

STAFFING

- 1. REASON FOR ISSUE:** To establish Department of Veterans Affairs (VA) procedures for official decision and appeal requests for employees and applicants who fail to register with the Selective Service System.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory procedures on staffing. The pages in this handbook replace the corresponding page numbers in VA Handbook 5005. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the [Office of Human Resources Management web site](#). Significant changes include:
 - a. Identifies qualifying exemptions.
 - b. Specifies facility actions required when an applicant or employee has failed to register.
 - c. Establishes procedures for requesting adjudication.
 - d. Establishes appeal procedures for unfavorable decisions.
- 3. RESPONSIBLE OFFICE:** The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED HANDBOOK:** VA Handbook 5005, Staffing.
- 5. RESCISSIONS:** None.

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**BY DIRECTION OF THE SECRETARY
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STAFFING

PART II. APPOINTMENTS

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*Use in conjunction with the OPM Standard.

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d. Every transaction as indicated above will require that the appointment authority screen the HHS OIG List of Excluded Individuals/Entities before obligating the Agency in any binding agreement. This HHS exclusionary list can be accessed electronically at the <http://oig.hhs.gov/fraud/exclusions.html>. Information can be retrieved by searching the database on an individual's or an entity's name.

e. Where a reviewer can determine with certainty that a match exists, then no query to HHS is required. However, in the event that the individual or entity in question appears to be listed on the exclusionary list, but there is inadequate information to certify a match, the apparent match must be verified with HHS OIG prior to proceeding with the appointment/accession.

f. The validation inquiry may be forwarded to HHS OIG by e-mail to SANCTION@OS.DHHS.GOV. This query requires the individual/entity name, specialty, DOB, SSN, tax ID number (if different from SSN), and address. The reply from the HHS OIG will become a part of the appropriate recruitment/merit promotion file and will be maintained as long as the file itself is maintained.

g. In the event that the individual or entity withdraws their application, a report of contact documenting the apparent match and any subsequent conversation will be entered into the file for that transaction and maintained as a part of the file as long as the file itself is maintained.

h. It is prohibited to hire or contract with individuals or entities during the validation process. If a match is confirmed, the applicant may not be paid from Federal healthcare program funds.

i. Regulatory information is contained in 42 CFR, parts 1000, 1001, 1002, 1003, and 1005.

3. SUITABILITY

a. Suitability determinations will be made in accordance with the provisions of 5 CFR, part 731, and applicable instructions in chapters 2 and 3, this part.

b. If there is any question about an applicant's suitability, no appointment action will be taken, nor will an employment commitment be made, until the matter has been resolved.

c. Questions concerning the use of adverse information in making suitability determinations should be directed to the Regional Counsel or to the Office of Human Resources Management [] (05), as appropriate. Questions concerning the legality of adverse determinations and personal liability involvement will also be referred to the Regional Counsel.

[4. STATUTORY BAR TO APPOINTMENT OF PERSONS WHO FAIL TO REGISTER WITH SELECTIVE SERVICE SYSTEM (SSS). VA facilities must comply with Selective Service requirements and procedures in 5 CFR 300, subpart G with respect to title 5 applicants and employees. VA facilities must also comply with VA Handbook 5005, Part II, Appendix R, which provides policies and procedures appropriate to title 5 and title 38 (full/hybrid) applicants and employees.]

(3) Employees who do not maintain their current license, registration, or bar membership, must be removed from their positions and assigned to other positions for which they qualify or be separated under appropriate procedures.

k. **Applicant Drug Testing.** See VA Directive 5383 and VA Handbooks 5383, 5383.1 and 5383.2.

l. **HHS Exclusionary List.** See chapter 1 of this part.

m. **National Practitioner Data Bank Screening.** See VHA Handbook 1100.19, Credentialing and Privileging.

n. **Employment of Retired Military Officers.** Effective October 1, 1999, Public Law 106-65 repealed 5 U.S.C. 5532, titled "Employment of Retired Members of the Uniformed Services; Reduction in Retired or Retainer Pay."

o. **Dual Pay.** Section 5533 of title 5, U.S.C., authorizes the appointment of persons to more than one civilian office under certain conditions. Appointment officers wishing to use this authority will be guided by the regulations and requirements in 5 CFR 550.501, and VA Handbook, 5007, Pay Administration, part II.

p. **Restrictions on the Employment and Placement of Relatives.** See part VII, Employment of Relatives, in VA Directive 5025, Legal.

