

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 February 2024

DOCKET NUMBER: AR20230007951

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 7b (Home of Record (HOR) at Time of Entry) [REDACTED]

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

- DD Form 149 (Application for Correction of Military Record)
- Letter of Employment
- DD Form 214, for the period ending 11 January 2014

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 he is requesting for his HOR to be corrected to reflect [REDACTED] rather than [REDACTED]. He was a [REDACTED] resident when he joined and was only on vacation in [REDACTED] in 2004. The recruiter was desperate to get him to join and informed him that he was required to join in [REDACTED] even if he was not a resident, because that was where he initially spoke to the recruiter. He was young and impressionable, at 19 years of age, and was unsure of what address to use. He maintained employment in [REDACTED] and provides proof of that. The infraction is now hindering him from utilizing [REDACTED] benefits as a Veteran. It was a chaotic time prior to his discharge and although he did mention it, he was told it could not be changed from [REDACTED]. He was not aware that it would cause issues post military life.
3. The applicant provides a letter of employment from [REDACTED] which states he was a full time employee in the [REDACTED] from 3 April 2003 through 19 April 2004.
4. A review of the applicant's service record shows:

a. His DD Form 4 (Enlistment/Reenlistment Document) shows he enlisted in the Regular Army on 5 May 2004. Block 3 (HOR) lists [REDACTED]

b. His Enlisted Record Brief listed his HOR as [REDACTED]

c. On 11 January 2014, he was discharged from active duty. His DD Form 214 shows he completed 9 years, 8 months, and 7 days of active service. Block 7b shows [REDACTED]

5. By regulation, a Soldier’s enlistment document is the source document for the HOR when preparing a DD Form 214. List the street address, city, state, and zip code listed as the Soldier’s HOR. 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 it is determined by HRC to be factually incorrect.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the information reflected on the applicant’s DD Form 4 showing the contested HOR and that information being authenticated by the applicant’s signature on the document, as well as the same information being reflected on the applicant’s ERB during his entire period of military service, the Board concluded there was insufficient evidence of an error or injustice warranting a correction to the applicant’s HOR.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
[REDACTED]	[REDACTED]	[REDACTED]	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.

5/15/2024

X [REDACTED]

CHAIRPERSON
[REDACTED]

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 635-5 (Separation Documents), in effect at the time, states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation. Block 7b (Home of Record) states enter the street, city, state, and zip code the Soldier claims as a permanent home of record. The term "Home of Record" means the place recorded as the home of the individual when commissioned, appointed, enlisted, inducted, or ordered to a tour of active duty. It is not necessarily the legal domicile as defined for income tax purposes. The HOR is shown on an enlisted Soldier's service contract and on an officer's order to active duty.

3. The Joint Federal Travel Regulation provides that 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. However, there is authority to correct an HOR if erroneously entered on the records at that time and then only for travel and transportation purposes. Correction of the HOR

must be based on evidence that 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 place selected for the convenience of the Soldier.

//NOTHING FOLLOWS//