

***Security Review
Proceedings Overview for
National Security Short
Student Guide***

July 2026

Center for Development of Security Excellence

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Introduction

Meet Shelley, a civilian applicant, who is applying for Top Secret eligibility for her new position within the Department of War (DOW). During initial vetting, she receives a letter of denial (LOD) for her Top Secret eligibility. She reviews the written explanation for the denial and elects to appeal the decision. What options are available to Shelley?

In this Short, we will discuss the Defense Counterintelligence and Security Agency (DCSA) Security Review Proceedings (SRP) implementation for military, civilian, and contractors requiring sensitive compartmented information (SCI) eligibility. You will learn the history of due process and appeals reform (DPAR) and the minimum requirements as outlined in the Office of the Under Secretary of Defense for Intelligence and Security, (OUSD(I&S)) Department of Defense Due Process and Appeals Reform Implementation, memorandum dated April 2023.

Throughout the SRP process, security practitioners, including security managers, record and document personnel vetting actions and determinations in the Federal Personnel Vetting Record, engage the individual through Personnel Vetting Engagement at all appropriate steps in the vetting process, and facilitate Information-Sharing between Agencies as appropriate.

Take a moment to review the objective for this Short

- Describe the history, governing authority, and minimum requirements of SRP for military, civilians, and contractors requiring SCI eligibility

History of DPAR: E.O. 10865

Before we discuss Shelley's options, let's review the policies and directives that shape the national security eligibility determination process. Two parallel systems shaped the process, arising from Executive Order (E.O.) 10865, Safeguarding Classified Information Within Industry and E.O. 12968, as amended, Access to Classified Information.

To learn more about how due process and appeals evolved over the years let's go back to the 1960s. In February 1960, E.O. 10865, "Safeguarding Classified Information within Industry," established due process protections and appeal rights and procedures for industry applicants determined ineligible for access to collateral classified information—that is, Secret or Top Secret national security information.

History of DPAR: E.O. 12829

Moving forward to January 1993, E.O. 12829 established the National Industrial Security Program (NISP), designating DOD as its Executive Agent and building upon

E.O. 10865 by outlining the associated roles, responsibilities, and requirements for NISP operations and maintenance.

DOD Directive (DODD) 5220.6, “Defense Industrial Personnel Security Clearance Review Program”, as amended, implements these E.O.s on behalf of the DOD. This directive also establishes the organizational composition and procedural guidance of the Defense Office of Hearings and Appeals (DOHA), which provides the administrative SRP for NISP contractors requiring collateral national security eligibility.

Please note, the National Industrial Security Program Operating Manual (NISPOM) is now governed under Part 117 of Title 32, Code of Federal Regulations (CFR). This replaces DOD 5220.22-M.

History of DPAR: E.O. 12968

In August 1995, E.O. 12968, as amended, “Access to Classified Information,” established the other parallel system, the uniform personnel security program for individuals considered for initial or continued eligibility for access to classified information or to hold a sensitive position.

DOD Manual (DODM) 5200.02, Procedures for the DOD Personnel Security Program, or PSP, or its successor, implements this E.O. on behalf of DOD and provides the minimum due process requirements applicable to all, including specific procedures for civilian employees and military members.

Note, under Trusted Workforce (TW) 2.0 personnel vetting reform, the DOD PSP will transition to the DOW personnel vetting program (PVP).

Commonalities

As discussed previously, the SRP process is governed by two parallel systems: E.O. 10865 and E.O. 12968. Both of these ensure the opportunity to for a personal appearance and to present relevant documents, materials, and information as part of due process for all national security applicants and NISP contractors.

History of DPAR: E.O. 13467

In June 2008, E.O. 13467, as amended, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information, was issued. This E.O. supported E.O. 12968 in establishing personnel vetting policy and procedures for vetting individuals who work for or on behalf of the Federal Government.

It appointed the Director of National Intelligence, or DNI, as the Security Executive Agent (SecEA) to standardize national security processes, provide oversight, designate

which agencies will conduct investigations and adjudications, and ensure reciprocity between agencies. It preserved all due process protections under E.O. 12968 and E.O. 10865 and did not diminish or otherwise affect the denial or revocation procedures provided to individuals covered by E.O. 10865.

