



# Northern Middle Tennessee Local Workforce Development Board

## Workforce Innovation and Opportunity Act Policy Letter

**Subject:** Selective Service Registration Requirements Policy

**From:** Susie Bourque, Director of Policy, Planning and Contract Services

### **BACKGROUND:**

Section 189(h) of the Workforce Innovation and Opportunity Act (WIOA) requires individuals who or receiving any assistance or benefit under WIOA, that they not violate section 3 of the Military Selective Service Act (50 U.S.C. app. 451) by not presenting and submitting to registration as required in (686.420) and TEGL 11-11, Chg. 2.

### **I. PURPOSE:**

All male participants born on or after January 1, 1960 must register for selective service prior to receiving WIOA services. Unregistered males between the ages of 18 and 26 can meet this requirement by registering with selective service using the online system. Males that are 26 years old or older that failed to register with the selective service are no longer able to register and must prove that failure to register was not “knowing and willful”. These males must request a Status Information Letter from the Selective Service office prior to making a determination that failure to register was “knowing and willful failure.”

### **II. Registration Requirements for Males 26 Years and Over:**

Before enrolling in WIOA Title I funded services, all males, 26 years of age or older, must provide: 1) documentation of compliance with the Selective Service registration requirement; 2) documentation showing they were not required to register (listed below in Section IV); or 3) if they were required to but did not register, documentation establishing that their failure to register was not knowing and willful. *Note: Males 26 years and over, who failed to comply with the Selective Service registration requirement must request a Status Information Letter before a determination that the failure to register was knowing and willful.*

### **III. Selective Service Registration Requirements**

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18<sup>th</sup> 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 26<sup>th</sup> 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 are continually confined to a residence, hospital or institution; and/or
- 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 26<sup>th</sup> 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 26<sup>th</sup> birthday. Acceptable forms of supporting documentation include:
  - Date of entry stamp in his passport;
  - I-94 with date of entry stamp on it; or
  - 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 26<sup>th</sup> 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.

#### **IV. Requesting a Status Information Letter**

An individual may obtain a *Status Information Letter* from Selective Service if he: 1) believes he was not required to register; or 2) did register but cannot provide any of the documentation listed in the Selective Service Registration Requirements section. The *Request for Status Information Letter* form and instructions can be accessed at <https://www.sss.gov/Portals/0/PDFs/Status.pdf>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, and/or military service from age 18-25) 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 services authorized or funded by WIOA Title 1 services.

- V. Determining Knowing Willful Failure to Register.** If the individual was required but failed to register with the Selective Service as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful. Staff determining eligibility is responsible for gathering the evidence



presented by the individual. The Program Director of the Career Service Provider will be responsible for determining whether the failure to register was knowing and willful.

**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:

- 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.
- 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.

### **Things to Consider**

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 26<sup>th</sup> birthday was 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 staff determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. All supporting documentation must be placed in the participant file to support the determination.

If staff determines that evidence shows that the individual's failure to register was knowing willful, WIOA services must be denied. All supporting documentation must be placed in the participant file to support the determination. Individuals denied services must be advised of available grievance procedures.

**VI. CONTACT:**

Questions concerning the above may be addressed to the Director of Policy and Planning.

**EFFECTIVE DATE:**

Effective February 21, 2019 and will remain in effect until amended, modified, or set aside by the Northern Middle Tennessee Local Workforce Development Board.

  
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John Zobl, Chairman  
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