



# Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 731  
August 24, 2012

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USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Suitability and Fitness Adjudication  
For Civilian Employees

References: See Enclosure 1

## 1. PURPOSE

a. Instruction. This Instruction is composed of several volumes, each containing its own purpose. The purpose of the overall Instruction, in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume. In accordance with the authority in DoDD 1400.25 (Reference (b)), this Volume establishes and implements policy, establishes uniform DoD-wide procedures, provides guidelines, delegates authority and assigns responsibilities regarding suitability and fitness for DoD civilian personnel pursuant to the authority of parts 302, 731, and 732 of title 5, Code of Federal Regulations (Reference (c)).

## 2. APPLICABILITY. This Volume applies to:

a. OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD that are subject to parts 302, 731, and 732 of Reference (c) (hereinafter referred to collectively as the "DoD Components").

b. In addition to appropriated fund positions covered in paragraph 2.a., DoD suitability and fitness adjudication requirements for positions of trust apply to nonappropriated fund (NAF) positions, which are covered by Volume 1403 of this Instruction.

## 3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. Policies and procedures relating to suitability and fitness for Federal employment shall use consistent standards to the extent possible; provide for reciprocal recognition of existing investigations and favorable adjudications; be cost-effective, timely, and provide efficient protection of the national interest; and provide fair treatment of those upon whom the Federal Government relies to conduct the Nation's business in accordance with Volume 1403 of Reference (b), Reference (c), Executive Order 13467 (Reference (d)), Executive Order 13488 (Reference (e)), and Executive Order 10450 (Reference (f)).

b. The appointment of an applicant or appointee to a covered position is subject to a suitability or fitness determination. Components making suitability and fitness determinations shall grant reciprocal recognition to a prior favorable fitness or suitability determination unless a new investigation is required by Reference (c), (d), or (e).

c. The adjudicative guidelines established by part 731 of Reference (c) and the Office of Personnel Management (OPM) suitability processing handbook (Reference (g)), will be used for all suitability determinations for covered positions.

d. All positions will be assigned a designation using the criteria found in parts 731 and 732 of Reference (c), OPM Memorandum (Reference (h)), and DoD 5200.2-R (Reference (i)), and shall be documented in the Defense Civilian Personnel Data System (DCPDS), or other authorized DoD automated system.

e. The OPM Position Designation Automated Tool (PDT) shall be used to assist in assigning a position designation, and to identify the background investigation required of the position. Proper position designation is the foundation of an effective and consistent suitability and personnel security program.

f. All suitability or fitness for Federal employment determinations and actions shall be reported to OPM. Information pertaining to suitability or fitness adjudications will be maintained in accordance with OPM policy.

g. Heads of Agencies are delegated the authority by OPM to make suitability determinations and take subsequent actions in cases involving applicants and appointees to covered positions as defined by part 731 of Reference (c). This authority is delegated to Heads of the DoD Components and may be further delegated to authorized management officials, in writing.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This volume:

a. Is effective August 24, 2012.

b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DoD Instruction 5025.01 (Reference (j)). If not it will expire effective August 24, 2022 and be removed from the DoD Issuances Website.



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Glossary

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (c) Parts 302, 315, 332, 359, 731, 732 and 752 of title 5, Code of Federal Regulations (C.F.R.)
- (d) Executive Order 13467, "Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information," June 30, 2008
- (e) Executive Order (E.O.) 13488, "Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust," January 16, 2009
- (f) Executive Order (E.O.) 10450, "Security Requirements for Federal Employment," April 27, 1953, as amended
- (g) U.S. Office of Personnel Management, Federal Investigative Services Division, "Suitability Processing Handbook," September 2008
- (h) Office of Personnel Management Memorandum, "Position Designation of National Security and Public Trust Positions," October 2008<sup>1</sup>
- (i) DoD 5200.2-R, "Personnel Security Program," January 16, 1987
- (j) DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007, as amended
- (k) DoD Directive 5400.07, "DoD Freedom of Information Act (FOIA) Program," January 2, 2008, as amended
- (l) DoD Directive 5400.11, "DoD Privacy Program," May 8, 2007, as amended
- (m) DoD Memorandum, "Implementation of the Employment Eligibility Verification (E-Verify) Program," January 22, 2008
- (n) Executive Order (E.O.) 12968, "Access to Classified Information," August 4, 1995, as amended
- (o) Parts 300.104 and 1201.2 of title 5, Code of Federal Regulations (C.F.R.)
- (p) Section 7511 of title 5, United States Code (U.S.C.)
- (q) Homeland Security Presidential Directive 12, August 27, 2004

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<sup>1</sup> Can be accessed at <http://www.opm.gov/investigate/resources/position/Introduction.aspx>.

