

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 July 2024

DOCKET NUMBER: AR20230014427

APPLICANT REQUESTS: correction to block 7b (Home of Record (HOR)) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) ending 27 October 2005, to show his requested HOR as reflected on block 5b (HOR) of his DD Form 4 (Enlistment/Reenlistment Document - Armed Forces), dated 10 May 1982.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4/1-4/4 (Enlistment/Reenlistment Document)
- DA Form 4826-R (Addendum)
- DA Form 3540/1-3540/4 (Certificate and Acknowledgement of Service Requirements)
- Two DA Forms 597 (Senior Reserve Officers' Training Corps (ROTC) Student Contract)
- DD Form 220 (Active-Duty Report)
- DD Form 214
- Discharge Orders 151-1196 (Joint Forces Headquarters – Louisiana, Office of the Adjutant General, Camp Beauregard)

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 daughter is enrolled at a college in the "requested HOR" State and he needs his DD Form 214 corrected to show his "requested HOR" in lieu of the "contested HOR." so she may be eligible to apply for educational benefits under the Hazlewood [Act].
3. The applicant is currently retired from the Army National Guard (ARNG) after completing more than 20 years of service.

4. The applicant's interactive Personnel Electronic Records Management System record contains the following documents:

- a. his DD Form 4, dated 10 May 1982, shows the requested HOR.
- b. his ARNG Retirement Points History Statement shows:
  - he had an "H3 – Non-Military, Civilian Break" from 2 August 2000 to 20 May 2003
  - 21 May 2003, he enlisted in the Louisiana ARNG (LAARNG) as a "B1 ARNG unit member"
- c. his DD Form 4, dated 21 May 2003 confirms he enlisted in the LAARNG on 21 May 2003, and his HOR was the "contested HOR."
- d. his DD Form 214 covers the period 15 May 2004 to 27 October 2005 and shows the contested HOR.

5. 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 the Army Human Resources Command (AHRC) to be factually incorrect. HOR is not necessarily the same as the legal domicile as defined for income tax purposes. Legal domicile may change during a Soldier's career.

#### 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 determine the home of record (HOR) and place of entry into active-duty entries on his DD Form 214, for the period ending 27 October 2005, were listed in accordance with law and regulatory guidance.

2. Evidence as indicated on the applicant's DD Form 4 show he entered active duty in Spring Tx with an "H3 – Non-Military, Civilian Break" from 2 August 2000 to 20 May 2003. The Board noted, the applicant on 21 May 2003, enlisted in the Louisiana ARNG (LAARNG) as a B1 ARNG unit member. The Board determined there is insufficient evidence that supports the applicant's contentions for correction to block 7b (Home of Record (HOR)) of his DD Form 214 t show his HOR as Texas. 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.

3. 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.

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 635-8 (Separation Processing and Documents) provides the policies and procedures for separation documents. It states, in pertinent part, a Soldier's initial enlistment contract or appointment document is the source for this data. Regular Army enlisted Soldiers normally enter active duty at the military entrance processing station. List the street address, city, state, and zip code listed as the Soldier's HOR. For Reserve Component Soldiers, the active-duty order lists 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 the AHRC to be factually incorrect. HOR is not necessarily the same as the legal domicile as defined for income tax purposes. Legal domicile may change during a Soldier's career.
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 a 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 must not be a place selected for the convenience of the Soldier.

//NOTHING FOLLOWS//