

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 March 2024

DOCKET NUMBER: AR20230007638

APPLICANT REQUESTS: Correction of his records to show his home of record (HOR) as “the requested HOR in [REDACTED] instead of “the contested HOR in [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Letter, Department of Veterans Affairs (VA) with VA Rating
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Enlisted Record Brief (ERB)
- Two VA Ratings

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 his HOR should be the requested HOR in [REDACTED]. He was rushing through the medical separation process after an improvised explosive device (IED) [incident] and he did not pay attention. Now his HOR address is affecting his children's education, he is trying to fix it. He was homeless after he was discharged so he moved to his parents' home in the requested HOR in [REDACTED]. Block 8b (Station Where Separated) lists a [REDACTED] address so he thought that was sufficient. Now he is trying to get his children into college. The HOR block really matters, not the separation address block.
3. A review of the applicant's service record shows/contains a:
 - a. He enlisted in the United States Army Reserve on 1 June 2000 for 8 years. The DD Form 4/1 (Enlistment/Reenlistment Document) lists in Block 3 (HOR) the contested HOR in [REDACTED]. He enlisted in the Regular Army on 13 June 2000 for 4 years.
 - b. DA Form 1966/1 (Record of Military Processing), dated 30 May 2000, listing his HOR as the contested HOR in [REDACTED].

c. He annotated his Security Clearance Application, block 4 (Where You Have Lived) to show the contested HOR in [REDACTED] from 5 June 1999 to the present. This document was signed by the applicant on 30 May 2000.

d. Three DD Forms 4/1, dated 28 November 2006, 25 May 2007, and 19 March 2012 listing in Block 3 (HOR) a completely different HOR in [REDACTED]

e. Orders 142-0022, Headquarters, United States Army Garrison, Fort Bliss, [TX], dated 22 May 2014 showing he was retired on 17 August 2014 and was placed on the retirement list on 18 August 2014 with an 80 percent disability.

f. Accordingly, he was honorably retired from active duty on 17 August 2014 and was transferred to the United States Army Reserve. His DD Form 214 shows he completed 7 years, 8 months, and 20 days of net active service this period with 6 years, 1 months, and 18 days of prior active service. Block 7b (HOR At Time of Entry) shows the contested HOR in [REDACTED] and block 8b (Station Where Separated) shows [REDACTED]."

4. The applicant provided the above listed documents to be addressed in support of his request. These documents include but are not limited to:

a. An ERB listing his mailing address an address in [REDACTED] that is not the requested HOR, but the HOR entry is blank.

b. Three VA Rating Decisions confirming his current combined disability rating is 100 percent.

c. His submissions were provided to the Board in their entirety.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition and available military records, the Board determined the home of record (HOR) and place of entry into active-duty entries on his DD Form 214, for the period ending 17 August 2014, were listed in accordance with law and regulatory guidance. Although the applicant's initial DD Form 4 shows he entered active duty with a completely different HOR in [REDACTED]

2. The applicant's record is absent evidence he had a break in service during his period of military service. His DD Form 214 shows the contested HOR, the Board determined based on the preponderance of evidence with his DA Form 1966/1 (Record of Military Processing) and his security clearance application there is no error regarding his contested home or record. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed. Therefore, the Board denied relief.

2. The governing regulation provides that at separation the service member's record will be used to enter accurate information when completing their DD Form 214, a summary of a specific period of active-duty service. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created.

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.

4/8/2024

X

CHAIRPERSON

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. Joint Federal Travel Regulation provides the HOR is the place recorded as the home of the individual at the time of enlistment or induction. There is no authority to change the HOR as officially recorded at time of entry into the military service. It may only be change if a bona fide error was made and the HOR as corrected must have been the actual home of the individual at the time of entry into the relevant period of service. It may not be a changed to a location for the convenience of the Soldier.
3. Army Regulation 635-8, dated 10 February 2014, provides that a Soldier's initial enlistment contract or appointment document is the source for this data, or any correction approved by HRC. HOR is the place recorded as the HOR 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 is determined by HRC to be factually incorrect.

//NOTHING FOLLOWS//