

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 September 2024

DOCKET NUMBER: AR20240000967

APPLICANT REQUESTS: correction of his Home of Record (HOR) at time of entry from Naples, Florida to Plymouth, Massachusetts.

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

- DD Form 149 (Application for Correction of Military Record)
- Form 1098T (Tuition Statement)
- Form W-2 (Wage and Tax Statement)
- Driver's License
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Department of Veterans Affairs (VA) Letter, 12 December 2023

FACTS:

1. The applicant states, in effect, he lived his whole life at the requested HOR until March 2022, when he lived at a different location for 8 months before returning to the requested HOR. He never claimed the contested HOR as his HOR.

2. The applicant enlisted in the Regular Army (RA) on 4 November 2009.

a. His DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows the following entries:

- Item 3 (HOR) – an address in Naples, Florida
- Item 4 (Place of Enlistment) – Tampa, Military Entrance Processing Station (MEPS), Tampa, Florida

b. His DD Form 1966/1 (Record of Military Processing – Armed Forces of the United States) shows in:

- Item 3 (Current Address) – an address in Naples, Florida
- Item 4 (HOR Address) – an address in Plymouth, Massachusetts

3. The applicant served at Schofield Barracks, Hawaii. While there, he reenlisted in the RA on 2 October 2013. His reenlistment DD Form 4 shows in:

- Item 3 (HOR) – an address in Naples, Florida
- Item 4 (Place of Enlistment/Reenlistment) – Schofield Barracks, Hawaii

4. He was honorably discharged due to disability, severance, noncombat related on 5 April 2022. The DD Form 214 he was issued shows in

- Block 7a (Place of Entry on Active Duty) – Naples, Florida
- Block 7b (HOR) an address in Naples, Florida.

5. The applicant provides Form 1098T and Form W-2 from 2009 which list his requested HOR and a Driver's License from his requested HOR (Plymouth, Massachusetts). He further provides a letter from the VA dated 12 December 2023 addressed to him at his requested HOR (also in Plymouth, Massachusetts).

6. 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 U.S. 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 counsel's statement, 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) on the applicant's DD Form 214, for the period ending 5 April 2022, were listed in accordance with law and regulatory guidance. The Board determined the applicant's initial DD Form 4 shows he entered active duty with the contested HOR. He did not have a break in service during his period of military service. His DD Form 214 shows the contested HOR. 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.

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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. 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. 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.

2. A Soldier's initial enlistment contract or order to active duty is the source document for the Place of Entry into Active Duty. Officers enter active duty in accordance with their initial order to active duty. Normally, this is a temporary duty location for attendance at the Basic Officer Leader Course or other temporary duty location (for example, in support of Reserve Officers' Training Command Summer Camp or Gold Bar Recruiting duties). Army National Guard and U.S. Army Reserve Soldiers, the active duty order for this period of service will list where the Soldier enters active duty (for example, home address, home station, mobilization station, Army installation, and so forth). Normally, this location is the first "Report to" lead line listed on the order.

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.

4. Army Regulation 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 considers individual applications that are properly brought before it. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//