ENCLOSURE 2

RESPONSIBILITIES

1. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). The DASD(CPP), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and through the Assistant Secretary of Defense for Readiness and Force Management (ASD(R&FM)), shall:

a. Serve as the DoD lead for policy development and oversight of the DoD suitability and fitness adjudication policy for civilian employees.

b. Exercise authority, direction and control over DoD Components regarding policies and procedures related to the suitability and fitness adjudication process in accordance with the requirements and objectives of the listed references in this Volume.

c. Ensure that the OPM Central Verification System (CVS) and PDT are accessible to persons designated by Heads of DoD Components in making suitability determinations.

d. Ensure that the DCPDS, or other authorized DoD automated system is configured to accept the results of the PDT assessment done as part of the position designation process.

2. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). The USD(I) shall develop, coordinate, and oversee the implementation of policy and guidance regarding national security positions.

3. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Establish and maintain an effective suitability and fitness determination program using automated and consolidated adjudicative processes to the maximum extent practicable.

b. Delegate, in writing, the authority to adjudicate suitability and fitness to the lowest practicable levels, including delegating the authority to make an official determination based on the requirements of the position. Favorable suitability adjudications are delegated to the DoD consolidated Central Adjudication Facility (CAF).

c. Ensure that persons assigned adjudicative responsibility have, at a minimum, a favorable determination based on the results of a high risk, public trust background investigation (BI).

d. Ensure an effective pre-investigative review and adjudicative process within the DoD Component and ensure documentation is maintained and safeguarded in accordance with OPM adjudicative guidelines, as defined by part 731 of Reference (c) and DoDD 5400.07 and DoDD 5400.11 (References (k) and (l)).

e. Ensure establishment of criteria for utilizing interim suitability and fitness determinations based on initial investigatory results to the maximum extent practicable based on mission requirements and position designation. Minimum criteria shall include a favorable fingerprint check and other appropriate checks, prior to completion of the standard investigation requirements.

f. Implement OPM-directed suitability actions involving DoD Component personnel and maintain appropriate documentation of such.

g. Adjudicate employment suitability and fitness determinations as outlined in part 731 of Reference (c), completing appropriate documentation to include notification to OPM of the final adjudicative decision.

h. Ensure that individuals performing suitability or fitness determinations are familiar with the laws, regulations, standards and criteria governing suitability adjudication.

i. Ensure that employees are aware of the criteria that must be met to obtain and maintain Federal employment including providing information on available employee assistance programs should personal assistance or advice during the adjudication phase be needed.

3. AUTHORIZED MANAGEMENT OFFICIALS. Authorized management officials shall:

a. Designate the position risk and sensitivity of each position within their organization using the criteria found in Reference (h), and ensure that the rationale and the basis of the position designation, including the name of the official making the determination and the date it was made, is fully documented.

b. Ensure appropriate training and certification is provided to adjudicators through OPM or other DoD approved suitability adjudicator course and ensure that training records are appropriately maintained.

c. Ensure a required investigation or reinvestigation is requested using OPMs Electronic Questionnaires for Investigations Processing and complete e-verify (Reference (m)), prior to appointment to the maximum extent practicable. For public trust positions, the investigation should be initiated before appointment but no later than 14 calendar days after placement in the position.

d. Initiate appropriate suitability action(s) (including documentation supporting such actions) in those situations where an employee is not eligible to continue to occupy the position because of changes in position sensitivity or increased risk, or due to activities or behaviors of the employee that are incompatible with the core duties of the position. Reference (c).

e. Ensure proper safeguarding of all investigative, sensitive, and classified information as defined in Reference (k) and (l), of this Volume, and in accordance with applicable DoD issuances.

ENCLOSURE 3

SUITABILITY AND FITNESS ADJUDICATION PROCEDURES

1. DELEGATION

a. OPM has delegated limited authority to DoD for the adjudication of suitability determinations for appointment to covered positions, as prescribed in part 731 of Reference (c). DoD further delegates this authority to the DoD Components. Favorable suitability determinations will be made at the DoD consolidated CAF. All other suitability determinations are delegated to the DoD Components and may be further delegated, in writing, to the lowest practicable level.

b. The Heads of the DoD Components are delegated the authority to adjudicate and make suitability or fitness determinations and take appropriate actions for NAF positions. NAF positions are covered by Volume 1403 of this Instruction. This authority may be delegated, in writing, to the lowest practicable level.

c. DoD Components must ensure that the employment and retention of civilian employees promote the efficiency of the Federal service and protects the integrity of the service in accordance with part 731 of Reference (c).

