



# Statement of Reasons for Military Personnel and DoD Civilians

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## JOB AID



**CDSE** Center for Development  
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# Statement of Reasons for Military Personnel and DoD Civilians

This Job Aid covers the role of the security professional in the National Security Appeals Process for a military or civilian subject receiving an unfavorable national security eligibility determination. The process occurs in multiple stages. This Job Aid focuses primarily on the initial stages that involve the subject as a security clearance eligibility holder or potential holder, the security professional, and the DoD Consolidated Adjudications Facility. You can learn more about the entire appeals process by reviewing DoD Manual 5200.02 Section 10.



Note: SCI due process procedures will be conducted in accordance with DoDI 5210.45 and Intelligence Community Policy Guidance Number 704.3, as applicable.

- The first stage involves the delivery of the Statement of Reasons (SOR) package, which contains a comprehensive and detailed written explanation of the basis for the unfavorable determination. It also includes an explanation of the subject’s rights and a detailed statement explaining the intent (Letter of Intent (LOI)) to deny or revoke a security clearance eligibility by the DoD Consolidated Adjudications Facility (DoD CAF).
- The second stage is the decision made by the subject as to whether they wish to rebut the preliminary adjudicative decision, by responding with information or explanation which they wish the DoD CAF to consider prior to making the final clearance eligibility determination.
- The third stage is the DoD CAF’s final security clearance eligibility decision and subsequent notification to the subject as to whether the reply mitigates all the adjudicative security concerns addressed in the SOR. The DoD CAF will make a favorable or unfavorable determination. If they make an unfavorable determination, they will send a Letter of Denial (LOD) or a Letter of Revocation (LOR) to the subject.
- The fourth stage is the subject’s formal appeal of the DoD CAF’s security clearance eligibility denial or revocation decision to the Personnel Security Appeals Boards (PSAB) and/or Defense Office of Hearings and Appeals (DOHA).
- Chart 1 depicts an approximate overview of the process.

Deliver	Decide	Submit	Appeal
<ul style="list-style-type: none"> <li>• Statement of Reasons package received</li> </ul>	<ul style="list-style-type: none"> <li>• Notification of intent to submit a response</li> </ul>	<ul style="list-style-type: none"> <li>• DoD CAF reviews response</li> <li>• Subject receives notification of decision</li> </ul>	<ul style="list-style-type: none"> <li>• Request to appeal DoD CAF LOD or LOR</li> <li>• Submission of Appeal packet to PSAB or DOHA</li> </ul>

## Role of the Security Professional

As a Security Professional (SP), you have an important role in the due process procedure. The process begins when the adjudicative facility, usually the DoD CAF, provides the subject a Statement of Reasons package, via their organization's security office. The SOR contains a notification of intent to deny or revoke a subject's security clearance eligibility addressed to the head of the organization. The SOR package includes the following:

- (a) A summary of the security concerns and supporting adverse information.
- (b) Instructions for responding to the SOR.
- (c) A copy of the relevant adjudicative guidelines.
- (d) A list and description of the information relied upon to render the proposed unfavorable national security eligibility determination.

As an SP, you will serve as an advisor to the head of your organization in this process. Upon receipt of the notice of intent to revoke or deny security clearance eligibility, which is usually received electronically, the SP must advise the organization head as to whether the subject's access to classified information and/or assignment to a sensitive position should be suspended. This decision should not be taken lightly, as it can impact the organization's mission, the subject's ability to work, and our national security. The SP should take the following actions:

- Review responsibilities associated with the SOR package with the organization head.
- Provide a recommendation to the organization head to suspend or not to suspend access using a risk management approach. The recommendation should be weighed more heavily on protecting national security.
- Promptly brief the subject regarding the response or appeals process and provide the SOR package to the subject.

The SOR is written by a National Security Adjudicator and explains in detail the reason(s) behind the intent to deny or revoke the subject's clearance eligibility and the security concerns the subject must address if they choose to refute the preliminary determination. The subject has 10 days to sign the Statement of Receipt. The SP must notify the adjudicative facility of the subject's intent by forwarding the notification of intent to respond. The subject's reply must be submitted no later than thirty 30 calendar days from the receipt of the date of the LOI and SOR. Subjects are not permitted to communicate directly with the DoD CAF.

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The subject should be advised of the following:

- The right to be represented by counsel or other representative at their own expense, and if a military service member they may contact their Judge Advocate General's office for general guidance.
- The SP's advice should not be perceived as legal advice; however, the subject must understand the consequences and serious impact on their career if found ineligible for access to classified information and/or assignment to a national security sensitive position.
- Additional extensions may only be granted by the adjudication facility when factors beyond their control (e.g., failure of the DoD CAF or the Investigative Service Provider (ISP) to provide records in a timely manner) warrant granting additional time.
- The SP should assist the subject in obtaining and providing pertinent documentation by the suspense date that supports the subject's mitigating response to the SOR. The SP should ensure the response to the SOR is promptly endorsed by the appropriate authority and immediately forwarded to the DoD CAF. If the subject is currently deployed or other operational circumstances prevent the organization from initiating this due process action, the SP should immediately contact the DoD CAF. The SP must make sure the subject fully understands that if they do not wish to respond to the SOR, or the DoD CAF does not receive a response within the designated or agreed upon timeframe, the preliminary DoD CAF denial or revocation decision will become final as the adjudicator's decision can only be based on the merits of the currently available information.