[]

6. CONTROL OF VA EMPLOYEE-VETERAN RECORDS. HRM offices for facilities listed in M21-1, part II, chapter 4, para. 4.07, must complete and forward VA Form 20-0344, Annual Certification of Veteran Status and Veteran-Relatives, formerly VA Form 4535, Notice of Employment, Transfer, or Separation of Veteran, as provided in the M21-1 manual, whenever they appoint or take an action which results in a change of appointing authority of an employee who is a veteran. The M21-1 citation is available on the VA Intranet at <http://vaww.va.gov>.

7. PART-TIME AND INTERMITTENT EMPLOYMENT. Employment on a part-time and/or intermittent basis may be appropriate when: the position to be filled requires less than full-time service; it is the only way the services of a well-qualified employee can be obtained; or circumstances are such that the part-time or intermittent appointment would be in the best interest of management and/or the employee. Provisions of the Federal Employees Part-Time Career Employment Act of 1978 (PL 95-437) are contained in 5 CFR, part 340 and part I, chapter 3, section B, this handbook.

8. FILLING A POSITION OCCUPIED BY AN EMPLOYEE ON LEAVE. If a replacement is required while the incumbent employee is on extended leave, an interim position may be established. Generally, interim positions will be terminated within 1 year or less, and may be extended only under extenuating circumstances. If an interim position is filled from outside VA, the appointment will be limited to the period of time the interim position will be required unless it can be expected that another

[APPENDIX R1. SELECTIVE SERVICE DECISION AND APPEAL PROCEDURES

1. GENERAL. This appendix covers Selective Service decision and appeal procedures for VA applicants and employees who are ineligible for appointment or continued employment due to their failure to register with the Selective Service System (SSS).

2. DEFINITIONS

a. **Appointment.** Any personnel action that brings onto the rolls of an executive agency as a civil service officer or employee as defined in 5 U.S.C. 2104 or 2105, respectively, a person who is not currently employed in that agency. It includes initial employment as well as transfer between agencies and subsequent employment after a break in service. Personnel actions that move an employee within an agency without a break in service are not covered. A break in service is a period of 4 or more calendar days during which an individual is no longer on the rolls of an executive agency.

b. **Covered Individual.** A male:

(1) Whose application for appointment is under consideration by an executive agency or who is an employee of an executive agency;

(2) Who was born after December 31, 1959, and is at least 18 years of age or becomes 18 following appointment;

(3) Who is either a United States citizen or an alien (including parolees and refugees and those who are lawfully admitted to the United States for permanent residence and for asylum) residing in the United States; and

(4) Is or was required to register under section 3 of the Military Selective Service Act (50 U.S.C. App. 453).

c. **Executive Agency.** An agency of the Government of the United States as defined in 5 U.S.C. 105.

d. **Exempt.** Those individuals determined by the SSS to be excluded from the requirement to register under sections 3 and 6(a) of the Military Selective Service Act (50 U.S.C. App. 453 and 456(a)) or Presidential proclamation. Nonimmigrant aliens admitted under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101), such as those admitted on visitor or student visas, and lawfully remaining in the United States, are exempt from registration.

e. **Preponderance of the Evidence.** That degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true.

f. **Registrant.** An individual registered under Selective Service law.

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g. **Selective Service Law.** The Military Selective Service Act, rules and regulations issued thereunder, and proclamations of the President under that Act.

h. **Selective Service System.** The agency responsible for administering the registration system and for determining who is required to register and who is exempt.

3. STATUTORY REQUIREMENT. The Military Selective Service Act requires that all male U.S. citizens and other males residing in the U.S. born after December 31, 1959, register with the SSS between the ages of 18 and 26, unless they are exempt from registration. Individuals who failed to register within the prescribed period are not eligible to obtain or continue VA employment, except under the following conditions:

a. The applicant/employee provides documentation from SSS, such as a Status Information letter (SIL) which shows that he is exempt from the SSS registration requirement.

b. The applicant/employee requests an official decision and the adjudicating authority finds that his failure to register was not willful and intentional.

