



# Suitability Factors

## Introduction

The Suitability Factors Job Aid is a quick reference for those wanting to learn more information about the factors that could lead to the rejection of a candidate for service in the Department of Defense or other federal government agency. Under each suitability factor, you will find a brief application and/or discussion of each factor. Please note this document is not meant to be a comprehensive review for an exam.

### Suitability Factors at a Glance

Misconduct or Negligence in Employment	Alcohol Abuse
Criminal or Dishonest Conduct	Illegal Use of Narcotics, Drugs
False Statement/Deception/Fraud in Examination or Appointment	Engagement in Acts to Overthrow the US Government
Refusal to Furnish Testimony	Any Statutory/Regulatory Bar Preventing Lawful Employment

## Factor 1: Misconduct or Negligence in Employment

- **Misconduct** involves doing something wrong, in the employer's estimation, while **negligence** is the failure to do something expected by the employer.
- May or may not have resulted in a dismissal. If dismissed, primary emphasis should be on the act or conduct which prompted the dismissal. For military misconduct, the nature of the conduct is the governing factor, rather than the type of discharge.
- Includes poor attendance without cause, insubordination, or other suitability issues that occur in employment, such as theft, etc.
- Does not include inability to perform or other qualification issues.
- Misconduct or negligence in current federal employment is not generally included unless it is part of a pattern of conduct.

## Factor 2: Criminal or Dishonest Conduct

### Criminal Conduct

- The primary emphasis is on the nature of the criminal conduct, which may or may not have resulted in a conviction: details/reasons for dismissal of the offense must be considered; expungement of/pardon for an offense would not nullify the conduct, unless granted on the basis of the person's innocence.
- Pending charges (of a nature that would potentially be disqualifying) cannot be adjudicated until the case is disposed.



### Dishonest Conduct:

- Dishonest conduct includes deliberate lies, fraud, or deceit for personal benefit.
- Examples include: theft, acceptance of a bribe, falsification of records, falsification of employment documents, and deliberate financial irresponsibility with continuing, valid debts of a significant nature.
- Financial irresponsibility is only an issue if it rises to a level indicating dishonesty.

## Factor 3: Material, Intentional False Statement or Deception or Fraud in Examination or Appointment

- A "Material" statement (as used in the phrase "material, intentional false statement") is one that is capable of influencing, or has a natural tendency to affect, an official decision.
- A deliberate attempt to withhold information, or furnish false information, that would have a material bearing on suitability or qualifications for employment, or gain the person an advantage over other applicants, which occurs during the examination, application, or appointment process.
- Material false answers to questions on appointment documents concerning one or more recent, serious criminal offenses, employment terminations, etc., or failure to admit a series of minor issues which demonstrate a pattern of misconduct, OR omission of information clearly related to the position sought, such as a performance discharge from the same type of job, a conviction for drug use when applying for a job in the medical field, etc..
- Falsifying qualifications needed for the job.
- Impersonation/collusion, altering scores, etc.



#### **Factor 4: Refusal to Furnish Testimony as Required by 5 CFR 731, section 5.4**

- All Competitive service applicants and employees are required to give OPM, Merit Systems Protection Board (MSPB), or the Special Counsel, or their authorized representatives, all information, testimony, documents, and material requested in regard to matters inquired of under the Civil Service laws, rules, and regulations—the disclosure of which is not otherwise prohibited by law or regulation.

#### **Factor 5: Alcohol Abuse of a nature and duration which suggests that the applicant or appointee would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of others**

- Current continuing abuse would ordinarily be disqualifying.
- Does not apply for isolated alcohol-related offenses.
- Rehabilitation must be carefully considered (clear, lengthy break in pattern of abuse/strong evidence the abuse will not occur again).

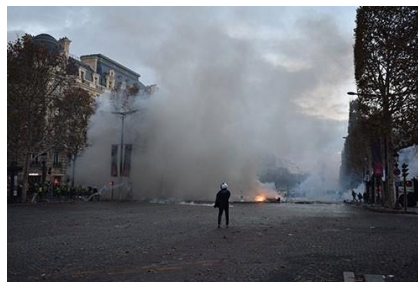
#### **Factor 6: Illegal Use of Narcotics, Drugs, or Other Controlled Substances without evidence of substantial rehabilitation**

- Current or recent use or possession of a serious nature would ordinarily be disqualifying.
- Rehabilitation claims must be clearly established.
- See comments for Alcohol Abuse.
- Criminal conduct would also be an applicable factor to consider.



#### **Factor 7: Knowing and Willful Engagement in Acts or Activities Designed to Overthrow the U.S. Government by Force**

- Must be an overt act.
- Membership in an organization alone is not disqualifying.



## Factor 8: Any Statutory or Regulatory Bar that prevents the lawful employment of the person involved in the position in question

- There must be a specific legal restriction to employment.

### Additional Considerations

The following is a brief list of additional considerations to consider regarding suitability factors.

- The **nature of the position** for which the person is applying or in which the person is employed.
- The **nature and seriousness** of the conduct.
- The **circumstances** surrounding the conduct.
- The **recency** of the conduct.
- The **age** of the person at the time of the conduct.
- Contributing **societal conditions**.
- The absence or presence of **rehabilitation** or efforts toward rehabilitation.



### Final Note

Additional considerations should be carefully considered as aggravating or mitigating conditions to the extent deemed pertinent to the individual case.

### Source

Content for this job aid was taken from *APPENDIX TO ENCLOSURE 3, SUITABILITY AND FITNESS ADJUDICATION GUIDANCE, DODI 1400.25, Volume 731, August 24, 2012*