

ATLANTA REGIONAL WORKFORCE BOARD INSTRUCTION 12-07

DATE: July 20, 2012

SUBJECT: Selective Service Registration Requirements for Workforce Investment Act and Wagner-Peyser-funded programs

PURPOSE: Training and Employment Guidance Letter (TEGL) 11-11 provides information on the Selective Service registration requirements for WIA-funded services established by the Workforce Investment Act § 189(h) codified at 20 CFR 667.250, and the Military Selective Service Act (50 U.S.C. App.453) codified at 32 CFR Part 1605.

REFERENCES: Two changes to Training and Employment Guidance Letter No. 11-11.

BACKGROUND: First change issued January 2012 clarified that only programs or services funded or authorized by Title I of WIA, and not those funded or authorized solely by the Wagner-Peyser Act, are required to comply with the Selective Service registration requirements. The second change issued May 16, 2012, clarifies requirements for local area policy regarding males 26 years old or older that failed to register for the draft.

POLICIES: New guidelines, attached, replace old guidelines.

ACTION REQUIRED:

1. All staff implement the new policy for males 26 years old or older that failed to register for the draft. Staff may initiate the process to determine if the potential participant's failure to register was knowing and willful without first requesting a Status Information Letter.
2. All staff reminded that if a male turns 18 while participating in WIA-funded services, registration with Selective Service must be completed within 30 days after he becomes 18.
3. All staff reminded that youth participants who are turning 18 must comply with Georgia's Immigration law that requires customer affidavits for eligibility to receive a public benefit.
4. All staff read and initial this SDA Instruction.

EFFECTIVE DATE:



Mary Margaret Garrett  
Chief, Workforce Development

MMG:at

Attachments: ARWB Selective Service Policy, July 2012  
TEGL No. 11-11

cc: All WFD staff  
All Career Resource Centers, Youth Providers

**Compliance with Selective Service Registration Policy**  
**Atlanta Regional Workforce Board**  
**Determination of “Knowing and Willful” Failure to Register**  
**Military Selective Service Act (MSSA)**

The Atlanta Regional Workforce Board one stop operators/contractors have the responsibility for deciding registration compliance for the Selective Service System (SSS) and determining eligibility for services or benefits under WIA Title I, Adult, Dislocated Worker and Youth Programs on a case-by-case basis.

Military Selective Service Act

Each individual participating in any program or activity established under Title I of WIA, or receiving any assistance or benefit under this Title, must comply with Section 3 of the *Military Selective Service Act*. [WIA Section 189 (h)]

A. Males between the Ages of 18 and 26:

Individuals who are required to register, but have not registered, and have not yet reached their 26<sup>th</sup> birth date, should be referred to SSS for registration prior to enrollment in WIA. All individuals in this age group must register and verification of registration must be obtained prior to determining them eligible for all youth services and/or adult/dislocated worker intensive and training services.

Males between the ages of 18 and 26 may register on-line at [www4.sss.gov/regver/Register1.asp](http://www4.sss.gov/regver/Register1.asp). Other options for registration include by mail; at the post office; at their high school; and by the check box on the application form for Federal Student Financial Aid (FAFSA).

Verification of compliance with Selective Service Registration requirements can be documented through telephone verification at 1.847.688.6888 or through on-line verification at the Internet site [www4.sss.gov/regver/verification1.asp](http://www4.sss.gov/regver/verification1.asp).

For a complete listing of individuals required to register see the Selective Service Web site at [www4.sss.gov/Fswho.htm](http://www4.sss.gov/Fswho.htm).

B. Males “Age 26 and older” that did not register:

In 1986, the MSSA was amended by Public Law 99-661, Section 1366, which states: A nonregistrant may not be denied any benefit if he can *show by a preponderance of evidence* that his failure to register was not knowing and willful.

Occasionally, males who were subject to SSS registration, but did not register and are now beyond their 26<sup>th</sup> birth date, apply for assistance from the WIA program.