4. REGISTRATION STATUS. HR offices must check the SSS website to determine the registration status of covered individuals prior to selection or when notified of an omission. Covered individuals who failed to register must complete and submit a *Request for Status Information Letter (SIL)* as instructed on the SSS website. A copy of the SIL or other SSS-issued documentation such as the SSS acknowledgement card validates registration status and must accompany decision requests. Appendix II-R8 identifies conditions that require registration and the criteria for exemptions.

a. **Qualifying Exemptions.** Individuals in any of the following categories are exempt from registration:

(1) Males born on or **before** December 31, 1959;

(2) Non-citizens who first entered the U.S. after the age of 26;

(3) Citizens of the Republic of Palau, Marshall Islands, or the Federated States of Micronesia;

(4) Non-immigrant aliens on visas such as student, visitor, tourist, or diplomatic visas;

(5) Special agricultural workers;

(6) Individuals who were incarcerated, hospitalized or institutionalized during required registration period due to medical reasons or physical/mental incapacitation;

(7) National Guardsmen, Reservists, Cadets and Midshipmen at Service or Coast Guard Academies;

(8) Students enrolled in any officer procurement program at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University or Virginia Polytechnic and State University; and

(9) Certain former active duty military service members who served during the entire period from age 18 through 26. Individuals who separated from active duty military service prior to age 26 were still required to register before their 26th birthday. Active duty for training does not constitute active duty for registration purposes.

b. **Documentation of Status.** Covered individuals who present SSS-issued documentation which shows that they are registered or exempt are eligible for appointment/employment. Human Resources (HR) offices must maintain a copy of this documentation in the applicant case file or in the permanent section of the employee's electronic official personnel folder (e-OPF). HR offices may appoint/retain a covered individual who provides other official proof of exempt status pending receipt of actual SSS issued documentation. Examples of acceptable non-SSS issued official documents include, but are not limited to a DD 214, or hospital/institutional records which reflect military service or confinement periods that occurred during the entire span of the required registration period, or other official documentation that prove exempt status.

5. CONFLICTING STATUS INFORMATION. HR offices may cease to consider applicants or terminate the employment of individuals who fail to clarify conflicting status information.

a. HR offices may request an amended SIL or other updated documentation as evidence. HR offices may ask for other supporting documents such as passports, official arrival-departure records, education transcripts, or driver's license information, when necessary to verify/resolve questionable issues.

b. HR offices will cease to consider an individual for appointment if he fails to provide valid proof of his registration status or supporting verification documents.

c. HR offices must request that applicants/employees disclose prior decisions on selective service cases in the event an individual already received an unfavorable decision.

6. NOTICE. The HR office must provide written notice to inform an individual that he is not eligible to obtain or continue employment with VA due to non-compliance with SSS registration requirements. The notice must contain contact information for the servicing HR office to which the individual may submit a request for an official decision. Appendices II-R2 and II-R3 contain sample notices.

a. **Notice to Applicants**

(1) The Human Resources Officer (HRO) or designee must take the following actions when applicants under age 26 fail to meet the registration requirement:

(a) Notify the applicant that he must register with SSS prior to his 26th birthday and provide proof of registration status within 30 business days after the date of notice to become eligible for VA employment;

NOTE: *An applicant may register and request proof of registration on the [SSS website](#).*

(b) Inform the applicant that VA is not required to keep vacancies open pending adjudication or receipt of registration status; and

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(c) Provide instructions on how to request a decision in the event the individual is unable to register prior to his 26th birthday. The applicant may provide the SIL upon receipt at a later date, but must still submit the request for decision to the HR office within 30 business days after the date of notice or the HR office may remove him from employment consideration.