2. POSITION DESIGNATION

a. Personnel authorized to designate positions as National Security and public trust positions will use the OPM Position Designation Automated Tool, which can be found at: <http://www.opm.gov/investigate/resources/position/Introduction.aspx>. Reference (h). The position designation process is used to determine the appropriate level of investigation for positions covered by parts 731 and 732 of Reference (c).

b. For positions that are not designated as National Security positions consistent with Reference (i), authorized personnel shall make a risk level determination based on the documented duties and responsibilities of the position. Risk levels are designated as high, moderate, or low depending on the position's potential for adverse impact to the integrity or efficiency of the service. Positions at the high and moderate risk levels are public trust positions. Public trust positions are described in part 731 of Reference (c). Low risk positions involve duties and responsibilities with the potential for limited impact on the integrity or efficiency of the service.

c. DoD Components must ensure that human resources and management personnel, as appropriate, receive sufficient training to be proficient at the task of assigning position risk and sensitivity designations.

d. Human resources and management personnel, as appropriate, shall identify the position designation of each position. The determination of position risk and sensitivity will include an

assessment of information technology systems and sensitivity level of the information required to carry out duties and responsibilities. The position risk and sensitivity determination shall be recorded with the position description (PD) and annotated on requests for personnel action.

e. Human resource offices (HROs), or appropriate designated officials, will ensure that job announcements and notices of personnel action clearly state the requirement for suitability and fitness determination and any specific requirement to obtain and maintain eligibility for national security positions.

f. HROs, or appropriate designated officials, will ensure that suitability and fitness determinations are reflected in DCPDS, OPM's CVS, and other DoD authorized automated system (e.g., Defense Information System for Security).

### 3. SUITABILITY AND FITNESS INVESTIGATIVE REQUIREMENTS

a. HROs, or appropriate designated officials, must ensure that the appropriate background investigation is requested and adjudicated to determine suitability or fitness for Federal employment of applicants and appointees to covered positions. HROs, or appropriate designated officials, will ensure that required investigations be requested prior to appointment to the maximum extent practicable. For public trust positions, the investigation should be initiated before appointment but no later than 14 calendar days after placement in the position. Applicants shall be informed that their appointment is subject to the completion of a favorable suitability or fitness determination.

b. Appointments subject to investigation to establish a person's suitability or fitness for employment are delineated in References (c) and (d). Investigations will be conducted by OPM or an authorized investigative service provider approved by USD (P&R).

c. DoD Components shall fund investigations required to determine eligibility for employment or continued employment.

d. A favorable suitability or fitness determination does not mean that the individual is automatically eligible to hold a national security sensitive position or for a security clearance. Security adjudications are based on a different set of standards and criteria in accordance with References (f) and E.O. 12968 (Reference (n)).

e. Suitability and fitness requirements for civilian employment are also separate and distinct from the qualifications required for the job (e.g., education or experience requirements). A favorable suitability or fitness determination does not mean that the individual is automatically eligible for a job nor is a person who is qualified for a job automatically suitable for employment. Generally, suitability or fitness determinations should be made subsequent to finding the person qualified for the job as described in section 731.103(d) of Reference (c).

f. Applicant, appointee, or employee suitability or fitness determination is decided in compliance with part 731 of Reference (c) and upon review and adjudication of the basic forms

required; e.g., existing records of other Federal agencies, reports of investigations received by DoD and other Federal agencies.

#### 4. INTERIM SUITABILITY OR FITNESS DETERMINATIONS

a. Part of an effective suitability and fitness determination includes pre-screening. An effective pre-screening process is essential in the identification and resolution of suitability or fitness issues early in the application process, prior to initiation of the required investigation. The pre-screening involves the review of applications, other employment related documents, and the Optional Form (OF) 306, "Declaration for Federal Employment," available at <http://www.opm.gov/forms/html/OF.asp>.

b. DoD Components shall use interim suitability or fitness determinations to the greatest extent practicable, based on the apparent absence of significant security or suitability issues using information from favorable fingerprint checks, information on the Optional Form (OF) 306, security forms and investigation information available from OPM CVS, or other Federal agencies.

c. The applicant may be presented with a tentative (conditional) employment offer following submission of the appropriate background investigation in those cases where no derogatory information was identified in review of information provided by the applicant. In such cases, applicants will be informed that their appointment is subject to the completion of a favorable suitability or fitness determination.

d. DoD Components are encouraged to establish procedures allowing individuals to provide clarifying or mitigating information prior to a final suitability or fitness determination.

