

**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. 2021-018**

  
AETC

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**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 December 29, 2020, and assigned the case to the staff attorney to prepare the decision pursuant to 33 C.F.R. § 52.61(c).

This final decision dated March 1, 2023, 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, an active duty Chief Avionics Electrical Technician (AETC/E-7), asked the Board to correct his record by changing his home of record.

The applicant alleged that upon enlisting into the Coast Guard he told his recruiter to set his home of record to the place where he grew up (Location A). According to the applicant, Location A is where his family lives and is the address listed on his current driver's license, which he has had since he was 16 years old. The applicant further alleged that at the time of his enlistment he was attending school out of state (Location B), but that was only a temporary address, and he considered himself to be a resident of Location A, where he grew up until going to college. According to the applicant, Location A is listed on his Military Entrance Processing Station (MEPS) forms and is the address he has maintained on his driver's license and vehicle registration his entire Coast Guard career. The applicant alleged that he never noticed the error—that Location B is listed as his official home of record—until he recently reviewed his Electronic Personnel Data Record (EPDR). The applicant claimed that if this error is not corrected, it could affect his eligibility, or at a minimum significantly complicate the process, to obtain education benefits awarded to lifelong residents of his state who join the military.

### **SUMMARY OF THE RECORD**

The applicant enlisted in the Coast Guard at age 21 on January 10, 2005, where he trained as an Avionics Electrical Technician. His enlistment documents include the following:

- On a MEPS Enlistee Processing form, dated August 18, 2004, a house in Location B is shown as the applicant's address, while his driver's license is noted as being issued in Location A. This form also shows that the applicant had attended high school and college in Location A until March 2003 and that he was attending college in Location B from August 2004 to December 2004. The date he moved from Location A to Location B is not shown.
- An Enlistment Contract dated January 10, 2005, states prominently in blocks 3 and 4 that his "Home of Record" was an address in Location B and his "Place of Enlistment" was a MEPS office in Location B.
- On a Page 7 (CG-3307) dated January 10, 2005, the applicant certified that all of the information on his enlistment documents was "current and accurate."

On October 15, 2010, the applicant executed a reenlistment contract wherein Location B is prominently shown in block 3 as his home of record.

On September 4, 2014, the applicant executed another reenlistment contract wherein Location B is prominently shown in block 3 as his home of record.

On February 28, 2017, the applicant executed a "State of Legal Residence Certificate" for state tax-withholding purposes wherein he listed Location A as his "Legal Residence/Domicile."

On August 9, 2019, the applicant executed another reenlistment contract, but this time the block for the home of record was left blank.

### **VIEWS OF THE COAST GUARD**

On May 27, 2021, a Judge Advocate (JAG) for the Coast Guard submitted an advisory opinion in which he recommended that the Board deny relief in this case and adopted the findings and analysis provided in a memorandum prepared by the PSC.

The JAG argued that a preponderance of the evidence, suggests that the applicant's record accurately reflects his home of record.

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

On June 2, 2021, the Chair sent the applicant a copy of the Coast Guard's advisory opinion and invited him to respond within thirty days. As of the date of this decision, no response was received.

### APPLICABLE LAW AND POLICY

The Joint Travel Regulations, Appendix A, provides the following definition for Home of Record:

**HOME OF RECORD** 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. 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.

### 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.
2. The application was timely because it was filed within three years of the applicant's discovery of the alleged error or injustice in the record, as required by 10 U.S.C. § 1552(b).
3. The applicant alleged that the Coast Guard erred when it listed his home of record as Location B, instead of Location A. 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 the military record, and the applicant bears the burden of proving, by a preponderance of the evidence, that the disputed information is erroneous or unjust.<sup>1</sup> 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."<sup>2</sup>
4. The applicant alleged that he told his Coast Guard recruiter in 2005 to list his home of record as Location A, where he grew up, but instead the recruiter erroneously entered Location B, the temporary address he resided at while attending school. The Joint Travel Regulations define a service member's home of record as the member's home when enlisted. The Joint Travel Regulations further state that "a 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."

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<sup>1</sup> 33 C.F.R. § 52.24(b).

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

5. The record shows that on August 18, 2004, when he began MEPS, the applicant was at a MEPS station in Location B and reported a house in Location B as his home address, although his driver's license was from Location A. Then on January 10, 2005, the applicant signed and executed his first enlistment contract. The home of record shown on this contract is Location B, which the applicant alleged was only temporary. However, the address on the enlistment contract is clearly typed, prominent, and not obscured. The record also shows that the applicant subsequently executed two additional reenlistment contracts during his career that also prominently showed Location B as his home of record. Then in 2017, the applicant executed a "State of Legal Residence Certificate" so that the Coast Guard would begin withholding state taxes for Location A. The applicant alleged that he was not aware of the erroneous home of record until he reviewed his EPDR but the preponderance of the evidence shows that the applicant was aware of his documented home of record in January 2005, October 2010, and September 2014. The earliest evidence suggesting that he disputed his home of record is his August 9, 2019, reenlistment contract, which does not include any home of record. In addition, the records show that the applicant's active duty has been continuous since January 10, 2005, and that he has had no breaks in service of more than one full day. Therefore, the Board finds that the preponderance of the evidence shows that Location B was not erroneously or unjustly entered as the applicant's home of record when he entered active duty in January 2005 and that he has had no break in service warranting a change of his home of record in the interim.

6. The Joint Travel Regulations required that the applicant's official home of record be his home address at the time of his enlistment, which was Location B. A member's home of record can only be changed if there was a "bond fide" error at the time of enlistment, and it cannot be a place selected for the member's convenience. Although the applicant grew up and got his driver's license in Location A, he has not proven by a preponderance of the evidence that his recruiter erred by documenting the applicant's home of record as the address of the house in Location B where he resided during the months leading up to his enlistment. The fact that he had grown up and gotten his driver's license in Location A, which would be a more convenient home of record for the applicant, is insufficient to justify a correction. His request for relief should be denied.

7. For the reasons outlined above, the applicant has not met his burden, as required by 33 C.F.R. § 52.24(b), to overcome the presumption of regularity afforded the Coast Guard that its administrators acted correctly, lawfully, and in good faith.<sup>3</sup> He has not proven, by a preponderance of the evidence, that his home of record is erroneous or unjust. Accordingly, the applicant's request should be denied.

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<sup>3</sup> *Muse v. United States*, 21 Cl. Ct. 592, 600 (1990) (internal citations omitted).

**ORDER**

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

March 1, 2023

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