

DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS

**Application for Correction of
The Coast Guard Record of:**

BCMR Docket No. 2025-013


FN (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 on October 22, 2024, and assigned the case to a staff attorney to prepare the decision in accordance with 33 C.F.R. § 52.61(c).

This final decision, dated June 5, 2025 is approved and signed by the three (3) duly appointed members who were designated to serve as the Board in this case.

APPLICANT’S REQUEST AND ALLEGATIONS

Applicant requests that his DD-214 be corrected to change his home of record from Oklahoma, where he was temporarily living at the time of enlistment, to Texas, his home state. A resident of Texas, he was attending college in Oklahoma when he enlisted in the Coast Guard under the Delayed Entry Program. Applicant explains that at the time of enlistment, he did not understand the difference between “home of record” and legal residence, and, as a result, incorrectly listed his college address as his home of record. He further explains that during enlistment, his parents each had temporary living arrangements that were not yet stable due to their recent divorce, creating an issue that he believed would cause mail to be missed during the enlistment process. Well into his service, he learned that temporarily living in Oklahoma as a student did not change his home state to Oklahoma. In support of his application, Applicant submitted his DD-214, driver’s license at the time of enlistment, and college transcript.

SUMMARY OF THE RECORD

On March 15, 2016, Applicant enlisted in the Coast Guard in Oklahoma City, Oklahoma. At that time, he was a second-year college student from Texas attending college in Oklahoma.

Applicant was born in Dallas, Texas, and graduated from high school in 2014. In the fall of 2014, he entered college in Miami, Oklahoma. His initial enlistment paperwork required him to list a home of record and legal residence. Applicant did not know the difference between these two terms at that time and entered the same address for both—the address for his college in Miami, Oklahoma. These enlistment documents include his enlistment contract (Form DD-4), dated March 15, 2016, a certificate of legal residence (DD-2058), dated May 23, 2016, and a Record of Military Processing (Form DD-1966), dated May 23, 2016. Applicant's first DD-214 also shows the same Miami, Oklahoma, address as his home of record and mailing address. In December 2019, Applicant filed a new certificate of legal residence, changing his legal residence from Oklahoma to Texas.

VIEWS OF THE COAST GUARD

On April 10, 2025, the Judge Advocate (JA) of the Coast Guard submitted an advisory opinion recommending that the Board grant relief in accordance with a memorandum submitted by the Commanding Officer of the Coast Guard Personnel Service Center (CG PSC).

Based on the showing made, CG PSC considered the Applicant to have proved his claim by a preponderance of the evidence, and recommended that a DD-215 issue, changing the Applicant's home of record from OK to TX, in the interest of justice.

Specifically, CG PSC reasoned that a servicemember's "home of record" is the "home of the service member" at the time he enlisted, which is distinct from the member's state of legal residence. The Applicant provided documentation that proved he was attending college in Oklahoma at the time he enlisted in the Coast Guard. At that time, he maintained a then-current driver's license issued by the State of Texas. Further, the addresses listed on his enlistment contract and certificate of legal residence matched his Record of Military Processing (Form DD-1966), completed on the day of his enlistment. Importantly, as noted by CG PSC, the data captured on a DD-1966 typically establishes the "basis of a member's record and initial enlistment contract." CG PSC reasoned that, based on the evidence provided, the Applicant had, indeed, listed his college's address as his home of record in error, and that he proved that "he unknowingly made an error when completing his enlistment paperwork." Accordingly, CG PSC recommended to grant relief and issue a DD-215, changing the Applicant's home of record to Texas.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 30, 2025, the Chair sent the Applicant a copy of the Coast Guard's views and invited him to respond within thirty days. On May 10, 2025, the Applicant responded, concurring with the Advisory Opinion and recommendation to correct his home of record to Texas.

APPLICABLE REGULATIONS

The Joint Travel Regulations (JTR),¹ App. A, defines “home of record” as:

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. 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.
- B. If an enlisted Service member receives a commission or warrant and the home of record is changed to the place where serving when commissioned or warranted, then the Service member may receive allowances to the enlistment home of record upon separation or release from active duty. The Service member must certify that the home of record was changed in error.
- C. If an enlisted Service member changes the home of record to the place where the Service member receives a commission or warrant, then the Service member may later certify that the home of record was changed in error, and may receive allowances to the enlistment home of record upon separation or release from active duty.

Appendix A, (emphasis added).

The Instructions for Certification of State of Legal Residence, DD Form 2058,² part of a servicemember’s initial enlistment paperwork, states, in pertinent part,

The terms “legal residence” and “domicile” are essentially interchangeable. In brief, they are used to denote the place where you have your permanent home and to which, whenever you are absent, you have the intention of returning.

* * *

You should not confuse the State which is your “home of record” with your State of legal residence/domicile. Your “home of record” is used for fixing travel and transportation allowances. A “home of record” must be changed if it was erroneously or fraudulently recorded initially.

¹ The JTR is published monthly by the Defense Travel Management Office of the Department of Defense, and “implements policy and law to establish travel and transportation allowances” for members of the Uniformed Services and certain civilian personnel and entities. The Uniformed Services comprise all branches of the military as well as NOAA and Public Health Service. See 37 U.S.C. § 101(3).