(2) The HRO or designee must take the following actions when an applicant is age 26 and over, but failed to register before age 26:

(a) Notify the applicant that due to his failure to register with SSS prior to age 26, he is ineligible for appointment, unless the adjudicating official determines that his failure to register was not knowing and willful;

(b) Provide instructions for the process to request a decision and advise the applicant that he must submit the request within 30 business days after the date of notice; and

(c) Advise the applicant that processing times to obtain a status letter may vary; however, the facility is not required to keep vacancies open pending adjudication or receipt of registration status. The applicant may provide the SIL upon receipt at a later date, but must still submit the request for decision to the HR office within 30 business days after the date of notice.

b. Notice to Employees

(1) The HRO or designee must take the following actions when an employee is under age 26, required to register, but has not done so:

(a) Provide written notice stating that the employee must register with the SSS immediately and show proof of such registration not later than 30 business days from the date of notice in order to remain employed;

(b) Refer the employee to the [SSS website](#) to register and/or request proof of registration. Timeframes to obtain status documentation from SSS may vary; therefore, it is extremely important that employees contact the SSS immediately; and

(c) Notify the employee that the servicing HR office will terminate his employment if he does not provide proof of SSS registration or submit a request for decision within 30 business days after the date of notice.

(2) The HRO or a designee must take the following actions when an employee is age 26 and over, required to register, but has not done so:

(a) Provide written notice to the employee stating that he is ineligible to retain his current position due to his failure to register with SSS prior to age 26; and

(b) Provide instructions to request an official decision and notify the employee that the HR office will terminate his employment 45 business days from the notice date, unless he requests a decision within 30 business days of the notice date.

7. REQUEST FOR OFFICIAL DECISION. The HRO or designee must forward all initial decision requests to the Director, Recruitment and Placement Policy Service (RPPS) (059), Office of Human Resources Management (OHRM), VA Central Office, Washington, DC 20420.

NOTE: *The Office of Inspector General (OIG), Office of Administration makes decisions involving OIG applicants and employees.*

a. HR offices may refer to Appendices R2-R8, this part, to assist with preparation of official decision requests. HR offices may submit requests for official decisions to RPPS (059) without the SIL (provided they include a copy of the individual's application for the SIL in lieu of the actual SIL) while SSS processes the individual's application. However, RPPS (059) will not complete adjudication of title 38 (full/hybrid) decision requests or forward title 5 decision requests to the Office of Personnel Management (OPM) until the HR office has submitted the SIL. A completed decision request packet consists of the following documents:

- (1) Copy of Applicant/Employee notice from the servicing HR office;
- (2) Written request for decision from the applicant or employee, including an explanation for failure to comply with SSS registration requirements;
- (3) SIL issued by SSS or copy of application for SIL if the SIL application is pending SSS processing; (see paragraph 7a above)
- (4) Complete employment application;
- (5) Appointment SF 50 – Notification of Personnel Action (employees only);
- (6) DD Form 214 – Certificate of Release or Discharge from Active Duty (Veterans only);
- (7) OF 306 – Declaration for Federal Employment;
- (8) Checklist for Selective Service Decisions (see Appendix II-R2); and
- (9) Any other pertinent documentation to support the applicant/employee's case.

b. Employees who request an official decision will remain on VA rolls while their cases are processed. The HR office will terminate any employee from VA rolls 45 business days after the date on the notice letter if he fails to either provide proof of registration status or submit a request for an official decision within 30 business days of the notice date.

c. HR offices are not required to keep vacancies open pending decisions on Selective Service cases. Applicants will be considered until the HR office fills the position for which he applied or the

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adjudicating official makes a decision; whichever comes first. If an applicant fails to request an official decision within 30 business days of notice, the HR office will cease considering him for employment.

8. ADJUDICATION PROCESS. Selective Service law prohibits denying a Federal benefit that an individual may otherwise receive if he can demonstrate that his failure to register was not knowing and willful. The adjudicating official will make decisions based on a preponderance of evidence presented in each case. OPM will adjudicate cases involving proposed/existing title 5 appointments. The Associate Deputy Assistant Secretary for Human Resources Policy and Planning or designee is the adjudicating official for cases involving proposed/existing title 38 (full/hybrid) appointments, with Office of General Counsel's concurrence.

a. If the adjudicator determines that the individual's failure to register was not willful and intentional, the employee retains his position and the applicant remains under consideration for employment.

b. If the adjudicator renders an unfavorable decision, the applicant/employee is no longer eligible for appointment or continued employment.

c. RPPS (059) forwards all initial decisions to the servicing HRO. HR offices must maintain this documentation in the applicant case file or the employee's e-OPF.

d. HR Offices may refer to the samples in this appendix to provide the applicant or employee instructions for preparing appeal requests, when necessary.

