

**DEPARTMENT OF HOMELAND SECURITY  
BOARD FOR CORRECTION OF MILITARY RECORDS**

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Application for Correction of  
the Coast Guard Record of:

**BCMR Docket No. 2014-037**

[REDACTED]  
[REDACTED]  
[REDACTED] (Retired)

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**FINAL DECISION**

This proceeding was conducted under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. After receiving the applicant's completed application on January 7, 2014, the Chair docketed the application and assigned it to [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated August 22, 2014, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

**APPLICANT'S REQUEST AND ALLEGATIONS**

The applicant asked the Board to change his Home of Record<sup>1</sup> (HOR) from [REDACTED], to [REDACTED]. The applicant alleged that his HOR was erroneously recorded as [REDACTED] when he entered the Coast Guard in 2002. He stated that while he was born in [REDACTED] he has not lived in [REDACTED] for 34 years. He also stated that he entered the Coast Guard in 2002 after a break in service following his time with the U.S. Army. The applicant was discharged from the Army on September 14, 2000, and retired from the Coast Guard on July 1, 2014.

The applicant stated that the DD-214 he received from the Army lists a [REDACTED] current address on the form, and therefore his HOR should be changed to [REDACTED]. The applicant also stated that since he has not lived in [REDACTED] since 1979, it should not be listed as his HOR. During his break in service, the applicant was employed by the [REDACTED] Army National Guard, but he stated that his intention was always to move to [REDACTED] after marrying his wife in 1998, whom he married prior to his discharge from the Army. To support his claim that his HOR should be changed to [REDACTED] the applicant stated that he owns property in [REDACTED] has a [REDACTED] driver's license, has been accepted to a university in [REDACTED] and has always intended to move to [REDACTED] after his retirement from the Coast Guard.

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<sup>1</sup> Home of Record is the city, state, or complete address where the member originally entered active duty without a break in service. COMDTINST M1900.4D. Appendix A, Part 1 of the Joint Federal Travel Regulations (JFTR) states that a member's HOR is the place recorded as the home of the individual when commissioned, appointed, enlisted, inducted, or ordered into a tour of active duty.

## SUMMARY OF THE RECORD

The applicant entered the Army on April 25, 1992, and was discharged on September 14, 2000. His DD-214 from the Army shows his HOR as [REDACTED]. After a break in service, the applicant entered the Coast Guard as a Direct Commission Aviator. He signed a Statement of Understanding Direct Commission Aviator at Recruiting Office [REDACTED]. The applicant's Active Duty Agreement and Oath of Office with the Coast Guard is signed and dated July 6, 2002, confirming that a break in service occurred between his time with the Army and the Coast Guard. The applicant's record in Direct Access shows his HOR as [REDACTED] and his state tax data shows that he claimed [REDACTED] as his state of legal residency until he changed his state of legal residency from [REDACTED] to [REDACTED] in 2008.

## VIEWS OF THE COAST GUARD

On May 06, 2014, the Coast Guard submitted an advisory opinion recommending that the Board grant alternative relief in this case, in accordance with the findings and analysis provided in a memorandum submitted by the Commanding Officer, Coast Guard Personnel Service Center (PSC).

PSC stated that the applicant's claim that his HOR has been erroneously recorded as [REDACTED] is supported by the fact that he entered active duty after a break in service from his time with the Army, at a recruiting office in [REDACTED]. However, the applicant's claim that his HOR should be changed from [REDACTED] to [REDACTED] cannot be substantiated since the applicant entered into active duty in [REDACTED] and at the time, listed [REDACTED] as his state of legal residency. According to Appendix A, Part 1 of the Joint Federal Travel Regulations, while there is not an absolute prohibition on correcting an erroneous HOR, when there is a bona fide error, "any such correction must be fully justified and the home, as corrected, must be the member's actual home upon entering the Service, and not a different place selected for the member's convenience."

## APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On May 12, 2014, the Chair of the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. The BCMR did not receive a response.

## APPLICABLE LAW AND POLICY

### *Appendix A, Part 1 of the Joint Federal Travel Regulations (JFTR) – Home of Record (HOR)*

The HOR is determined in accordance with Appendix A, Part 1 of the JFTR. The JFTR provides the following instructions for determining a member's HOR.

**A. General.** The place recorded as the individual's home when commissioned, appointed, enlisted, inducted, or ordered into a tour of active duty.

**B. Break in Service.** The place recorded as the individual's home when reinstated, reappointed, or reenlisted remains the same as that recorded when commissioned, appointed, enlisted or inducted or ordered into the tour of active duty unless there is a break in service or more than one full day. Only if a break in service exceeds one full day may the member change the HOR.

C. **Bona Fide Error.** Travel and transportation allowances are based on the officially corrected recording in those instances when, through a bona fide error, the place originally named at time of current entry into the Service was not in fact the actual home. Any such correction must be fully justified and the home, as corrected, must be the member's actual home upon entering the Service, and not a different place selected for the member's convenience.

***Personnel and Pay Procedures Manual (PPPM), PPCINST M1000.2B. Allotments and Taxes – 8.B.3. Changing State of Legal Residence***

**8.B.3.1. Legal Residence.** State of Legal Residence information is required for determining the correct State of legal residence for purposes of withholding State income taxes from military pay.

Each member must designate a legal residence, and report any changes thereto. A member's legal residence does not change because of change of permanent station. The legal residence at the time of entry into the Service remains the same until changed by the member.

*Members should be counseled not to confuse the State of Legal Residence with their "home of record". The home of record is used for fixing travel and transportation allowances upon separation from the service. A home of record can only be corrected, it cannot be changed.* (emphasis added)

### FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submissions, and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552.
2. Under 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22, an application to the Board must be filed within three years after the applicant discovers the alleged error or injustice. The application was timely. The applicant filed his BCMR application on December 19, 2013, while he was still an active duty member of the Coast Guard. The applicant retired from the Coast Guard on July 1, 2014.
3. The applicant's DD-214 from the U.S. Army dated September 14, 2000, and his Active Duty Agreement with the Coast Guard dated July 06, 2002, show that there was a break in service of more than one full day between his time with the Army and the Coast Guard. The applicant also signed the Statement of Understanding Direct Commission Aviator at Recruiting Office [REDACTED], and his state tax data shows that he claimed [REDACTED] as his state of legal residency until 2008, when he changed it to [REDACTED] six years after entering the Coast Guard.
4. The applicant's possession of property in [REDACTED] his [REDACTED] Driver's License, his acceptance into a university in [REDACTED] and the fact that he has long intended to move to [REDACTED] upon his retirement from the Coast Guard are insufficient to support a correction to his HOR. As noted in Appendix A, Part 1 of the JFTR, any correction of an HOR "must be fully justified and the home, as corrected, must be the member's actual home upon entering the Service, and not a different place selected for the member's convenience." The applicant has not shown he was living in [REDACTED] [REDACTED] when he entered the Coast Guard, and so he has not proven by a preponderance of the evidence that his HOR should be changed to [REDACTED] [REDACTED]

5. The preponderance of the evidence shows that upon entering the Coast Guard, the applicant was living in [REDACTED] but his HOR was erroneously recorded as [REDACTED]. Instead, it should have been recorded as [REDACTED].

6. Accordingly, alternative relief should be granted by correcting the applicant's HOR from [REDACTED] to [REDACTED]. The applicant's request that his HOR be changed to [REDACTED] should be denied.

**(ORDER AND SIGNATURES ON NEXT PAGE)**

**ORDER**

The application of [REDACTED] [REDACTED] USCG (Retired), for correction of his military record is denied, but alternative relief is granted as follows: The Coast Guard shall change his home of record from [REDACTED] to [REDACTED]

August 22, 2014

