

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2012-01281
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His undesirable discharge be upgraded to honorable.

APPLICANT CONTENDS THAT:

He served his country for approximately two years. He took an early release to go home to help his father on the farm since he was the last son at home.

In support of the applicant's appeal, he provides a copy of a DD Form 258AF, *Discharge Certificate* and other documentation.

The applicant's complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The applicant's military personnel records could not be located by the National Personnel Record Center (NPRC) in St. Louis, Missouri. NPRC requested the applicant furnish copies of any military papers/documents in his possession so that they could reconstruct his military service. Therefore, the facts and circumstances of his time in the service are not available. The following information was obtained from a copy of a DD Form 258AF provided by the applicant which reflects that he received an undesirable discharge on 21 December 1956.

Pursuant to the Board's request, the Federal Bureau of Investigation (FBI), Clarksburg, West Virginia, was unable to identify an arrest record based on the information furnished.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice. Based upon the presumption of regularity in the conduct of governmental affairs and without evidence to the contrary, we must assume the former service member's discharge was proper and in compliance with appropriate directives. In the interest of justice, we considered whether the applicant's discharge should be upgraded as a matter of clemency. However, we do not find the evidence and documentation provided is sufficient to upgrade it on that basis. Therefore, in the absence of evidence to the contrary, we find no basis to recommend granting the relief sought in this application.

THE BOARD DETERMINES THAT:

The applicant be notified the evidence presented did not demonstrate the existence of an error or injustice; the application was denied without a personal appearance; and the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered AFBCMR Docket Number BC-2012-01281 in Executive Session on 16 October 2012, under the provisions of AFI 36-2603:

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 20 March 2012, w/atchs.