

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 November 2024

DOCKET NUMBER: AR20240003113

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/or his retirement orders from an address in Maryland to an address in Texas.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- DD Form 214, for the period ending 26 July 2007
- DA Form 71 (Oath of Office)
- Orders 064-0006, Corrected Copy - Joint Base Myer - Henderson Hall, 4 March 2020
- DD Form 214, for the period ending 28 February 2021
- Letter, U.S. Army Human Resources Command (AHRC), 24 January 2024
- Letter, Department of the Air Force, Personal Property Activity Headquarters, 5 February 2024
- Extract, Department of the Army Pamphlet 600-8-104 (Army Military Human Resource Records Management)

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:

a. Prior to his change of status from enlisted to officer, he changed his HOR. However, unbeknownst to him, the personnel action only changed his home of residence to Texas and not his HOR. He took the Oath of Office at Fort Sam Houston prior to his Officer Basic Course (OBC) while he was on leave with family. The DA Form 71 should serve as his official source document to serve as a record to correct the error on his DD Form 214. During in processing for OBC at Fort Sam Houston, the

human resource representative told him that all his information from his Enlisted Record Brief was to be transferred to his Officer Record Brief (ORB). Upon review of his ORB, he noticed that his HOR was not correct and asked the representative to correct his HOR. The human resources representative stated that they did not have any ability to change anything as that would have to be done at his gaining unit. Upon, arriving to his unit and during in processing, he again was told that his HOR was updated, after all his state taxes were shown as Texas. When he submitted for retirement, he noticed that his retirement orders showed the wrong HOR. During the retirement briefing he asked the human resources representative about the wrong HOR. He was told that he could address this when he received his draft DD Form 214.

b. When he received his draft DD Form 214, he once again asked about his HOR and the human resources representative told him that it was too late and there was nothing that he could do. However, when he out processed, he was strangely allowed to set his HOR with Household Goods in accordance with DA PAM 600-8-104, Paragraph 5-3, using Texas to determine his travel entitlements at the time of retirement. Once he learned that he could appeal and correct the HOR error on his DD Form 214, he submitted a request to the Army Service Center at Fort Knox, KY. The Army Service Center replied that the retirement orders and the DD Form 214 block 7b (HOR) matched, therefore they could not make the change. His request was not entertained by AHRC and he was referred to this Board.

c. In summary, he made every attempt to change his HOR as an enlisted Soldier, at his commissioning, and finally at his retirement. It appears that there was a lot of confusion in the separation of his HOR at his time of enlistment and at his time of commissioning. As well as confusion that changing his HOR of residence was the same as changing his HOR. As a result, he should have his HOR corrected as requested. To date he has lost the ability to rightfully utilize his Texas state retirement benefits under the Hazlewood Act as result of this clerical error. If this is not corrected, he will lose over \$200,000 in educational benefits from his daughters.

3. The applicant enlisted in the Regular Army on 21 August 1990. His DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows the following entries:

- Item 3 (HOR) – an address in Maryland (MD)
- Item 4 (Place of Enlistment) – Baltimore, Military Entrance Processing Station, Linthicum Heights, MD 21090-2995

4. Item 5 (HOR) of his DD Form 1966/1 lists an address in MD.

5. On 26 July 2007, he was discharged to accept a commission or warrant in the Army. His enlisted DD Form 214 shows in:

- Block 7a (Place of Entry on Active Duty) Linthicom Heights, MD
- Block 7b, an address in Gaithersburg, Maryland

6. Without a break in service, on 27 July 2007, he was appointed an officer in the Army of the United States.

7. Orders A-06-713876 issued by the U.S. Army Human Resources Command on 12 June 2007, ordered him to active duty, reporting to Fort Lewis, WA on or about 22 October 2007 for a 3-year active duty commitment. The active duty orders listed his address and his Home of Record as an address in Odenton, MD.

8. On 4 March 2020, Joint Base Myer-Henderson Hall published Orders 064-0006 reassigning him to the Transition Center at Fort Myer for separation processing on 28 February 2021 and retirement on 1 March 2021. His retirement orders state:

- Home of Record: Gaithersburg, MD
- Place of Entry on Active Duty: Baltimore, MD

9. On 28 February 2021, he retired honorably. His officer DD Form 214 lists in:

- Block 7a (Place of Entry on Active Duty) Baltimore, MD
- Block 7b, an address in Gaithersburg, Maryland

10. The applicant provides a letter from a Traffic Management Specialist, Department of the Air Force, Personal Property Activity Headquarters, 5 February 2024, which provided an extension until 28 February 2025, of his travel and transportation entitlements.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, 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 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 listed on his DD Form 214 was correct in accordance with regulatory guidance at the time the DD Form 214 was prepared during the applicant's separation. 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.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| : | : | : | 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. 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. 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. 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.

4. 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.

5. 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//