9. TERMINATION. HR offices must terminate employees serving under an appointment made on or after November 1985, within 30 days of an unfavorable decision, unless the individual elects to appeal the initial decision. **NOTE:** *Employees who do not request an initial decision are to be terminated 45 business days from the date of notice under paragraph 6. HR offices must adhere to the provisions in VA Handbook 5021 when terminating employees for non-compliance with SSS registration requirements.*

10. APPEAL PROCEDURES. The adjudicating office must receive appeal requests within 30 business days of the initial decision. To allow adequate time for processing, applicants/employees must submit appeal requests to their servicing HR office or the office to which they applied for employment not later than 10 business days after the date of the initial decision. Appendix R5, this part, is a sample which HR offices may use to notify applicants/employees of their appeal rights, as well as appeal procedures. The servicing HR office will forward appeal requests directly to the appropriate adjudicating office within 5 business days of receiving the appeal request documents from the applicant/employee.

a. **Content of Appeal Request.** An appeal request must include written notification of the individual's intent to appeal, the unfavorable decision letter, the original supporting documentation, a statement indicating the reason for the appeal, and any new or additional documentation to support the individual's case.

(1) The servicing HR office will not terminate employees during the appeal process.

(2) Applicants are not considered for employment during the appeal process.

b. Appeal Procedures. The Director of OPM is the approving official for appeals involving proposed and existing title 5 appointments. The Deputy Assistant Secretary for OHRM or designee is the approving official for appeals involving proposed/existing title 38 (full/hybrid) appointments with VA Office of General Counsel's concurrence. Decisions on appeals are final and binding.

(1) If the approving official renders a favorable decision, the HR office will resume considering the applicant for future VA employment opportunities, or keep the employee on VA rolls. Individuals who receive favorable decisions must maintain a copy of the official decision as proof of eligibility for employment/appointment.

(2) If the adjudicating official denies the appeal request (i.e., renders an unfavorable decision), the HR office will no longer consider the applicant for employment and must terminate an employee within 10 business days of the appeal decision.

c. Distinction Between the Title 5 and Title 38 (Full/Hybrid) SSS Adjudication and Appeal Process. Procedures for processing title 5 and title 38 (full/hybrid) cases are generally the same with a few exceptions. Appendices R2 to R8 are samples and reference documents which HR offices may use to prepare requests under both title 5 and title 38 (full/hybrid) procedures.

(1) OPM makes official decisions and adjudicates appeals on proposed and existing title 5 appointments. VA makes official decisions and adjudicates appeals on proposed and existing title 38 (full/hybrid) appointments.

(2) With the exception of title 5 appeal requests, HR offices must send all initial all decision and appeal requests through the Director, Recruitment and Placement Policy Service (RPPS) (059), Office of Human Resources Management (OHRM), VA Central Office, Washington, DC 20420. To ensure that appeals are processed timely, HR offices must forward all appeal requests within 5 business days of receipt from the employee.

(3) HR offices must forward title 5 appeal requests directly to the Office of General Counsel, U.S. Office of Personnel Management, 1900 E Street NW, Washington, DC 20415. HR offices must provide RPPS (059) a courtesy copy of the appeal request at the time of submission, and a copy of the final OPM decision upon receiving it from OPM.

(4) OHRM will provide written notice of appeal decisions on title 38 (full/hybrid) cases to the appellant and the servicing HR office after each case has been processed.]

