

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

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2015-042



FINAL DECISION

This proceeding was conducted according to the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application upon receipt of the applicant's completed application on February 24, 2015, and assigned it to staff member [REDACTED] to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated November 6, 2015, 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 her home of record¹ (HOR) from [REDACTED], [REDACTED],² to [REDACTED], [REDACTED]. She stated that after separating from the Air Force in 2001 she enrolled in college in [REDACTED] to complete her degree with the goal of enlisting in the Coast Guard as an officer. The applicant stated that when she enlisted in the Coast Guard Reserve on January 20, 2006, her recruiter incorrectly listed her HOR as [REDACTED] because that was where she was temporarily living during college. She stated that the recruiter should have listed [REDACTED] as her HOR because that was her permanent address and HOR. In support of her application, the applicant submitted a DD 214 for her Air Force service from 1998 to 2001 which shows that her HOR at the time of entry was [REDACTED], [REDACTED].

SUMMARY OF THE RECORD

The applicant was born and raised in [REDACTED]. She served in the Air Force for more than two years and was honorably discharged on July 31, 2001, at [REDACTED], [REDACTED], [REDACTED]. Her

¹ 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.

² The applicant's Coast Guard enlistment contract indicates that her HOR is [REDACTED].

HOR was recorded as [REDACTED] [REDACTED] on the DD 214 she received upon discharge from the Air Force.

School transcripts in the applicant's record show that she attended at least three schools in [REDACTED] following her discharge from the Air Force, including [REDACTED] College in Fall 2001; [REDACTED] College in Fall 2001 and Spring 2002; and [REDACTED] University from Fall 2002 through Fall 2004, when she received a Bachelor's degree. On July 3, 2004, the applicant got married in [REDACTED], but the marriage certificate shows that she and her husband each listed [REDACTED], as their residence. In April 2005, the applicant underwent flight officer testing at Naval Recruiting District [REDACTED]

On January 20, 2006, the applicant enlisted in the Coast Guard Reserve under the Officer Candidate Program for a term of three years at a recruiting office in [REDACTED], and her HOR is listed as [REDACTED], on her enlistment contract. On the Oath of Office she signed on July 19, 2006, her signature appears in the Signature block below the Legal Residence block, which states that her legal residence was [REDACTED]. The applicant's record also contains a Designation of Beneficiaries form dated January 20, 2006, which shows that her spouse was living in [REDACTED], and a January 20, 2006, memorandum from the applicant's Coast Guard recruiter concerning her orders to attend Officer Candidate School, which states, "You have indicated your residence and telephone number to be: [REDACTED] [REDACTED] [REDACTED]" In addition, the Coast Guard's database shows that shortly after enlisting, the applicant claimed [REDACTED] as her legal residence for tax-withholding purposes.

The applicant has served at units around the country during her Coast Guard career and her most recent unit and home address are in [REDACTED]

VIEWS OF THE COAST GUARD

On July 22, 2015, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board deny relief in accordance with a memorandum submitted by the Commander, Personnel Service Center (PSC).

PSC argued that [REDACTED], is the applicant's correct HOR because the Joint Federal Travel Regulations (JFTR) state that any correction of a 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. PSC argued that the applicant was living in [REDACTED] and not in [REDACTED] [REDACTED] when she enlisted in the Coast Guard and therefore has not justified a change to her HOR. PSC also noted that her tax data in the Coast Guard's Direct Access personnel database shows that she was living in [REDACTED] and claimed it as her legal state of residence for tax purposes at the time of her enlistment into the Coast Guard. Moreover, PSC argued, the applicant signed and confirmed that [REDACTED] [REDACTED] was her HOR on her Coast Guard enlistment form.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On July 24, 2015, the Chair the BCMR sent the applicant a copy of the Coast Guard's views and invited her to respond within 30 days. The BCMR did not receive a response.

APPLICABLE REGULATIONS

Chapter 1.D.2.a of COMDTINST M1900.4D, the manual for preparing DD 214s, states that the home of record (HOR) is the city, state, or complete address where the member originally entered active duty without a break in service.

PPCINST M5231.3, the Coast Guard's Servicing Personnel Office (SPO) Manual, states the following in Part III, Chapter 8: Home of Record. Note: The regulation governing the home of record is the JFTR, Appendix A. As defined by the JFTR, an individual's home of record is a place recorded as the home of the member when commissioned appointed, enlisted, inducted or ordered on active duty.

Appendix A of the JFTR defines "Home of Record" as follows in pertinent part:

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 of 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.

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 submission and applicable law:

1. The Board has jurisdiction concerning this matter pursuant to 10 U.S.C. § 1552. The application is timely.³

2. The applicant asked the Board to correct her record to show that her HOR is [REDACTED] [REDACTED]. When considering allegations of error and injustice, the Board begins its analysis by presuming that the disputed information in the applicant's military record is correct as it appears in his record, and the applicant bears the burden of proving by a preponderance of

³ *Detweiler v. Pena*, 38 F.3d 591, 598 (D.C. Cir. 1994) (holding that, under § 205 of the Soldiers' and Sailors' Civil Relief Act of 1940, the BCMR's three-year limitations period under 10 U.S.C. § 1552(b) is tolled during a member's active duty service).

the evidence that the disputed information is erroneous or unjust.⁴ Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties “correctly, lawfully, and in good faith.”⁵

3. The Board finds that the HOR listed in the applicant’s Coast Guard records is correct and should not be changed. COMDTINST M1900.4D, the Commandant’s instructions for completing the DD 214, states that a member’s home of record is the city, state, or complete address where the member originally entered active duty without a break in service, and the 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. The applicant’s record shows that she was living in [REDACTED] when she enlisted in the Air Force in 1998 but that after separating from the Air Force in 2001 she moved to [REDACTED] and attended college there from 2001 through 2004 and was still living in [REDACTED] when she enlisted in the Coast Guard on January 20, 2006. Accordingly, the HOR on her Coast Guard enlistment contract and in her Coast Guard records is correctly listed as [REDACTED].

4. The applicant’s nearly five-year break in service and residency in [REDACTED] when she enlisted in the Coast Guard prevent her from claiming [REDACTED] as her HOR. Under the JFTR, her HOR would have remained [REDACTED] only if she had had no break in service. However, the applicant was discharged from the Air Force in 2001 and had lived in [REDACTED] for several years when she originally enlisted in the Coast Guard on January 20, 2006. Pursuant to COMDTINST M1900.4D, the JFTR, and PPCINST M5231.3, her HOR was properly recorded as [REDACTED], because that is where she was living when she enlisted in the Coast Guard.

5. The applicant’s request for correction of her HOR should be denied.

(ORDER AND SIGNATURES ON NEXT PAGE)

⁴ 33 C.F.R. § 52.24(b).

⁵ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

ORDER

The application of [REDACTED], USCG, for correction of her military record is denied.

November 6, 2015

