

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 February 2024

DOCKET NUMBER: AR20230008834

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) from [REDACTED] to [REDACTED].

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

- DD Form 149 (Application for Correction of Military Record)
- Two College Transcripts
- Department of Education Teachers Certificate
- DD Form 93 (Record of Emergency Data), dated 16 October 1986
- DD Form 93-E (Electronic), dated 18 May 1994

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 seeks to correct Item 7b of his DD Form 214 as it incorrectly lists [REDACTED]. He moved to [REDACTED] after his discharge, and he believes it was an administrative error to list it as his HOR. His HOR should be changed from [REDACTED] to [REDACTED]. He cannot be included in the Veteran's Memorial unless his DD Form 214 is corrected to show his actual HOR in [REDACTED].

3. The applicant provides:

a. Two college transcripts which show the applicant's address as [REDACTED].

- [REDACTED] College – September 1972
- [REDACTED] University – May 1980

b. A Department of Education Teachers Certificate, dated 28 May 1981, which lists the applicant's address in [REDACTED].

c. The applicant highlights the address of his parents on the below documents in [REDACTED]; however, the address of his wife and children is located in [REDACTED].

- DD Form 93, dated 16 October 1986
- DD Form 93-E, dated 18 May 1994

4. A review of the applicant's service records show:

a. His DA Form 61 (Application for Appointment) shows on 8 May 1983 he applied to become a commissioned officer in the Army Reserve. Block 18 (Permanent Address) lists [REDACTED].

b. On 3 June 1983, the applicant was appointed as a Reserve commissioned officer and he executed an oath of office on 20 June 1983. His appointment order lists his address as identified on his DA Form 61.

c. His Officer Record Brief listed his HOR at entry on active duty (EAD) as [REDACTED].

d. Orders A-03-005390, dated 8 March 1986, ordered the applicant to active duty with a reporting date of 30 June 1986. The address listed on the orders shows [REDACTED].

e. Orders 55-14, dated 25 March 1994, discharged the applicant from active duty with an effective date of 30 June 1994.

f. He was honorably discharged from active duty on 30 June 1994. His DD Form 214 shows he completed 8 years and 13 days of active service. Block 7b shows [REDACTED].

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:

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 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 30 June 1994, were listed in accordance with law and regulatory guidance. The Board noted, the applicant's DA Form 61 (Application for Appointment) shows [REDACTED] as well as his officer record brief, the Board recognized the applicant's place of birth showed [REDACTED]. However, the Board found no break in service in accordance with regulatory guidance, 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:

<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 for correction of the records of the individual concerned.

3/4/2024

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. 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//