The burden then falls on the applicant to provide evidence explaining why he failed to register with the SSS. Acceptable documentation to determine a person's Selective Service registration status include:

- Selective Service Acknowledgement letter
- Form DD-214 "Report of Separation"
- Screen printout of the Selective Service Verification site:
- [www.sss.gov/Reg/wfVerification.aspx](http://www.sss.gov/Reg/wfVerification.aspx). For males who have already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
- Selective Service Registration Card
- Selective Service Verification Form (Form 3A)
- Stamped Post Office Receipt of Registration

#### The Selective Service Status Information Letter

Since January 1995, the SSS has been issuing *status information letters* indicating an applicant's Selective Service Status. This current practice is pursuant to SSS's determination that final decisions for disbursing federally financed domestic benefits, service, rights or training, rests solely with the various provider agencies which disburse them. In the case of WIA, these provider agencies are the local areas.

If the applicant cannot provide any of the acceptable documentation, the applicant may request from the SSS a Status Information Letter (SIL) which will be sent directly to the applicant. The local Career Resource Center or youth provider must request a copy of the SIL for review. The letter will contain a code that will be helpful in eligibility determination—and a photocopy of the letter should be kept in the eligibility determination records.

#### Status Information Letter Codes

[Employment and Training Administration Memo JRB#27-98]

Codes E1– E7	“General Exemptions” The applicant's documentation indicates that he was not required to register or was exempt for the entire time period (age 18 through 26).
Code RR	“Required to Register– Is Not” <b><i>The applicant indicates he attempted to register but Selective Service has no record that he registered.</i></b>
Code RL	“Required to Register– Compliance Letter Sent” <b><i>The applicant's documentation indicates he was required to register but Selective Service has no record that he registered. also, Selective Service records indicate he was sent one or more</i></b>

***compliance letter(s) requesting his compliance during the period he was required to register.***

Code RD

“Required to Register– He stated he did not”

The applicant did not register, nor did he provide valid reasons or documentation why he failed to register.

Determining “Knowing and Willful” Failure to Register

When the status information letter code is as follows, a possible local interpretation may be:

E1-E7

He has been determined exempt from registration and is not required to provide additional documentation or clarification with regard to his Selective Service registration status.

If he is otherwise eligible, he may be considered an acceptable candidate for WIA-funded services.

RR

He will be required to provide proof that his failure to comply with the MSSA was not “knowing and willful” failure to register for Selective Service.

In this instance, SSS has investigated and determined that the applicant claims to have attempted to register. Documentation will need to demonstrate the reason for his noncompliance with the MSSA.

RL

He will be required to provide proof that his failure to comply with the MSSA was not *knowing and willful* failure to register for Selective Service.

***In this instance, SSS has investigated and determined that the applicant was required to register, did not comply with this requirement, and was sent one or more compliance letter(s) requesting his registration. Further investigation is warranted.***

***Documentation will need to demonstrate the reason for his noncompliance with the MSSA. This applicant’s clarification must address the fact that Selective Service records indicate compliance letters were sent. Without a reasonable explanation, this applicant will not likely be determined eligible for services.***

RD

He will be required to provide proof that his failure to comply with the MSSA was not *knowing and willful* failure to register for Selective Service.

In this instance, SSS has investigated and determined that the applicant was required to register and did not comply with this requirement. However, there is no indication that his failure to register was *knowing and willful*. Further investigation is warranted. Documentation will need to demonstrate the reason for his noncompliance with the MSSA. This applicant may or may not be deemed eligible for services.

Based upon the copy of the correspondence from the Selective Service System to the applicant provided to the career adviser, the career adviser will decide if the applicant has been determined exempt from registration and is not required to provide additional documentation or clarification. If this is the case (as indicated by Status Codes E1-E7) a determination by the career adviser can be made regarding whether or not to enroll him in WIA.

If after reviewing the evidence, the local Career Resource Center or youth provider staff determines that the preponderance of the evidence shows that the individual's failure to register was not knowing and willful and he is otherwise eligible, services may be granted.

If the determination is that the evidence shows the applicant's failure to register was knowing and willful, WIA services must be denied. Any male age 26 or older, born after January 1, 1960, who possesses a *Status Information Letter* from the SSS stating that he was required to register, but did not, and now cannot be registered because the law does not allow for registration after the age of 26, is presumptively disqualified from participation in WIA-funded services and activities.

For all other Status Codes indicated by the Selective Service System ( RR, RL and RD), the Workforce Development Director will determine if the applicant can show by a preponderance of evidence that his failure to register was not *knowing and willful*. A copy of the affidavit to be provided by the applicant follows. It will be the responsibility of the applicant to complete the affidavit and make arrangements to have the document notarized.

