

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 October 2024

DOCKET NUMBER: AR20240003380

APPLICANT REQUESTS: correction of his Home of Record (HOR) at time of entry from Des Moines, IA to Corpus Christie, TX. He also requests a personal appearance hearing before the Board via video or telephone.

APPLICANT'S SUPPORTING DOCUMENT CONSIDERED BY THE BOARD: DD Form 149 (Application for Correction of Military Record).

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, in effect, he was in the Delayed Entry Program when his family moved to Texas and his HOR was changed at his duty station and again upon his discharge. His mother owned property under a name listed in his military records.
3. The applicant enlisted in the Regular Army (RA) on 3 October 1996. His DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows the following entries:
 - Item 3 (HOR) – an address in Des Moines, IA
 - Item 4 (Place of Enlistment) – Des Moines, Military Entrance Processing Station (MEPS), IA 50266
4. The applicant reenlisted in the RA on 20 October 1998. His DD Form 4 shows his HOR as the same address in Des Moines, IA.

5. On 7 June 2001, he was discharged under honorable conditions (general). His DD Form 214 shows in:

- Block 7a, Place of Entry on Active Duty: West Des Moines, IA
- Block 7b (HOR at Time of Entry) address in Des Moines, IA.

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.

7. 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. The evidence shows the applicant enlisted in the Regular Army 3 October 1996 at the Des Moines, IA Military Entrance Processing Station. He listed his HOR as address in Des Moines, IA. His DD Form 4 shows his HOR as the same address in Des Moines, IA. He also immediately reenlisted in the Regular Army on 20 October 1998. His reenlistment contract listed his HOR as Des Moines, IA. He was discharged from active duty on 7 June 2001. Since the HOR is the place recorded as the HOR of the Soldier when commissioned, appointed, enlisted, or ordered to a tour of active duty, and since the applicant listed his HOR as Des Moines, IA upon enlistment, the Board found his DD Form 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. 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 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//