History of DPAR: E.O. 13764

In January 2017, E.O. 13764, “Amending the Civil Service Rules, Executive Order 13488, and Executive Order 13467 to Modernize the Executive Branch-Wide Governance Structure and Processes for Security Clearances, Suitability and Fitness for Employment, and Credentialing, and Related Matters” amended E.O. 13467. It provided for ongoing process reforms and clarified that the investigative file can be released to individuals as part of due process.

History of DPAR: SEAD-4

In June 2017, the Office of the Director of National Intelligence (ODNI) issued Security Executive Agent Directive 4 (SEAD-4), which implemented new National Security Adjudicative Guidelines. These guidelines establish a single set of adjudicative criteria for all sensitive position eligibility decisions. These guidelines sync collateral—that is, Secret and Top Secret—criteria with Intelligence Community Policy Guidance (ICPG) 704.2’s SCI Foreign Preference Standards.

History of DPAR: OUSD(I&S) Memo

In April 2023, the OUSD(I&S) issued a memorandum entitled “Department of Defense Due Process and Appeals Reform Implementation” which directs all DOD Components with the authority to adjudicate security clearance eligibility to implement seven specific reforms to due process and appeals for all Military Service Members, DOD civilians, and contractor personnel.

Let’s examine these seven reforms in more detail.

Seven DPARs

As you just learned, the OUSD(I&S) memorandum from April 2023 outlines seven reform requirements for components with the authority to adjudicate security clearance eligibility.

First, components must provide the opportunity for a personal appearance (PA) prior to a denial or revocation decision for all civilian employees and military personnel.

Second, they must provide a written Letter of Intent (LOI) with a Statement of Reasons (SOR) prior to denial or revocation, using standard LOI and SOR templates developed by DOHA and DCSA.

Third, they must use standard LOD or Letter of Revocation (LOR) templates established by DCSA.

Fourth, they must perform a legal sufficiency review (LSR) of all LOIs, SORs, and LODs and LORs prior to issuance to an individual.

Fifth, they must provide individuals choosing to appeal an LOD or LOR with the opportunity to present new evidence to appeal boards.

Sixth, they must designate a point of contact (POC). This POC will provide the individual with appropriate procedural guidance and must be listed in the written LOI, LOD, or LOR.

Finally, components must ensure that appeal boards include no more than one member from the security field. Note that the remaining board members will be staffed in accordance with guidance in the DODM 5200.02 and DODD 5220.6, or its successor.

DPAR Implementation

In December 2024, DCSA implemented the Due Process and Appeals Reform (DPAR) implementation requirements with Security Review Proceedings (SRP) for military, civilian, and contractors requiring SCI eligibility. With this implementation, for the first time service members, DOW civilians, and contractors requiring SCI eligibility were afforded the opportunity to appear in a PA prior to any denial or revocation of national security eligibility.

Personal Appearance (PA)

The purpose of a PA is to discuss any potentially mitigating information and documentation provided by the individual.

When DCSA issues the LOI and SOR to an individual, the individual has three options: They may provide a written response and elect a virtual PA. In this instance, if the individual's written response does not sufficiently mitigate the concerns in the SOR, they will move forward by attending a virtual PA with a senior adjudicator from DCSA. The individual can also choose to provide a written response only and not elect a virtual PA. Note that in this case, DCSA will adjudicate only the written response. Individuals may also elect not to respond, resulting in a denial or revocation of national security eligibility.

