

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 February 2024

DOCKET NUMBER: AR20230008693

APPLICANT REQUESTS:

- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show in item 7a (Place of Entry into Active Duty): Killeen, TX
- a video/telephonic appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Two DA Forms 3340-R (Request for Reenlistment or Extension in the Regular Army), dated 8 February 1996 and 21 June 1998
- Two DA Forms 3286 (Statements for Enlistment), dated 21 June 1996 and 21 June 1998
- DD Form 214, for the period ending 20 June 2001
- Texas Hazlewood Act Exemption Documentation Checklist
- Texas Driver License

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 the servicemember and needs a copy of his DD Form 214 updated. He reenlisted in Texas twice and he needs a copy of his DD Form 214 showing his place of entry into active duty was Killeen, Texas. This needs to be updated on member 1 copy and service 2 copy of his DD Form 214. The applicant has been a resident of Texas for 21 years, since his honorable separation from the military. The applicant's daughter was born and raised in Texas and she is attending college in Houston, Texas. His daughter's counselor said she would qualify for education benefits since the applicant is a Veteran. Although the applicant reenlisted in Texas twice, his DD Form 214 shows his entry on active duty as Atlanta, Georgia. To pass his educational benefits to his daughter as a Texas resident, the counselor said his

DD Form 214 must show Texas as his place of entry. Since he reenlisted twice in Texas, he should qualify to have this entry updated to reflect Killeen, Texas.

3. The applicant provides the following documents:

a. Texas Hazlewood Act Exemption Documentation Checklist which states Veterans whose DD Form 214 does not indicate a home of record (HOR) at the time of entry into active duty or the place of entry into active duty as Texas, would be required to provide a Texas high school transcript indicating their graduation within one year of their enlistment.

b. Texas Driver License of the applicant, issued on 23 March 2021.

4. The applicant's service record shows:

a. He enlisted in the Regular Army on 24 September 1992. Item 3 (Home of Record) on his DD Form 4 (Enlistment/Reenlistment Document) reflects Americus, GA.

b. DD Form 1966 (Record of Military Processing - Armed Forces of the United States), dated 24 July 1992 shows the applicant's home of record as Americus, Georgia; his place of birth as Americus, Georgia; and he attended the Americus, Georgia High School.

c. DA Form 3340-R, dated 8 February 1996 shows the applicant was requesting reenlistment in the Army, while stationed at Fort Hood, Texas.

d. DD Form 4, dated 21 June 1996 shows the applicant's home of record as Americus, Georgia and he was reenlisting in the Army at Fort Hood, Texas. DA Form 3286, dated 21 June 1996 shows he was reenlisting for station stabilization.

e. DD Form 4, dated 21 June 1998 shows the applicant's home of record as Americus, Georgia and he was reenlisting in the Army at Fort Hood, Texas. DA Form 3286, dated 21 June 1998 shows he was reenlisting for station stabilization at Fort Hood, Texas and DA Form 3340-R, dated 21 June 1998 shows the applicant was requesting reenlistment while stationed at Fort Hood, Texas.

f. DD Form 214, for the period ending 20 June 2001, shows in:

- item 7a (Place of Entry into Active Duty): Atlanta, Georgia
- item 7b (Home of Record at Time of Entry): Americus, Georgia
- item 8b (Station where Separated): Fort Leonard Wood, Missouri
- 19a (Mailing Address After Separation): Americus, Georgia
- 19b (Nearest Relative): Americus, Georgia

5. By regulation, for item 7a of the DD Form 214 enter the place of entry onto active duty and home or record of entry; a Soldier's initial enlistment contract or appointment document is the source document for this data. Enter the city and state the Soldier entered active duty. Enter the street, city, state and zip code listed as the Soldier's home of record. Home or Record cannot be changed unless there is a break in service of at least 1 full day.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered.
2. The Board noted the applicant's re-enlistments occurred in the contested state as requested for amendment; however, the Board determined the applicant did not incur a break in service as required by regulation and therefore, by a preponderance of the evidence, found no error or injustice.
3. The applicant's request for a video/telephonic appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a video/telephonic appearance hearing is not necessary to serve the interest of equity and justice in this case.

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.

[REDACTED]

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[REDACTED] [REDACTED]

[REDACTED]

[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 (AR) 635-5 (Personnel Separations - Separation Documents), in effect at the time, prescribes the separation documents that must be prepared for Soldiers on retirement, discharge, release from active service, or control of the Active Army.
  - a. It states place of entry onto active duty and home or record of entry; a Soldier's initial enlistment contract or appointment document is the source document for this data. Enter the city and state the Soldier entered active duty. Enter the street, city, state and zip code listed as the Soldier's home of record.
  - b. Home or Record cannot be changed unless there is a break in service of at least 1 full day.
3. AR 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//