[APPENDIX R2. CHECKLIST FOR SELECTIVE SERVICE DECISION REQUEST**Applicant/Employee Name:** _____**Facility Name:** _____**Date:** _____**Package must contain the following documentation:**

- Selective Service Status Information Letter (SIL)**
To obtain this letter, contact the Selective Service System (SSS) or visit the [SSS website](#) to complete the application for the SIL. Processing times may vary.
- Written notice from facility Human Resources Officer (HRO) to applicant or employee**
Notifies individual of ineligibility for appointment/continued employment unless an authorized adjudicating official determines that his failure to register was not knowing and willful.
- Written request from employee or applicant to adjudicating official**
This letter/memo provides a personal explanation of why the individual failed to register and indicates his desire to request an official decision. The burden of proof rests with the applicant. Therefore, the HR Specialist must not create or sign this document.
- Written request from facility Director, HRO or designee to adjudicating official**
The designated official will request adjudication of the applicant or employee's case. OPM adjudicates title 5 and VA adjudicates title 38 (full/hybrid) cases. However, the servicing HR office must submit all decision requests to Director, Recruitment and Placement Policy Service (059), Office of Human Resources Management, VA Central Office, Washington, DC 20420.
- Complete copy of the employment application**
- Copy of the appointment SF 50 – Notification of Personnel Actions** (employees only)
- DD Form 214 – Certificate of Release or Discharge from Active Duty**
(former military)
- OF 306 - Declaration for Federal Employment**
- Supporting Documentation.** (Examples: passports, official arrival/departure documents, education transcripts, driver license information, copies of student visas, etc). Review supporting documents to verify the individual's date of birth. If he was born before December 31, 1959, a selective service waiver is not required.]

[APPENDIX R3. SAMPLE APPLICANT NOTICE AND
REQUEST FOR OFFICIAL DECISION

Date:

From: Human Resources Officer (HRO) or Designee (05)

To: (name of applicant)
(address, city, state, zip code)

Subj: Notice of Ineligibility for Appointment due to Failure to Register with the Selective Service System (SSS)

1. You recently applied for the position of (title of position) with the (name of facility). However, you are not eligible for this appointment because you were born after December 31, 1959, and failed to register with the SSS by age 26. To obtain eligibility for an appointment with the Department of Veterans Affairs (VA), you must either show proof that you are registered with SSS or the appropriate adjudicating official must determine that your failure to register was not willful and intentional.
2. Should you wish to request an official decision as to whether or not your non-registration was willful and intentional, please sign this memo and return it to this office along with your Status Information Letter (SIL) and a letter explaining your failure to comply with registration requirements not later than 30 business days after the date of this notice. VA is not required to keep vacancies open pending an official decision on your case. However, if you elect to request an official decision, we will continue considering you for appointment until the position for which you applied is filled or the adjudicator makes a decision on your case, whichever comes first.
3. Before you submit this request, you must immediately contact SSS and complete the application to obtain an SIL via the [SSS website](#). Since SSS processing times vary, you may include a copy of your application for the SIL with your official decision request in lieu of the actual SIL while SSS processes your SIL application. We will not process your case if you: (1) fail to submit your request packet within 30 business days after the date of this notice date; and, (2) fail to submit the SIL immediately after the SSS has issued it.
4. If you do not request an official decision within 30 business days after the date of this notice or the adjudicating official determines that your failure to register was willful and intentional, we will no longer consider you for employment as a result of your non-compliance with the Selective Service registration requirement.
5. You may contact (HR specialist name and phone number) if you have any questions regarding this notice.

Please print your name on the line which indicates your choice and sign and date below.

I _____ request an official decision regarding my failure to register with SSS.

I _____ do not request a decision regarding my failure to register with SSS, and as a result, I understand that I will not be considered for an appointment with VA.

Applicant Name and Signature: _____ **Date** _____

HRO Name and Signature: _____ **Date** _____]

[APPENDIX R4. SAMPLE EMPLOYEE NOTICE AND REQUEST FOR OFFICIAL DECISION

Date:

From: Human Resources Officer (HRO) or Designee (05)

To: (name of employee)
(address, city, state, zip code)

Subj: Notice of Ineligibility for Appointment due to Failure to Register with the Selective Service System (SSS)

1. You are currently employed as a (title of position) with the (name of facility). However, we have learned that you are not eligible for this appointment because you were born after December 31, 1959, and failed to register with the SSS by age 26. To remain employed, you must show proof that you are actually registered with SSS or the appropriate adjudicating official must determine that your failure to register was not willful and intentional.

