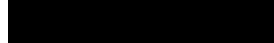


**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2024-071


MKC (former)

FINAL DECISION

This proceeding was conducted according to the provisions of 10 U.S.C. § 1552 and 14 U.S.C. § 2507. The Chair docketed the case after receiving the completed application and military records on June 25, 2024, and this decision of the Board was prepared pursuant to 33 C.F.R. § 52.61(c).

This final decision, January 16, 2025, 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, a former Chief Machinery Technician (MKC) who retired from the Coast Guard in 2021, asked the Board to correct his record by changing his home of record (HOR)¹ from Virginia to Texas. He argued that having his HOR listed as Virginia instead of Texas is preventing him from using benefits under the Hazlewood Act² as a 100% disabled veteran. The applicant stated that when he enlisted in the Coast Guard he was living in Texas but flew to Virginia to enlist because his brother was living in Virginia and serving on active duty in the Coast Guard and helped him enlist. He noted that he was in Virginia for less than 90 days when he enlisted and has maintained his Texas residency for more than 42 years.

In support of his application, the applicant submitted a copy of his Texas birth certificate, a copy of an Texas Department of Public safety record abstract which shows that he received his Texas drivers license on May 7, 1998, a high school diploma showing that he graduated from a

¹ Home of Record (HOR) 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 Hazlewood Act is a State of Texas benefit that provides qualified Veterans, spouses, and dependent children with an education benefit of up to 150 hours of tuition exemption, including most fee charges, at public institutions of higher education in Texas. This does not include living expenses, books, or supply fees. <https://tvc.texas.gov/education/hazlewood/> (last visited on December 23, 2024).

Texas high school on May 26, 2000, and a leave and earnings statement from the Coast Guard dated October 31, 2000, which shows that his state of legal residence for tax purposes is Texas.

SUMMARY OF THE RECORD

The applicant's record contains an enlistment contract which shows that he enlisted in the Coast Guard on October 10, 2000, for a term of four years. Block 3 of the enlistment contract shows that his HOR is Virginia and Block 4 shows that his place of enlistment is also Virginia. The enlistment contract was signed by the applicant and the Enlistment Officer in Virginia on October 10, 2000. His Record of Military Processing form shows that his address at the time of enlistment was Virginia, but that his HOR address was in Texas. The form also shows that he had a Texas drivers license at the time of enlistment, was born in Texas, and graduated from high school in Texas. The applicant retired from the Coast Guard on September 30, 2021, after serving twenty years, eleven months, and twenty-one days on active duty.

VIEWS OF THE COAST GUARD

On November 7, 2024, a judge advocate (JA) of the Coast Guard submitted an advisory opinion in which he adopted the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC) and recommended that the Board grant relief in this case.

PSC argued that relief should be granted because a clerical error likely occurred when the Coast Guard recorded the applicant's HOR at the time of enlistment. PSC stated that a member's HOR is their home at the time of enlistment and has nothing to do with their state of legal residence. PSC added that the ability to change a member's HOR is very limited and in most cases, members will not be allowed to change their HOR. However, PSC noted, if the HOR was originally recorded incorrectly then a change can be authorized.

PSC argued that the state tax documentation in the applicant's record supports his claim of Texas as his HOR, because it shows that he had selected Texas for state tax purposes. PSC argued that twenty years later, it is impossible to establish what caused the HOR on the applicant's enlistment contract to be different than his HOR on his Record of Military Processing form, even though both documents were completed on the same day. PSC argued that the possibility of a clerical error cannot be ruled out and recommended that the Board issue a DD-215 changing the applicant's HOR from Virginia to Texas.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On November 12, 2024, the BCMR sent the applicant a copy of the Coast Guard's views and invited him to respond within 30 days. He responded on December 3, 2024, and agreed with the JA's recommendation.

APPLICABLE REGULATIONS

The Glossary of the Joint Federal Travel Regulations (JFTR) defines HOR as follows:

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 HOR be changed by the member. 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 wasn't in fact the actual home. Any such correction must be fully justified and the home, as corrected, must be the actual home of the member upon entering the Service, and not a different place selected for the member's convenience.

The instructions for the preparation and distribution of the Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST M1900.4C, states the following in relevant part:

Block 7b. Home Record at Time of Entry. Enter city and state, or complete address if known where member originally entered active duty without a break in service. If the member has had a break in service of 1 full day or more, enter city and state as indicated in the member's new enlistment contract or active duty initial information form.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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 was timely.

2. The applicant asked the Board to correct his military record by changing his HOR from Virginia to Texas. The Board begins its analysis in every case 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 the evidence that the disputed information is erroneous or unjust. 33 C.F.R. § 52.24(b). 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." *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

3. Appendix A of the JFTR defines "Home of Record" as the place recorded as the individual's home when enlisted, inducted, or ordered into a tour of active duty. It also states that the HOR may only be changed if a bona fide error was made, in that the place named as the HOR at time of entry on active duty was not in fact the member's home. In this case, the record shows that the applicant completed high school in Texas, had a Texas driver's license, and was living in Texas when he visited his brother in Virginia to enlist, returning to Texas following his enlistment. Also on October 10, 2000, the applicant signed a DD Form 1066, Record of Military Processing, showing that his "Current Address" was in Virginia but that his "Home of Record Address" was in Texas. In addition, the JA stated that their personnel database says that the applicant's HOR for tax purposes is Texas.

4. The Board finds that the applicant has proven by a preponderance of the evidence that the HOR in his record is erroneous. The record shows that he was born in Texas, graduated from high school in Texas, had a Texas driver's license, and was living temporarily in Virginia at the time of enlistment but had lived in Texas most of his life. However, the enlistment documents that he signed when he enlisted in October 2000 show that he was living in Virginia yet had a Texas driver's license. Moreover, the Coast Guard's personnel database lists the applicant's HOR as Texas for tax purposes. Because numerous documents show that the applicant had been living temporarily in Virginia and considered Texas to be his home on October 10, 2000 when he entered active duty, the Board is persuaded that his home was in Texas even though he was in Virginia on the day he signed his enlistment contract.

5. The applicant has proven by a preponderance of the evidence in the record that his HOR is incorrect. Accordingly, the Board will order the Coast Guard to correct his record to show that his HOR is Texas.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

The application of former MKC [REDACTED], USCG Retired, for correction of his military record is granted as follows. The Coast Guard shall correct his record by issuing him a new DD Form 214 or 215 indicating that his Home of Record is Texas.

January 16, 2025

