

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 February 2025

DOCKET NUMBER: AR20240005974

APPLICANT REQUESTS: correction of the Home of Record at Time of Entry shown on his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show Austin, Texas instead of Oklahoma City, Oklahoma.

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

- 2 X DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 14 February 2004
- NGB Form 22 (Report of Separation and Record of Service), 13 February 2011
- Texas Driver License and Information
- Certificate of Live Birth
- DA Form 348 (Equipment Operator's Qualification Record)
- DA Form 1506 (Statement of Service for Computation of Length of Service for Pay Purposes)

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 he was born in Texas. His first driver license and his home has always been Texas. He identified his home of record as Texas; however, circumstances and his paperwork being a complete mess (admittedly he had no idea what he was doing and probably wasn't very helpful to his own cause) he had to do innumerable requests for correction at finance and some with personnel as he recalls due to his ETS (expiration of term of service) date being incorrect. He almost did his entire term as 00 years of service. He was even called for jury duty in Austin, Texas several times while stationed in Washington, D.C. He has found several corrections and paperwork regarding some of this, and the correction indicates his three-year active tour starting 02/27/2001 and the record of Texas Driver License showing 2/22/2001 as he was newly married and reorganizing household. He hadn't really looked into this or revisited much

at all until recently as his sons are getting older and his oldest son is going to [Name of College] for Reserve Officer Training in a year. It would be a great source of pride to him, and this correction lets him help his sons with scholarships, state, and federal programs to get over the non-scholarship years with ROTC. He apologizes for being late to discover this and he knows he is asking a lot of consideration of the Board in this matter. He would be grateful if the Board could help.

3. The applicant's Army National Guard (ARNG) records are not available for review. The applicant provides a DA Form 1506 that shows:

- Inactive ARNG service from 16 December 1998 to 5 April 1999
- Active (Regular Army) from 6 April 1999 to 28 July 2000
- Inactive ARNG service 29 July 2000 to 26 February 2001

4. The applicant enlisted in the Regular Army at the Oklahoma City Military Entrance Processing Station (MEPS) on 15 February 2001. His DD Form 4 (Enlistment/Reenlistment Document) shows in:

- Item 3 (Home of Record) Address in Oklahoma City, Oklahoma 73120
- Item 4 (Place of Enlistment) Oklahoma City MEPS

5. Also attached to the Enlistment Contract is a DA Form 4187 (Personnel Action) dated 4 January 2001. This form shows the applicant submitted a request to the Recruiting Battalion in Oklahoma City, Oklahoma requesting Regular Army enlistment.

6. The applicant's DD Form 1966 (Record of Military Processing), completed in connection with this enlistment shows in:

- Item 3 (Current Address) Address in Oklahoma City, Oklahoma 73120
- Item 4 (Home of Record Address) Same Address in Oklahoma City, Oklahoma
- Item 14 (Valid Driver License) Oklahoma and Number
- Item 15 (Place of Birth) Lubbock, Texas
- Item 22 (Education), from 1995 to 1997 Oklahoma City and from 1992 to 1995, Chambersburg, Pennsylvania

7. The applicant was honorably released from active duty on 14 February 2004 due to completion of his required active service. His DD Form 214 shows an incorrect entry date and incorrect net active service (corrected via a DD Form 215). It further shows in:

- Block 7a (Place of Entry on Active Duty) Oklahoma City, Oklahoma
- Block 7b (Home of Record at Time of Entry) Address in Oklahoma City, Oklahoma 73120

8. On 6 April 2003, the applicant was issued a DD Form 215 that corrected:

- His date of entry from 22 October 1999 to 15 February 2001
- His net active service from 4 years, 3 months, and 23 days to 3 years
- Added his prior active and inactive service

9. By regulation (AR 635-5), the "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 service of at least 1 full day (Joint Travel Regulations (JTR)). The HOR is not always the same as the legal domicile as defined for income tax purposes. Legal domicile may change during a Soldier's career.

10. The JTR provides, in part, 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.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the information reflected on the applicant's enlistment contract showing an Oklahoma City, OK home of record that the applicant signed at the time of enlistment and the regulatory guidance about home of record only being able to be changed after enlistment with a break of service that the applicant did not have, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's HOR.

#### BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:X	:X	:X	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.

X //signed//

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CHAIRPERSON

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 601-280 (Army Retention Program) prescribes the criteria for the Army retention program. Table 11-1 of this regulation defines the HOR as the place recorded as the home of the individual when commissioned, appointed, enlisted, inducted, or ordered into the relevant tour of active duty. The place recorded as the home of the individual when reinstated, reappointed, or reenlisted remains the same as that recorded when commissioned, appointed, enlisted, or inducted or ordered into the relevant tour of active duty unless there is a break in service of more than one full day. Only if a break in service exceeds one full day can the home of record be changed by the member.
3. Army Regulation 635-5 (Separation Documents) establishes the standardized policy for preparing and distributing the DD Form 214. The DD Form 214 is prepared for all personnel at the time of their retirement, discharge, or release from active duty. Item 7 of the DD Form 214 shows the place of entry onto active duty and HOR at time of entry. Item 7b shows the street, city, state, and ZIP code listed as the Soldier's HOR. The "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 service of at least 1 full day (Joint Travel Regulations (JTR), Volume 1, App A,

Part I). The HOR is not always the same as the legal domicile as defined for income tax purposes. Legal domicile may change during a Soldier's career.

4. The JTR provides, in part, 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.

//NOTHING FOLLOWS//