Pre- and Post-DPAR

Question	Due Process (Pre-DPAR)	Security Review Proceedings (Post-DPAR)
How can the individual respond to the SOR?	The individual is given the opportunity to provide only a written response to the SOR.	The individual is given the opportunity to provide both a written response to the SOR and request a personal appearance.
When is the individual given the opportunity to appear in person?	The individual is only given the opportunity to appear in person after the LOD/LOR is issued.	The individual is given two opportunities to appear in person: after the SOR is issued and after the LOD/LOR is issued.
Who conducts the appearance?	The individual will have the opportunity for a hearing at DOHA, and only after the LOD/LOR has been issued.	The personal appearance is conducted by DCSA after the SOR is issued. The individual may also request a personal appearance with DOHA after receiving an LOD/LOR.
How can the individual appeal the decision if they ultimately receive an LOD/LOR?	The individual can appeal the LOD/LOR through either a written appeal to their component Personnel Security Appeals Board (PSAB) or appear in person before a DOHA Administrative Judge (AJ).	The individual can appeal the LOD/LOR through either a written appeal to their component PSAB or appear in person before a DOHA AJ.

SRP in Action: Electing a Written Response with PA

Now that you have learned about the history of DPAR, let's review how the post-DPAR requirements impact Shelley.

Due to unmitigated national security concerns in Shelley's report of investigation, the DCSA adjudicator recommends SRP and drafts an LOI with SOR. The DCSA adjudicator submits the LOI with SOR to the Office of General Counsel (OGC) for legal sufficiency review (LSR). Note, this is a significant change in DPAR. The LOI with SOR is deemed legally sufficient by OGC, and issued by the DCSA adjudicator to Shelley's security management office (SMO) for Shelley. Shelley receives the LOI with SOR from her SMO as directed by DCSA.

Upon acknowledging the statement of reasons receipt and statement of intent, Shelley must choose between the three options:

- Provide written response only
- Provide written response and elect PA
- Elect not to respond

Shelley elects to provide a written response to the LOI/SOR with a PA option. Shelley coordinates with her supervisor, agency leadership, and SMO to draft a comprehensive written response including evidence and supporting documentation. Shelley submits her complete response package to her SMO who delivers her response package to DCSA via the Federal Personnel Vetting Record.

SRP in Action: The Virtual PA

After Shelley's response package has been entered into the Federal Personnel Vetting Record, Jerry, a DCSA senior adjudicator, receives and reviews it. In Shelley's case, Jerry determines that the written response does not sufficiently mitigate the concerns outlined in the SOR. He proceeds with the PA as Shelley elected.

The PA is conducted virtually. During the PA Shelley has the opportunity to discuss any unmitigated security concerns from her written response with the DCSA senior adjudicator. She can clarify her response to resolve and provide any additional supporting documentation that the DCSA senior adjudicator may need. Note, Shelley is permitted to bring legal counsel or another personal representative at her own expense, to provide advice and guidance to Shelley as needed.

Visit the [course resources](#) page to learn more about PAs, and to review the DCSA FAQs.

SRP in Action: Appealing the Decision

After the virtual PA, Jerry determines that potentially unmitigated national security concerns remain in accordance with SEAD-4 and proceeds with an LOD approved by OGC. Jerry denies Shelley's Top Secret eligibility, and records the unfavorable trust determination in the Federal Personnel Vetting Record, resulting in the issuance of the LOD to Shelley's SMO. The security manager assigned to her SMO provides the LOD to Shelley.

Upon acknowledgment of receipt of the LOD and the Notice of Intent to Appeal (NOIA), Shelley must decide whether to appeal in person for a hearing before a Defense Office of Hearings and Appeals (DOHA) Administrative Judge (AJ) or appeal directly to the Personnel Security Appeals Board (PSAB) with a Written Appeal. Shelley can also choose not to appeal.

In this case, Shelley elects to submit a written appeal of the LOD directly to her Component PSAB. Shelley carefully reviews the LOD with her supervisor, agency leadership, and SMO to identify and address the remaining security concerns. She drafts and updates a comprehensive written response with additional evidence and supporting documentation to assist in mitigating those security concerns and submits her response through the SMO to forward to PSAB.

The PSAB reviews Shelley's written response, the adjudicative files, and any appeal materials and renders a final written decision. Given the new mitigating information Shelley provided to the PSAB during her written appeal, her denial was overturned and Shelley was granted Top Secret eligibility. This concludes her Initial Vetting process. Shelley will remain in Continuous Vetting for the duration of her Federal employment.

PSAB Final Written Decision

Take a moment to review the potential outcomes from a PSAB's final written decision.

