session on 23 Apr 24:

- Work-Product**, Panel Chair
- Work-Product**, Panel Member
- Work-Product**, Panel Member

All members voted to correct the record the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 23 Jun 23.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Advisory, AFPC/DPMLT, w/atchs, dated 11 Sep 23.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 20 Sep 23.

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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.

7/4/2024

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Board Operations Manager, AFBCMR

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