

Failure to Register for the Selective Service - Notice to Applicant

Under the Military Selective Service Act of 1948, all males who have attained 18 years of age, and were born after December 31, 1959, are required to register with the Selective Service System, unless exempted under Sections 3 or 6(a) of the Act 50a U.S.C. § 453. Individuals for whom registration is required, but who fail to register before their 26^h birthday, are barred from federal employment, unless they can establish by a preponderance of the evidence that their failure to register was not knowing and willful. See 5 U.S.C. § 3328. By operation of law, individuals are presumed to have notice of the registration requirements. See Military Selective Service Act, 50a U.S.C. §465; presidential Proclamation No. 4771 (July 2, 1980, amended 2000).

In considering whether this presumption of notice can be overcome, the Director of Office of Personnel Management (OPM) considers all information provided by an applicant under the preponderance of the evidence standard and makes a determination based on the record as a whole. Federal regulations define the preponderance of the evidence standard as "the 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."5 C.F.R§300.703".

When making a reconsideration decision, the reviewer assesses the person's written explanation and other documentation provided. The reviewer gives greater weight to statements provided under oath or penalty of perjury. Similarly, the reviewer gives greater weight to statements corroborated by credible documents. A representative of the Office of Personnel Management may wish to ask you questions about your explanation. Your willingness to respond to questions will be taken into consideration, as will the record of that discussion and your demeanor during the discussion.

You may wish to supplement it with a sworn statement. (that is, an affidavit or a written declaration under penalty of perjury) that explains why you failed to register with Selective Service. This declaration must be signed by you and should contain language that states that you are signing it under oath or penalty of perjury. You may also wish to provide any relevant documentation that supports your explanation for why you failed to register with the Selective Service System or provides other evidence you believe is relevant. You are also free to provide statements or sworn statements from other persons with first-hand knowledge of relevant facts.

Under 18 U.S.C. §1001, persons making materially false statements or representations, using a false writing or document, or concealing or falsifying a material fact in any matter before the executive branch are subject to criminal

penalties by fine and/or imprisonment. When submitting any additional materials, please provide contact information in the event a representative from the Office of the General Counsel has questions about your submission.

If you have not yet obtained a Status Information Letter from the Selective Service System, you must request one immediately and submit it with your materials. You can obtain a Status Information Letter request format <http://www.sss.gov/instructions.html>. Your submission is incomplete if the Status Information Letter is missing.