- PSAB overturns the unmitigated adjudicative guideline(s) and overall national security concern(s) stated in the LOD or LOR, permitting a favorable national security trust determination.
- PSAB affirms the unmitigated adjudicative guideline(s) and overall national security concern(s) stated in the LOD or LOR and upholds the denial or revocation decision.

NOTE: If decision is affirmed, the individual would be eligible for reconsideration one year from the date of final appeal determination at the agency's request.

DOHA AJ Recommendation

The DOHA AJ issues a written recommendation to sustain or overturn the denial or revocation to the individual's PSAB.

The PSAB reviews the adjudicative file and any appeal materials, including the DOHA AJ recommendation, and renders the final determination on the individual's appeal.

Security Practitioners within the SRP Process

Recall that throughout the SRP process, security practitioners record and document personnel vetting actions and determinations in the Federal Personnel Vetting Record, engage the individual through Personnel Vetting Engagement at all appropriate steps in the vetting process, and facilitate Information-Sharing between Agencies, as appropriate.

During the SRP, the individual engages with their designated POCs for information exchange and personnel vetting actions.

Knowledge Check 1

Jordan, an Airman, requires Secret eligibility and access for his new position in the U.S. Air Force. During the initial vetting process, he receives an LOI to deny his Secret eligibility with a written SOR from DCSA. He reviews the reasons provided and must decide to reply. What options are available to Jordan?

Select all that apply. Then check your answers in the Answer Key at the end of this Student Guide.

- ☐ Provide a written response only
- ☐ Provide a written response and elect a PA
- ☐ Request a response from a DOHA AJ
- ☐ Elect not to respond

Knowledge Check 2

Which policy allows Jordan an opportunity for a personal appearance prior to a denial or revocation?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- ☐ E.O. 13467
- ☐ E.O. 13764
- ☐ DODD 5220.6
- ☐ OUSD(I&S) Memorandum, April 2023

Knowledge Check 3

Which policies provide the governing authority for security review proceedings and DOW implementation as a result of adjudication?

Select all that apply. Then check your answers in the Answer Key at the end of this Student Guide.

- ☐ E.O. 12968
- ☐ DODD 5220.6
- ☐ DODM 5200.02
- ☐ E.O. 13467

Conclusion

Congratulations. You have completed the Security Review Proceedings Overview for National Security Short. In this Short, you observed Shelley, an individual applying for Top Secret eligibility, as she navigated the SRP process. You learned about DCSA SRP implementation, the history of due process and appeals, and the minimum requirements of DPAR.

You should now be able to describe the history, governing authority, and minimum requirements of SRP for military, civilians, and contractors requiring SCI eligibility.

Appendix A: Answer Key

Knowledge Check 1

Jordan, an Airman, requires Secret eligibility and access for his new position in the U.S. Air Force. During the initial vetting process, he receives an LOI to deny his Secret eligibility with a written SOR from DCSA. He reviews the reasons provided and must decide to reply. What options are available to Jordan?

- ☒ Provide a written response only (correct)
- ☒ Provide a written response and elect a PA (correct)
- ☐ Request a response from a DOHA AJ
- ☒ Elect not to respond (correct)

Feedback: After receiving an LOI with SOR, an individual has the option to provide a written response only, provide a written response and elect a PA, or elect not to respond to the LOI with SOR.

Knowledge Check 2

Which policy allows Jordan an opportunity for a personal appearance prior to a denial or revocation?

- ☐ E.O. 13467
- ☐ E.O. 13764
- ☐ DODD 5220.6
- ☒ OUSD(I&S) Memorandum, April 2023 (correct)

Feedback: The OUSD(I&S) Memorandum from April 2023 allows individuals an opportunity for a PA prior to denial or revocation.

Knowledge Check 3

Which policies provide the governing authority for security review proceedings and DOW implementation as a result of adjudication?

- ☒ E.O. 12968 (correct)
- ☒ DODD 5220.6 (correct)
- ☒ DODM 5200.02 (correct)
- ☒ E.O. 13467 (correct)

Feedback: All of these policies provide governing authority for SRPs and DOW implementation as a result of adjudication.