Applicants denied services shall be advised of the available grievance procedures under WIA. Decisions by the local areas may be appealed to the State.

**Affidavit Regarding Military Selective Service Act Non-Compliance**

The undersigned, under penalty of perjury, hereby testifies under oath that his failure to register and comply with the military Selective Service Act was not knowing and willful.

The explanation and reasons are as follows:

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Please see attached pages for additional explanation

I understand that the information provided herein will be relied upon by the Atlanta Regional Workforce Board's network of the Career Resource Centers and the Atlanta Regional Commission in assessing my eligibility for services under the Workforce Investment Act and other federal and/or state programs.

So sworn this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature

Printed Name: \_\_\_\_\_

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> WIA
	<b>CORRESPONDENCE SYMBOL</b> OWI-DWASWS
	<b>DATE</b> November 23, 2011

**ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 11-11**

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE ADMINISTRATORS  
STATE AND LOCAL WORKFORCE INVESTMENT BOARD DIRECTORS  
COMPREHENSIVE AND AFFILIATE ONE-STOP CAREER CENTER  
DIRECTORS  
DISCRETIONARY GRANTEES

**FROM:** JANE OATES *Jane Oates*  
Assistant Secretary

**SUBJECT:** Selective Service Registration Requirements for Workforce Investment Act and Wagner-Peyser-funded programs

- Purpose.** This Training and Employment Guidance Letter (TEGL) provides information on the Selective Service registration requirements for Workforce Investment Act-funded services established by the Workforce Investment Act (WIA) § 189(h), codified at 20 CFR 667.250, and the Military Selective Service Act (50 U.S.C. App. 453), codified at 32 CFR Part 1605.
- Selective Service Registration Requirements.** Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday.) This includes males who are:
  - Citizens of the U.S.;
  - Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or
  - Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty;
- Men attending the service academies;
- Disabled men who were continually confined to a residence, hospital or institution; and/or

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
  1. Date of entry stamp in his passport;
  2. I-94 with date of entry stamp on it; or
  3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age.
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.

This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at [www.sss.gov](http://www.sss.gov). The Selective Service System also provides a quick reference chart showing who must register located at <http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.

3. **Ensuring Selective Service Compliance in the Public Workforce System.** In order to be eligible to receive WIA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person's Selective Service registration status include:
- Selective Service Acknowledgement letter
  - Form DD-214 "Report of Separation"
  - Screen printout of the Selective Service Verification site: [www.sss.gov/RegVer/wfVerification.aspx](http://www.sss.gov/RegVer/wfVerification.aspx). For males who have already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
  - Selective Service Registration Card
  - Selective Service Verification Form (Form 3A)
  - Stamped Post Office Receipt of Registration

#### ***Registration Requirements for Males Under 26***

Before being enrolled in WIA-funded services, all males who are not registered with the Selective Service and have not reached their 26<sup>th</sup> birthday must register through the Selective Service website at [www.sss.gov](http://www.sss.gov). If a male turns 18 while participating in WIA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIA-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIA-funded services must be suspended until he registers.

#### ***Registration Requirements for Males 26 Years and Over***

Before enrolling in WIA-funded services, all males, 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the



documentation listed in Section 3 must obtain a *Status Information Letter* from Selective Service indicating whether he was required to register. The *Request for Status Information Letter* form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf> and the instructions can be accessed at <http://www.sss.gov/PDFs/instructions.pdf>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

If the *Status Information Letter* indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in WIA-funded service. **If the Status Information Letter indicates that the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIA-funded activities and services until it can be determined that his failure to register was not knowing and willful.** All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

#### ***Determining Knowing and Willful Failure to Register***

If the individual was required but failed to register with the Selective Service, the individual may only receive services if they establish by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIA-funded activities, and is thereby authorized to approve the use of WIA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to grantees in making determinations in cases regarding willful and knowing failure to register.

In order to establish consistency regarding the implementation of the requirement, grantees should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing", the authorized organization should consider:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?

- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful”, the authorized organization should consider:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

4. **Inquiries.** Direct all inquiries to Employment and Training Administration Federal Project Officer.