

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2024

DOCKET NUMBER: AR20230007019

APPLICANT REQUESTS: reconsideration of his previous request for correction to item 7b (Home of Record at Time of Entry) on his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending on 31 January 2006 to show Texas vice Arkansas..

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Headquarters, U.S. Army Medical Department Center and School and Fort Sam Houston Orders 138-0100, dated 18 May 1998
- DD Form 4 (Enlistment/Reenlistment Document), dated 16 June 1998
- DD Form 214 covering the period ending 21 July 1998
- DD Form 214 covering the period ending 31 January 2006
- Department of Veterans Affairs (VA) 21-674 (Request for Approval of School Attendance), dated 19 October 2015
- Privacy Act Release Form, dated 17 January 2023
- letter from Member of Congress, dated 3 February 2023

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20150014619 on 1 November 2016.

2. The applicant states:

a. His "Home of Record at Time of Entry" on his final DD Form 214 should reflect [his address] in San Antonio, TX. When he entered into the Active Guard/Reserve (AGR), his home of record was San Antonio, TX. This should be reflected on his final DD Form 214 since he retired in an AGR status.

b. The error was brought to his attention while enrolling his daughter in college in Texas in 2015. He submitted a request to have it corrected in 2015, but received a response that even though the documents he provided did prove his home of record

was San Antonio, TX when he entered the AGR, he should have brought it up when he signed his DD Form 214; therefore, it would not be corrected.

c. He was not aware of the home of record error at the time he signed the DD Form 214, and later learned about it in 2015 while enrolling his daughter in college. His retirement was from the AGR in 2006. His final DD Form 214 should reflect his correct home of record at the time he entered the AGR program. His daughter lost valuable college funding due to this error. His son should not have to suffer the same fate due to an error and be denied valuable college benefits that were earned due to his service.

d. The Board should consider that the error was acknowledged during the previous request for correction in 2015, based on the documents he submitted, and it should have been corrected then. His son should not lose valuable benefits earned due to his service, the same way his daughter did, all because of an error that has been acknowledged to have been an error.

3. A DD Form 4 shows the applicant enlisted in the Regular Army on 20 January 1983. His home of record is listed on the form as Sherrill, AR.

4. The applicant's first DD Form 214 shows he was honorably released from active duty on 19 July 1986. Item 6 (Place of Entry into Active Duty) of this DD Form 214 shows Little Rock, Arkansas (AR). The version of the DD Form 214 at the time did not include a separate entry for the HOR. However, the applicant indicated his mailing address after separation is Sherrill, AR.

5. A second DD Form 4 shows the applicant again enlisted in the Regular Army on 5 January 1989. His home of record is listed on the form as Sherrill, AR.

6. The applicant's service records contain two additional DD Forms 4, which show he twice reenlisted in the Regular Army without any breaks in service, on 24 July 1991 and again on 22 July 1994. Both forms show his home of record at the time of his reenlistments as Sherrill, AR.

7. Headquarters, U.S. Army Medical Department Center and School and Fort Sam Houston orders 138-0100, dated 18 May 1998, reassigned him to separation transfer point for transition processing on 21 July 1998. These orders show his HOR as Sherrill, AR, and place of entry on active duty as Little Rock, AR. On 16 June 1996, these orders were amended to show he was enlisted and transferred to the USAR Control Group (AGR).

8. A fifth DD Form 4, which reflects "transition enlistment" in the upper left-hand corner of the form, shows the applicant enlisted in the U.S. Army Reserve (USAR) on 16 June 1998. His home of record is shown as San Antonio, TX.

9. U.S. Army Reserve Personnel Command Orders R-07-004075, dated 10 July 1998, ordered the applicant to active duty in an AGR status with an effective date of 22 July 1998. The order listed his address as San Antonio, TX. He was ordered to report to U.S. Army Recruiting Battalion, New Orleans, LA, reporting on 8 September 1998, with temporary duty from 22 July to 3 September 1998.

10. A second DD Form 214, covering the applicant's period of service in the Regular Army that began on 5 January 1989, shows he was honorably released from active duty in the Regular Army on 21 July 1998, and transferred to the USAR Control Group (Individual Ready Reserve). Item 7b shows his home of record at the time of entry as Sherrill, AR.

11. The applicant's service records contain two additional DD Forms 4, which show he twice reenlisted in the USAR without any breaks in USAR service, on 18 April 2001 and again on 11 February 2005. The 2001 form shows his home of record at the time of his that USAR reenlistment as San Antonio, TX. The 2005 form shows his home of record at the time of his second USAR reenlistment as Grand Prairie, TX.

12. The applicant's final DD Form 214, covering his period of AGR service which began on 22 July 1998 (no break in service from the previous DD Form 214) shows he was retired due to sufficient service for retirement on 31 January 2006. Item 7b shows his home of record at the time of his entry as Sherrill, AR.

13. A VA Form 21-674, shows the applicant's daughter was expected to begin school as a full-time student at a university in Texas in August 2015.

14. The applicant previously applied to the ABCMR in 2015, requesting a change to his home of record as reflected on his DD Form 214 covering the period ending 31 January 2006, to show San Antonio, TX. On 1 November 2016, the Board denied the applicant's request, determining the evidence presented did not demonstrate the existence of a probable error or injustice and the overall merits of his case were insufficient as a basis for correction of his records.

#### 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. According to the JTR, the HOR is the place recorded as the individual's home when commissioned, appointed, enlisted or inducted or ordered into the tour of active duty unless there is a break in service of more than one full day. Only if a break in service exceeds one full day may the service member change the HOR. The HOR may or may not be the same as a person's state of legal residence. There is no authority to change

the HOR as officially recorded at the time of entry into the military service. The evidence shows the HOR is listed as Arkansas (AR) upon his enlistment in the Regular Army on 20 January 1983. His DD Form 214 for the period 20 January 1983 to 19 July 1986 shows his HOR as Sherrill, AR. The applicant's second DD Form 214, covering his service from 5 January 1989 to 21 July 1998, also shows his HOR at the time of entry as Sherrill, AR. Finally, his third/retirement DD Form 214 which began on 22 July 1998 (no break in service from the previous DD Form 214) and ended on 31 January 2006 also shows his HOR at time of entry Sherrill, AR. The Board determined there is neither an error nor an injustice in the HOR listed on his retirement DD Form 214.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 to amend the decision of the ABCMR set forth in Docket Number AR20150014619 on 1 November 2016.

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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. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribes the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service, to include the DD Form 214 (Certificate of Release or Discharge from Active Duty). The specific instructions for preparation of items 7a (Place of Entry onto Active Duty) and 7b (Home of Record at Time of Entry) show:

a. For item 7a, enter the city and State where the Soldier entered active duty. For overseas addresses, include the APO or FPO.

b. For item 7b, enter the street, 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 service of at least 1 day, per Joint Federal Travel Regulations, Volume 1, Appendix A, Part I. Home of record is not always the same as the legal domicile as defined for income tax purposes. Legal domicile may change during a Soldier's career.

2. Joint Federal Travel Regulations, Volume 1, in effect at the time, provide that the home of record is the place recorded as the home of the individual at the time or enlistment or induction. There is no authority to change the home of record as officially recorded at the time of entry into the military service. However, there is authority to correct a home of record if erroneously entered on the records at that time, and then only for travel and transportation purposes. Correction of the home of record must be based on evidence that a bona fide error was made and the home of record as corrected must have been the actual home of the individual at the time of entry into the relevant period of service.

//NOTHING FOLLOWS//