Determination of Knowing and Willful Failure to Register
Military Selective Service Act (MSSA)

The Northwest Georgia Workforce Investment Area 1 programs disbursing services or benefits have the responsibility for deciding registration compliance for the Selective Service System (SSS) and determining eligibility for services or benefits under WIA Title I-B, 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-B 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 26th birth date, should be referred to SSS for registration prior to enrollment in WIA.

Males between the ages of 18 and 26 may register on-line at 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.

For a complete listing of individuals required to register see the Selective Service Web site at www4.sss.gov/Fswho.htm.

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

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

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.

Any male age 26 or older, born after December 31, 1959, 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.

The burden then falls on the applicant to provide evidence explaining why he failed to register with the SSS. This may include a written explanation from the applicant, stating his circumstances at the time of the required registration, and his reasons for not registering, together with supporting documentation. Third party affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering may also be helpful to local areas in making determinations in cases regarding willful and knowing failure to register with the SSS.
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.

If after reviewing the evidence, the local area 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 show the applicant’s failure to register was knowing and willful, WIA services must be denied.

**The Selective Service Status Information Letter**

Upon request from the applicant, the SSS will forward a Status Information Letter (SIL) directly to the applicant. The local areas should 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 file.

**Status Information Letter Codes**

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

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| 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). |
| RR    | Required to Register Is Not  
*The applicant indicates he attempted to register but Selective Service has no record that he registered.* |
| RL    | Required to Register Compliance Letter Sent  
*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 compliance letter(s) requesting his compliance during the period he was required to register.* |
| 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:

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| 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 advisor 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.

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.

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