



Residency



What is the difference between "residence" and "legal residence"?

"Residence" simply refers to a place you own, rent, lease, etc. For example, you may own a house in New Jersey, lease a condominium in Texas, and rent an apartment in California. Each one of these places is a "residence," and you may have more than one. "Legal residence" (also known as "domicile") refers to the state which you call "home." This is the state where you file income tax (if that state has an income tax) and is the state where you intend to return after you get out of the military. You may only have one domicile.

How does that differ from your home of record?

Your home of record is the city and state of the Military Entrance Processing Station (MEPS) where you signed your military accession papers. Normally, your home of record never changes.

Is it true that military members do not have to change their domicile every time they move?

Yes. The Servicemembers' Civil Relief Act allows you to maintain your domicile while you are in the military. Therefore, if you were a Louisiana resident when you entered the military, you are considered a Louisiana resident until you get out of the military or you intentionally change your domicile.

Can active duty members change their domicile to any state they wish?

No. Changing your domicile requires that you be physically present in that state and have an intent to return to that state. You cannot be "just passing through," en route to your next permanent assignment, or visiting there for the summer.

Is there any advantage to active duty members changing their domicile?

There may be certain advantages. For example, military income is exempt from state tax in certain states. Some states (like Oregon) have no state income tax at all. Also, some states consider your drivers' license to be "good" as long as you are on active duty, even if your license has expired.

How do active duty members go about changing their domicile?

First, you must meet the following four criteria: (1) You must be living in the state which you intend to claim as your new domicile; (2) You must intend to make a permanent home in that state; (3) You must intend to abandon your previous domicile; and (4) You must be physically present in the new state at the time you intend to change your domicile. The following is a non-exhaustive list of things you can do that will indicate an intent to make a permanent home in that state:

1. Getting a drivers' license from the new state;
2. Registering your car(s) in the new state;
3. Purchasing a residence in the new state;
4. Notifying the state of your previous domicile of the change in your state of domicile;
5. Registering to vote in the new state;
6. Executing a new last will and testament indicating your new domicile;
7. Paying state and local income taxes, if applicable;
8. Filling out a DD Form 2058 and submit it to your local Finance Office.

What is a DD Form 2058 and what is it used for?

The DD Form 2058, State of Legal Residence Certificate, can be found in the Finance Office and is used by the Defense Finance and Accounting Service (DFAS) to indicate that you have changed your domicile for military pay purposes.

How long does it take before military pay reflects a change in domicile?

That depends on when you turn in your DD Form 2058 to the Finance Office. As a rule of thumb, if you turn in your DD Form 2058 before the first of the month, it will be reflected in your pay the 15th of that month. If you turn in your DD Form 2058 before the 15th, it will be reflected in your pay the first of the following month. If you turn in a DD Form 2058 and the change is not reflected after a month, contact your local Finance Office.