2. Should you wish to request an official decision as to whether or not your non-registration was willful and intentional, please sign this memo and return it to this office along with your Status Information Letter (SIL) and a letter explaining your failure to comply with registration requirements not later than 30 business days after the date of this notice. You will remain employed during the adjudication/decision process. However, if you do not request an official decision within 30 business days after the date of this notice, we will terminate your employment 45 business days from the date of this notice.

3. Before you submit this request, you must immediately contact SSS and complete the application to obtain an SIL via the [SSS website](#). Since SSS processing times vary, you may include a copy of your application for the SIL with your official decision request in lieu of the actual SIL while SSS processes your SIL application. We will not process your case if you: (1) fail to submit your request packet within 30 business days after the date of this notice; and, (2) fail to submit the SIL to complete your packet immediately after the SSS has issued it.

4. If the adjudicating official determines that your failure to register was not willful and intentional, we will retain you on Department of Veterans Affairs (VA) employment rolls. If the adjudicating official determines that your failure to register was willful and intentional, HR will terminate your employment within 30 business days after the decision date, unless you appeal the initial decision within 10 business days following the initial decision. If you receive a favorable appeal decision, we will retain you on VA employment rolls. If you receive an unfavorable appeal decision, we will terminate your employment within 10 business days following the decision.

5. You may contact (HR specialist name and phone number) if you have any questions about this notice.

Please print your name on the line which indicates your choice and sign and date below.

I _____ request an official decision regarding my failure to register with SSS.

I _____ do not request a decision regarding my failure to register with SSS, and as a result, I understand that I am not eligible to remain employed with VA.

Employee Name and Signature: _____ **Date** _____

HRO Name and Signature: _____ **Date** _____]

[APPENDIX R5. SAMPLE NOTICE OF APPEAL RIGHTS AND REQUEST PROCEDURES

Date:

From: Human Resources Officer (HRO) or Designee (05)

To: (name of employee or applicant)
(address, city, state, zip code)

Subj: Notice of Right to Appeal Selective Service Adjudication Decision

1. Based on the documentation you submitted in support of your case, the adjudicating official determined that your failure to register with the Selective Service System (SSS) was willful and intentional. You have the right to request an appeal of the initial decision. To do so, you must complete this form and return it to this office within 10 business days of the initial decision along with a copy of the decision letter, a brief personal statement indicating the reason for your appeal request, a signed and dated copy of this notice, and any additional documentation that supports your case.

2. If the adjudicating official determines that your failure to register was not willful and intentional based on evidence in your supporting documentation, the HR office will (insert applicable statement as indicated below)

For applicants, insert: consider you for current/future Department of Veterans Affairs (VA) employment opportunities for which you may apply.

For employees, insert: retain you as a VA employee.

3. If the adjudicating official determines that your failure to register was willful and intentional based on the evidence in your supporting documentation, you are not eligible for appointment and the HR office will (insert applicable statement as indicated below)

For applicants, insert: not consider you for any current/future VA employment opportunities.

For employees, insert: terminate your employment with VA within 10 business days of the appeal decision.

4. You may contact (HR Specialist name and phone number) if you have questions about this notice.

HRO Name and Signature: _____ **Date** _____

Applicant/Employee Certification:

I certify that I have read and understand the appeal procedures outlined above. I further understand that appeal decisions are final and I will be ineligible for an appointment with VA if the adjudicating official determines that my failure to register was willful and intentional.

Applicant/Employee Signature: _____ **Date** _____

NOTE: *The servicing HR office must submit the appeal request to the appropriate adjudicating official based on the type of appointment within 5 business days of receipt from the applicant employee:*

Title 5: U.S. Office of Personnel Management, Office of General Counsel, 1900 E Street, NW, Washington, DC 20415.

Title 38(full/hybrid): Director, Recruitment and Placement Policy Service (059), Office of Human Resources Management (OHRM), VA Central Office, Washington, DC 20420.]