## The Subject's Responsibility

If you receive a Statement of Reasons (SOR) package, it is recommended you take the time to carefully review all of its documents. If you currently have access to classified information, your access may be suspended by your organization's Security Management Office (SMO).

You have the right to respond to the DoD CAF's preliminary decision by responding in writing with an explanation and providing any supporting documentation that you want the DoD CAF to consider prior to rendering a final determination.

- You also may request your investigative records from the ISP via a Freedom of Information Act request. These are the records reviewed by the DoD CAF as part of the security eligibility determination process.
- Additionally you can obtain legal counsel, or other assistance, to aid in preparing your response. If you desire assistance from legal counsel, it is recommended that arrangements are made promptly after receipt of the SOR. It should be noted that civilian counsel is at your own expense.
- To initiate the response process, you must complete the Statement of Reasons Receipt and LOI and forward it to the DoD CAF via your organization's SMO within 10 calendar days of receipt of the SOR package. Contact your SMO for help in preparing and forwarding this form. If your intent to respond is not received at the DoD CAF by the established timeframes, it is presumed you do not intend to submit a response; the process to deny or revoke security eligibility will then proceed.

### Individual's Timelines for Letter of Intent



- If you choose the option to respond, your written response must be submitted through your SMO within 30 days from the date you acknowledged receipt of the SOR package. Your SMO will then forward your response to the DoD CAF. Your employing organization may, upon your written request and prior to the expiration of the original deadline, ask the DoD CAF to grant an extension of an additional thirty 30 days to respond. To request an additional extension, you must provide a written request, with justification, to your SMO prior to the current deadline. Your SMO will then submit your request to the DoD CAF for review/approval. The CAF must first approve the request before you are granted the extension.
- A request for an additional extension of time to respond, after the initial extension, may only be granted by the DoD CAF. It is important to realize that if your response is not received by your CAF within the specified time, the preliminary decision will become the final security determination as it will be based only on the merits of the available information, regardless if you intended to respond or not.

## Preparing Your Response

The process is designed so subjects can represent themselves. You may obtain legal counsel or other assistance in preparing your response; however, if you obtain private assistance, it is normally at your own expense. Remember it is up to you to decide whether to respond or not respond. You are ultimately responsible for the quality and substance of your response and it must bear your signature. However, your local civilian or military security office can provide assistance regarding the response process.

In preparing your response first ask yourself, are the security concerns listed in the SOR accurate or no longer relevant?

- If the findings are not accurate, have been resolved, or if you think there are mitigating conditions, you need to gather documentation. The documentation should support mitigation of all the issues stated in the SOR package and submitted through your SMO to the DoD CAF. Depending upon the security concerns addressed in the SOR, you may need to gather and provide copies of court records to include details and dispositions of arrests and status of probation; transcripts of court testimony taken under oath; probation reports; copies of negotiated plea bargains; releases from judgments or wage garnishments; account statements or letters from creditors verifying the status of delinquent accounts; receipts or copies of canceled checks regarding debt payments; verification of successful completion of alcohol/drug abuse rehabilitation programs; etc.

When writing the response, ensure you address all the specific security concerns and issues identified in the SOR.

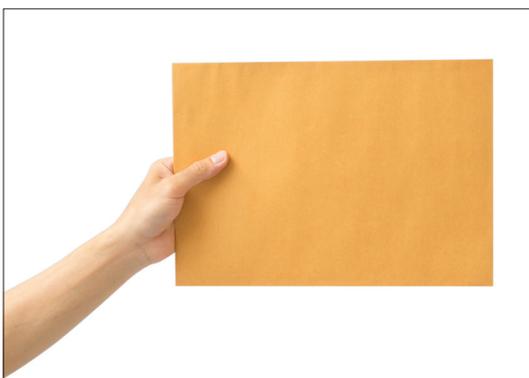
- If you think it is beneficial, you may provide statements from co-workers, supervisors, commanders, friends, or others regarding your judgment, reliability, and trustworthiness, and other information you want the DoD CAF to consider when making the final security eligibility decision.
- Attach all available supporting documentation that explains, refutes, corrects, extenuates, mitigates, or updates each security concern cited in the SOR.
- Organize supporting documents in the order they are cited and enclose copies with your response; you may use dividers or tabs to help you assemble the supporting documentation. The impact of your response depends on the extent to which you adequately and specifically refute, correct, extenuate, mitigate, or update all of the security concerns cited in the SOR.
- If you believe the unfavorable information in the SOR presents an incomplete or inaccurate picture of the situation or circumstances, provide information and source documentation that explains and supports your case. Bear in mind the information you provide will be considered by the adjudicator, but it is also subject to verification through additional investigation.



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As previously stated, it is important you meet the SOR package stringent timelines. When you have completed your written response, ensure that you sign and date your response. Place your response and supporting documents in a single envelope or package and forward them to the DoD CAF via your organization's SMO. The SMO will usually submit the documentation electronically to the DoD CAF via the current DoD IT system of record.



The DoD CAF will review the provided supporting information and make their final security eligibility determination. If the decision is favorable, your security eligibility will be granted or restored. If not, you have the option of appealing the decision to the next level appeals authority such as the Personnel Security Appeals Board or to the Defense Office of Hearings and Appeals (DOHA). To learn more about the entire appeals process, review DoD Manual 5200.02, April 3, 2017, Procedures for the DoD Personnel Security Program (PSP), Section 10.

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