

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20240007696

APPLICANT REQUESTS: correction of his DD Form 214, Certificate of Release or Discharge from Active Duty, to show in:

- block 7a, Place of Entry into Active Duty – a Military Entrance Processing Station (MEPS) in Dallas, Texas
- block 7b, Home of Record at the Time of Entry – a city in Texas

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

- DD Form 149, Application for Correction of Military Record
- DD Form 4, Enlistment/Reenlistment Document-Armed Forces of the United States, 26 May 2010
- DD Form 214, 24 February 2013

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 his DD Form 214 lists the wrong HOR. It should be Texas so that he can claim education benefits under the Hazlewood Act.
3. The record contains a DD 1966, Record of Military Processing-Armed Forces of the United States, 26 May 2010, which lists his HOR as a city in Texas.
4. On 26 May 2010, the applicant enlisted in the U.S. Army Reserve for a period of one year. Item 3 (HOR) of his DD Form 4/1, Enlistment/Reenlistment Document – Armed Forces of the United States, lists a city in Texas.

5. The record shows the applicant extended his initial enlistment in 2011 (6 months) and 2012 (6 months). With his last extension his expiration term of service (ETS) was adjusted to 25 November 2012. Each DA Form 4836, Oath of Extension of Enlistment or Reenlistment, shows he was assigned to a unit in Maryland.

6. The applicant was ordered to active duty in support of Operation Enduring Freedom on 25 July 2012. Orders 12-184-00011, 2 July 2013, published by Headquarters, United States Army Civil Affairs and Psychological Operations Command (Airborne), Fort Bragg, North Carolina ordered the applicant to active duty and list the applicant's HOR as a city in Maryland.

7. On 15 January 2013, while deployed to Afghanistan, the applicant reenlisted for a period of three years in the U.S. Army Reserve. Item 3, of his reenlistment contract lists his HOR as a city in Maryland. This contract contains the entry "THE EFFECTIVE DATE OF MY REENLISTMENT IS ONE DAY FOLLOWING MY CURRENT ETS DATE OF 20131125, THEREFORE THE EFFECTIVE DATE IS 20131126."

8. On 24 February 2013, he was released from active duty. His DD Form 214 shows in:

- Block 7a – a city in Maryland
- Block 7b – a city in Maryland

9. By regulation a Soldier's initial enlistment contract or appointment document is the source for the HOR data, or any approved changed by the Enlisted Records and Evaluation Center. 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 one full day. 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.

10. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The ABCMR will decide cases on the evidence of record. It is not an investigative body. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the information reflected on the applicant’s initial enlistment contract and other documents within the record, the Board concluded there was sufficient evidence to grant a change to the applicant’s home or record to reflect Tarrant, Texas.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XXX	:XXX	:XXX	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 Army records of the individual concerned be corrected by amending the applicant’s DD Form 214 for the period ending 24 February 2013, by changing block 7b (Home of Record) to reflect the address annotated on the applicant’s DD Form 1966, dated 26 May 2010.

X //SIGNED//

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 635-5, Personnel Separations – Separation Documents, provides the policies and procedures for separation documents. It states a Soldier's initial enlistment contract or appointment document is the source for the HOR data, or any approved changed by the Enlisted Record Evaluation Center. 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 (Joint Federal Travel Regulations, Volume 1, Appendix A, Part I). 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.
3. The Joint Federal Travel Regulation, Volume 1 states is the place recorded as the Service member's home when commissioned, appointed, enlisted, inducted, or ordered to active duty. If there is a break in service of more than one full day, then the Service member may change the home of record. If there is a break in service of less than one full day, then the Service member may not change the home of record. A Service member may correct the home of record if, through a bona fide error, the place originally named at the time of entry into the Service was not the actual home. The correction must be justified, and the corrected home of record must be the Service member's actual home upon entering the Service, not a different place selected for the Service member's convenience.

//NOTHING FOLLOWS//