

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 January 2024

DOCKET NUMBER: AR20230004209

APPLICANT REQUESTS: correction of item 7b (Home of Record at Time of Entry) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show Texas vice Ohio.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- High School Report Card and Diploma
- DA Form 2-1 (Personnel Qualification Record – Part II)
- State of Texas Marriage License
- NGB Form 22 (Report of Separation and Record of Service)
- College Academic Record
- Orders 105-16-A-468, dated 31 May 1995 (Active Duty Orders)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states that as a new second lieutenant he did not understand the administrative portion when listing his home of record, and as a result, used his parents' home address and not his address in Texas.
 - a. He further stated he has never lived at the home of record on file, and this incorrect information on his DD Form 214 will make him ineligible for Texas veteran's benefits.
 - b. He provided additional supporting documentation to verify his legal state of residence is Texas. He also states that if he understood the significance of the address requested [home of record], he would have ensured his address in Texas was listed, and not his parents' (emergency points of contact) address.

3. The applicant provides:

- His high school report card and diploma, which show he attended school in the state of Texas
- His marriage license, which shows he was married in the state of Texas
- A college academic record from Texas A&M University dated 5 August 2002, that shows he attended the university in College Station, Texas from Fall of 1990 until Fall of 1994

4. A review of the applicant's service record shows:

a. He enlisted in the Texas Army National Guard (TXARNG) on 14 November 1989, for a term of 8 years. His DD Form 4 shows in Item 3 (Home of Record) Richardson, Texas, and in Item 4 (Place of Enlistment/Reenlistment) that he enlisted in Dallas, Texas.

b. He signed an Army Senior Reserve Officers' Training Corps Contract, to attend Texas A&M University. The contract listed his address of record as Richardson, TX. The applicant also provides his Personnel Qualification Record – Part II, which shows he attended school in Texas and had enlisted service in the TXARNG.

c. On 1 September 1994, the applicant signed a DA Form 61-E (Application for Appointment). This form shows in:

- Item 18 (Permanent Address) the application lists the contested address, Brecksville, OH
- Item 19 (Current Mailing Address), it lists a post office box in College Station, TX

d. On 15 December 1994, he was honorably discharged from the TXARNG to accept appointment as a commissioned officer.

e. On 16 December 1994, the applicant signed DA Form 71 (Oath of Office), and it was sworn and subscribed at Texas A&M University in College Station, Texas.

f. His appointment memorandum, dated 16 December 1994, shows his address as the contested address (Brecksville, Ohio) listed on his DD Form 214.

g. Orders 105-16-A-468, dated 31 May 1995, ordering the applicant to active duty, shows the contested address listed on his DD Form 214 (Brecksville, Ohio).

h. An Officer Record Brief (ORB), dated 20 November 2021, shows a mailing address in Lansing, Kansas, but shows the home of record as "TX."

i. On 26 August 2022, Office of the Adjutant General, Fort Leavenworth, KS published Orders 238-001 retiring hm from active duty effective 31 May 2023. The retirement Brecksville, OH and the place of entry on active duty as Fort Lewis, WA.

j. He was honorably retired from active duty on 31 May 2023. His DD Form 214 shows he completed 27 years, 11 months, and 23 days of net active service during this period. His DD Form 214 also shows in:

- Item 7a (Place of Entry into Active Duty) lists “Fort Lewis, Washington”
- Item 7b (Home of Record at Time of Entry) lists the contested address (Brecksville, Ohio) that is also shown on his appointment memorandum.

5. A Soldier’s appointment document is the source document for the home of record when preparing a DD Form 214, or any correction approved by HRC. List the street address, city, state, and zip code listed as the Soldier’s home of record. Home of record is the place recorded as the home of record of the Soldier when commissioned, appointed, enlisted, or ordered to a tour of active duty. This cannot be changed unless there is a break in active service of at least 1 full day, or it is determined by HRC to be factually incorrect.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows when the applicant applied for appointment as a commissioned officer, he indicated that he attended college at Texas A&M, College Station, TX, but his address was in Brecksville, OH. His appointment memorandum, dated 16 December 1994, and his order to active duty, 31 May 1995, both listed his HOR as Brecksville, Ohio. The HOR is the place recorded as the home of record of the Soldier when commissioned, appointed, enlisted, or ordered to a tour of active duty. The applicant was ordered to active duty from Brecksville, OH. Therefore, the Board determined the HOR listed on his DD Form 214 is correct.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 635-8 (Separation Processing and Documents) provides the policies and procedures for separation documents. It states a Soldier's initial enlistment contract or appointment document is the source for this data. List the street address, city, state, and zip code listed as the Soldier's home of record. For Reserve Component Soldiers, the active duty order lists the Soldier's home of record. Home of record is the place recorded as the home of record of the Soldier when commissioned, appointed, enlisted, or ordered to a tour of active duty. This cannot be changed unless there is a break in active service of at least 1 full day, or it is determined by the Army Human Resources Command to be factually incorrect. Home of record is not necessarily the same as the legal domicile as defined for income tax purposes. Legal domicile may change during a Soldier's career.

//NOTHING FOLLOWS//