² This Certificate is authorized by the Tax Reform Act of 1976, Public Law 94-455, and, completed for purposes of determining a member’s correct residence for purposes of withholding State income taxes from military pay.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions based on 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. An application to the Board must be filed within three years after the applicant discovers the alleged error or injustice.³ The Applicant received his DD-214 on or about September 2020. Consequently, a preponderance of the evidence shows that the applicant knew or should have known of the alleged error in his record as of that date. Accordingly, his application is untimely.

3. The Board may excuse the untimeliness of an application if it is in the interest of justice to do so.⁴ In *Allen v. Card*, 799 F. Supp. 158 (D.D.C. 1992), the court stated that the Board should not deny an application for untimeliness without “analyz[ing] both the reasons for the delay and the potential merits of the claim based on a cursory review”⁵ to determine whether the interest of justice supports a waiver of the statute of limitations. The court noted that “the longer the delay has been and the weaker the reasons are for the delay, the more compelling the merits would need to be to justify a full review.”⁶ Although the applicant in this case did delay filing the application, the evidence of record reveals a significant, prejudicial error in his record, as explained below, and so the Board finds that it is in the interest of justice to excuse the untimeliness of the application.

- a. Concerning the delay in applying to the Board, Applicant explains that he did not understand the distinction between a service member's *legal residence* and *home of record* until years later, well into his service. He states that he attempted to have his DD-214 corrected while still active but was unsuccessful, as he was informed that personnel were not authorized to change enlisting documentation. He further states that because he is separated from service, he no longer has access to his Coast Guard emails and is unable to provide copies of communications with USCG personnel evidencing these efforts.⁷
- b. A review of the merits of this case reveals that the Applicant's claim has merit. Applicant explains that when he enlisted, his parents did not have stable or consistent housing as a result of their divorce. At that point, Applicant's mother was staying with a friend while his father was staying with his (father's) mother. Applicant explains that because he could not be certain that correspondence sent during the enlistment process would be received at his parent's various temporary locations, he listed the address for his college as his home of record, mailing address

³ 10 U.S.C. § 1552(b) and 33 C.F.R. § 52.22.

⁴ 10 U.S.C. § 1552(b).

⁵ *Allen v. Card*, 799 F. Supp. 158, 164 (D.D.C. 1992).

⁶ *Id.* at 164, 165; see also *Dickson v. Secretary of Defense*, 68 F.3d 1396 (D.C. Cir. 1995).

⁷ It is worth noting that Applicant believed his emails were part of his military record, and that he gave express authorization for them to be searched for the communications he had concerning his attempted correction. Email files, though, are not part of a servicemember's record.

and legal residence. This address, which was searched by the CG PSC, is confirmed as the location of Applicant's college campus.

- c. Applicant's narrative demonstrates that his concerns for receiving official communication about the enlistment process were central to his understanding of the phrase, "home of record," rather than his intended location upon separation. He entered through the delayed entry program. And although his parents lived in Texas, each had temporary lodging. Applicant was more concerned that his service career not become derailed.
- d. Once Applicant entered service, his attendance at college and all ties to Oklahoma ended. He was immediately sent to basic training, after which he was stationed to Galveston, TX. While stationed in Galveston, he changed his state of legal residence to Texas. And once he separated from service, he returned to Texas. Applicant's "acts and expressed intentions" demonstrate an actual intent to return to Texas and not Oklahoma. In fact, at no point in his Coast Guard career did Applicant have any further contact with Oklahoma; it had served only as his point of entry into the Coast Guard.
- e. Though understandable, Applicant's understanding that his college campus address was his "home" for purposes of designating his "home of record," was nonetheless erroneous. Indeed, "[t]he home or permanent residence of a person is a matter of fact to be deduced from the circumstances in the individual case[.]" *Hitch v. United States*, 113 Ct. Cl. 526, 535 (1949) (analyzing the concept of "home" as it relates to "home of record," for military purposes, and understood in light of Congressional versus administrative intent).
- f. Finally, it is worth noting that Applicant separated service with an Honorable discharge. His service record includes no less than six (6) positive Administrative Remarks (CG-3307s), each describing him as a valuable addition to his unit. He is described as having devotion to duty, unwavering loyalty, inspiring leadership within his unit: from having a major role in nine (9) search and rescue missions, one in which he identified the vessel's source of failure and where he and his crew were instrumental in saving the lives of 10 people, to "volunteering his time off to honor fellow service members and their families by participating in 13 funeral service details with less than 24-hour prior notice". His service record demonstrates repeated actions wherein his Officers in Charge commended him, including for "outstanding performance and proven ability to go above and beyond what is expected[.]" and being "representative of the long standing tradition of the United States Coast Guard and exemplify[ing] it's core value[s] of Honor, Respect and Devotion to Duty." While not directly relevant to the location of his home of record, the applicant's record establishes him as trustworthy and credible.

- g. The record, as reviewed in its entirety, establishes that Applicant unknowingly made an error at the time of enlistment, by listing his college campus address as his “home of record.”
- h. Accordingly, it is the Opinion of the Board that Applicant’s record be corrected, and DD-215 issued to reflect that his “home of record” is Texas.

[ORDER AND SIGNATURE ON NEXT PAGE]

ORDER

The application of former FN, [REDACTED], USCG, for correction of his military record is granted. The Coast Guard will issue the applicant a DD 214 or DD 215 that reflects his home of record as [REDACTED] Texas.

June 5, 2025

