

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 3 December 2024

DOCKET NUMBER: AR20240003090

APPLICANT REQUESTS:

- correction of his Home of Record (HOR) at time of entry as reflected on his DD Forms 214 (Certificate of Release or Discharge on Active Duty) and his retirement orders from an address in Oklahoma to an address in Texas
- a personal appearance hearing before the Board.

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

- DD Form 149 (Application for Correction of Military Record)
- DA Form 71 (Oath of Office – Military Personnel), 14 May 1989
- Orders 45-90, State of Texas, Adjutant General's Department, 1 March 1990
- Reserve Officers' Training Corps Distinguished Military Graduate Certificate, 13 May 1990
- DD Form 214, 28 February 2023

FACTS:

1. The applicant states, the State of Texas was his HOR upon his commissioning, Texas Army National Guard assignment, and entry upon active duty. Despite supporting documentation, this was not properly annotated on his retirement orders and DD Forms 214 due to varied interpretations of the regulation.

2. The applicant enlisted in the U.S. Army Reserve as a Reserve Officers' Training Corps cadet on 7 July 1987. His DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows the following entries:

- Item 3 (HOR) – an address in Oklahoma (OK)
- Item 4 (Place of Enlistment) – Cameron University, Lawton, OK

3. The applicant was a member of the Simultaneous Membership Program, Texas Army National Guard from 17 December 1987 to 13 May 1989.

4. On 14 May 1989, at Prairie View A&M University, Prairie View, TX, he was appointed a Reserve Commissioned Officer in the Army of the United States.
5. Orders 45-90, State of Texas, Adjutant General's Department, 1 March 1990, appointed him a Second Lieutenant in the Army National Guard effective 20 January 1990. His HOR is listed as an address in Hempstead, TX.
6. On 20 January 1990, at Beaumont, TX, he was appointed a Reserve Commissioned Officer in the Army of the United States. He entered active duty on 24 September 1990.
7. On 14 January 1991, at Fort Benning, GA, he was appointed an officer in the Regular Army.
8. Orders A-07-005425, U.S. Army Reserve Personnel Center, 25 July 1990, ordered him to active duty to attend the Infantry Officer Basic Course prior to assignment in Germany to fulfill his active Army requirement. The HOR listed on the orders is an address in Lawton, OK.
9. Effective 16 August 1994, he was appointed a Reserve Commissioned Officer in the Army of the United States, at Fort Huachuca, AZ.
10. On 17 August 1994, he was honorably discharged due to miscellaneous/general reasons. Block 7b (HOR at Time of Entry) of his DD Form 214 for the period of service 25 September 1990 to 17 August 1994 lists an address in OK.
11. On 19 September 1994, he initiated an Application for Appointment as a Commissioned Officer in the U.S. Army Reserve.
12. On 3 October 1994, he was appointed as a Reserve Commissioned Officer in the Army of the United States at Fort Lee, VA.
13. On 12 March 1995, he was appointed as a Reserve Commissioned Officer in the Army of the United States at Oklahoma City, OK.
14. On 15 January 1997, he executed an Application for Active Duty. The form lists his permanent home address as an address in OK. He entered active duty on that date.
15. Orders A-03-003282, U.S. Total Army Personnel Command, 25 March 1997, ordered him to active duty to fulfill his active Army requirement. The HOR listed on the orders is an address in OK.
16. On 1 January 2003, at Schofield Barracks, HI, he was appointed an officer in the Regular Army.

17. His Official Military Personnel File contains an Officer Record Brief dated 24 November 2022, which lists his HOR as Oklahoma City, OK.
18. Orders 312-0005, U.S. Army Support Activity, Joint Base Langley-Eustis, 8 November 2022, lists his HOR as an address in Oklahoma City, OK.
19. Having sufficient service for retirement, on 28 February 2023, he retired honorably. The DD Form 214 covering the period 15 June 1997 to 28 February 2023 he was issued lists his HOR as an address in Oklahoma City, OK.
20. The applicant provides a/an:
 - a. DA Form 71 which shows he was appointed a Reserve Commissioned Officer in the Army of the United States effective 14 May 1989, at Prairie View A&M University, Prairie View, TX.
 - b. Orders 45-90, State of Texas, Adjutant General's Department, 1 March 1990, which appointed him a Second Lieutenant in the Army National Guard effective 20 January 1990. His HOR is listed as an address in Hempstead, TX.
 - c. Reserve Officers' Training Corps Distinguished Military Graduate certificate awarded on 13 May 1990, while attending Prairie View A&M University.
21. Army Regulation 15-185 (ABCMR) states an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.
2. 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.
 - a. The Home of Record (HOR) is the place recorded as the home of the individual at the time of enlistment or induction or appointment. The applicant initially enlisted in the U.S. Army Reserve in July 1987, in Lawton, Oklahoma, and listed his HOR as Oklahoma. He went to school in Texas from 1987 to 1989 and was appointed a Reserve commissioned officer in the Texas Army National Guard in May 1989 but that

did not change the HOR where initially enlisted. He entered active duty from Lawton, Oklahoma on 24 September 1990 and he was discharged from active duty on 17 August 1994. His separation order and DD Form 214 for this period correctly listed his HOR as Oklahoma.

b. In March 1995, the applicant was appointed a Reserve commissioned officer of the Army with a HOR in Oklahoma. He entered active duty on 15 June 1997 and he was honorably retired on 28 February 2023. His retirement orders and resultant DD Form 214 for this period also correctly listed his HOR as Oklahoma. Therefore, based on the evidence, the Board was not convinced by the applicant's argument and determined the HOR listed on both of his DD Forms 214 is not in error or unjust.

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. 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.
2. 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.
3. Army Regulation 15-185 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. 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//