JUNE 7, 2012

**VA HANDBOOK 5005/56
PART II
APPENDIX R6**

[APPENDIX R6. SAMPLE FACILITY TO DEPARTMENT REQUEST MEMO FOR APPLICANT

Date:

From: Human Resources Officer (HRO) or Designee (05)
To: Director, Recruitment and Placement Policy Service (059)
Office of Human Resources Management
VA Central Office
Washington, D.C. 20420

Subj: Request for Official Selective Service Decision (name of applicant)

Enclosed is a request for a decision of whether (name of applicant)'s failure to register with the Selective Service System was willful and intentional. (name of applicant) applied for a position as a (title of position, series and grade) in a (title 5 or title 38(full/hybrid)) appointment under (appointing authority) at (name of VA facility).

Attached is a request for decision and the supporting documentation. If you have any questions, you may contact (Human Resources Specialist name) at (phone number).

Facility Director or HRO Name and Title

Facility Director or HRO Signature

JUNE 7, 2012

VA HANDBOOK 5005/56
PART II
APPENDIX R7

[APPENDIX R7. SAMPLE FACILITY TO DEPARTMENT
REQUEST MEMO FOR EMPLOYEE

Date:

From: Human Resources Officer (HRO) or Designee (05)
To: Director, Recruitment and Placement Policy Service (059)
Office of Human Resources Management
VA Central Office
Washington, D.C. 20420

Subj: Request for Official Selective Service Decision (name of employee)

Enclosed is a request for a decision of whether (name of employee)'s failure to register with the Selective Service System was willful and intentional. (name of employee) is currently employed as a (title of position, series and grade) in a (title 5 or title 38 (full/hybrid)) appointment under (appointing authority) at (name of VA facility).

Attached is a request for decision and the supporting documentation. If you have any questions, you may contact (Human Resources Specialist name) at (phone number).

Facility Director or HRO Name and Title

Facility Director or HRO Signature

Date

[APPENDIX R8. WHO MUST REGISTER CHART



Click here for 508 compliant version.

Who Must Register Chart

With only a few exceptions, the registration requirement applies to all male U.S. citizens and male aliens residing in the United States who are 18 through 25 years of age.

Category	YES	NO
All male U.S. citizens born after December 31, 1959, who are 18 but not yet 26 years old, except as noted below.	X	
Military-Related		
Members of the Armed Forces on active duty (active duty for training does not constitute "active duty" for registration purposes)		X*
Cadets and Midshipmen at Service Academies or Coast Guard Academy		X*
Cadets at the Merchant Marine Academy	X	
Students in Officer Procurement Programs at the Citadel, North Georgia College and State University, Norwich University, Virginia Military Institute, Texas A&M University, Virginia Polytechnic Institute and State University		X*
National Guardsmen and Reservists not on active duty	X	
Delayed Entry Program enlistees	X	
ROTC Students	X	
Separatees from Active Military Service, separated for any reason before age 26	X*	
Men rejected for enlistment for any reason before age 26	X	
Civil Air Patrol members	X	
Aliens**		
Lawful non-immigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Form I-94, or Border Crossing Document DSP-150)		X
Permanent resident aliens (USCIS Form I-551)	X	
Special (seasonal) agricultural workers (I-9)	X	
Special agricultural workers (I-9)		X
Refugee, parolee, and asylee aliens	X	
Undocumented (illegal) aliens	X	
Dual national U.S. citizens	X	
Confined		
Incarcerated, or hospitalized or institutionalized for medical reasons		X*
Handicapped physically or mentally		
Able to function in public with or without assistance	X	
Continually confined to a residence, hospital, or institution		X

Information continued on next page

Chart Information Continued:

* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25.

**Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. Citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the United States. Habitual residence is presumed whenever a national or citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the United States for more than one year in any status, except as a student or employee of the government of his homeland.

NOTE: Immigrants who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after they were 26 years old were never required to register. Also, immigrants born before 1960 who did not enter the United States or maintained their lawful non-immigrant status by continually remaining on a valid visa until after March 29, 1975, were never required to register.

The Selective Service System
Office of Public and Intergovernmental Affairs
National Headquarters
Arlington, Virginia 22209-2425
June 26, 2009

