

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 15 November 2024

DOCKET NUMBER: AR20240006690

APPLICANT REQUESTS: correction of her Home of Record (HOR) at time of entry from Watertown, NY to Houston, TX.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 4/1 (Enlistment/Reenlistment Document – Armed Forces of the United States)
- Page 2, DD Form 1966 (Record of Military Processing – Armed Forces of the United States)
- Petition for Legal Separation, 10 April 1996
- Order on Motion to Convert Decree of Legal Separation to Decree of Dissolution, 3 July 1997
- DD Form 93 (Record of Emergency Data), 10 November 1998
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 20 March 1999
- Marriage License, 21 April 2003
- Certificate of Birth
- Social Security Administration card

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 when she entered service, she was a military spouse living in military housing. Born and raised in Texas, she has held a Texas driver license since age 17. While in the military she kept a Texas residence. She needs her record corrected to obtain Hazelwood Act benefits for her daughter. She further claims block 33b (Recertification by Applicant and Correction of Data at the Time of Active Duty Entry) of her DD Form 1966 states a correction should have been made to her address.

3. The applicant enlisted in the Regular Army on 21 March 1995. Her DD Form 4 (Enlistment/Reenlistment Document – Armed Forces of the United States) shows the following entries:

- Item 3 (HOR) – an address in Watertown, New York (NY)
- Item 4 (Place of Enlistment) – Syracuse, Military Entrance Processing Station, Syracuse, NY 13260-0027

4. Item 5 (HOR Address) of her DD Form 1966/1 (record of Military Processing) lists the address she requests (an address in Houston, TX).

5. Her Official Military Personnel File contains DD Form 398-2 (Department of Defense National Agency Questionnaire). Item 10 (Residences) lists the places where the applicant lived beginning with her current address. She stated she lived at an address in NY as listed on her DD Form 4 beginning October 1993.

6. On 20 March 1999, she was released from active duty upon completion of her required active service. Block 7b (HOR at Time of Entry) of her DD Form 214 lists an address in Watertown, NY.

7. The applicant provides:

- a. Partial DD Form 1966 which shows an altered item 33b. The Item Number has been changed from 5 (which is resident in her Official Military Personnel File) to 4. The change required address remained the same.
- b. Petition for Legal Separation, 10 April 1996, and Order on Motion to Convert Decree of Legal Separation to Decree of Dissolution, 3 July 1997.
- c. DD Form 93, 10 November 1998, all addresses in Texas.
- d. Applicant Certificate of Birth, Texas, and Marriage License, State of Texas, 21 April 2003.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was 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 applicants petition and available military records, the Board determined there is sufficient evidence to grant full relief based on the applicant being in New York as a dependent spouse, having her residence

in Texas, and her military processing documents showing Texas as her home of record. Based on this, the Board granted relief to correct the applicant's home of record as Texas.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

██████████ GRANT FULL RELIEF

: : : GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending her DD Form 214 to show her home of record as Texas.

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//