#### 5. SUITABILITY AND FITNESS ADJUDICATION

a. Suitability or fitness determinations are based on careful, objective analysis of available information about a person's conduct and character, both favorable and unfavorable, that is relevant to the criteria set forth in part 731 of Reference (c), and further described in the Appendix to this enclosure.

b. The position risk level and the position sensitivity level are to be considered when making suitability or fitness determinations.

c. A review of the report of investigation must be performed to identify actionable issues in accordance with the suitability factors and make an initial assessment of the issues. Information is analyzed in terms of its relevancy, the nature and seriousness of the conduct, the circumstances surrounding the conduct, the recency of the conduct, the age of the person at the time of the conduct, the contributing societal conditions, the presence or absence of rehabilitation, as well as the nature of the position for which the person is applying or in which the person is employed.

d. Suitability determinations shall be made using adjudication and issue assessment criteria set forth in Reference (g).

e. In suitability cases where there is evidence that there has been a material, intentional false statement, or deception or fraud in examination or appointment, or a refusal to furnish testimony, employing activities must refer the case to OPM for adjudication.

f. Unfavorable suitability or fitness actions taken under part 731 of Reference (c) must be reported to OPM within 30 days after the action using the OPM appropriate form, CVS or other DoD authorized automated system.

g. HROs, or appropriate designated officials, are required to report to OPM all final adjudicative actions. Actions based on an OPM investigation must be reported to OPM as soon as possible and not later than 90 days after receipt of the final report of investigation, in accordance with part 731 of Reference (c). HROs, or appropriate designated officials, must also maintain a copy of final adjudicative actions.

## 6. SUITABILITY ACTIONS AND DEBARMENT

a. HROs or appropriate designated officials shall ensure that suitability or fitness actions are handled in accordance with the procedural requirements in part 731 of Reference (c). Actions taken based on conduct issues that may also be suitability concerns are handled in accordance with the procedural requirements in parts 315 (appointees), 359 (SES), or 752 (employees), of Reference (c).

b. A suitability action is an outcome taken by OPM or an employing activity following an unfavorable suitability determination under the procedures of part 731 of Reference (c). Suitability actions are:

- (1) Cancellation of eligibility.
- (2) Removal.
- (3) Cancellations of reinstatement eligibility.
- (4) Debarment.

c. OPM will notify the employing activity if a debarment exists. Employing activities should also review the OF 306, Standard Form (SF) 85, SF 85P, "Questionnaire for Public Trust Positions," or SF 86, "Questionnaire for National Security Positions," and automated systems, as appropriate, to ensure that debarments are enforced.

d. The employing activity, HROs, or appropriate designated officials, have the authority to debar individuals for a period of up to three years from the date of the unfavorable suitability determination for all, or specific covered positions in accordance with part 731 of Reference (c). Agencies do not have the authority to bar from all covered positions Governmentwide.

## 7. APPEAL RIGHTS

a. An applicant or appointee to a covered position may appeal a suitability action to the Merit Systems Protection Board (MSPB) under part 731 of Reference (c).

b. Non-selection, or cancellation of eligibility for a specific position based on an objection to an eligible or pass over of a preference eligible veteran under section 332.406 of Reference (c), is not a suitability action under the regulation, nor is an unfavorable determination of eligibility to hold a national security sensitive position or for a security clearance, and none of these entitles the applicant or appointee to appeal the unfavorable determination to the MSPB. Additionally, applicants or appointees may be entitled to appeal rights under circumstances described in sections 300.104 and 1201.2 of title 5, C.F.R. (Reference (o)).

c. The procedures for filing an appeal with the MSPB are found in part 1201 of Reference (o). Individuals must be provided with their appeal rights in the agency's or OPM's notification of the final suitability decision/determination in accordance with section 731.402 of Reference (c).

d. NAF employees or applicants may appeal unfavorable suitability or fitness determinations through the respective DoD Component. NAF employees do not have MSPB appeal rights.

## 8. REINVESTIGATIONS

a. Individuals in positions of public trust shall be subject to reinvestigations as determined by the Director of the OPM, and in accordance with part 731 of Reference (c) and Reference (e).

b. A reinvestigation must be conducted if the position requirements change to reflect a higher level of investigation or new information raises suitability questions. If the subject of a reinvestigation is an employee as defined by section 7511 of title 5, U.S.C (Reference (p)), and if a suitability issue is raised in a reinvestigation, the agency may elect to initiate an adverse action under part 752 of Reference (c), which is distinct from a suitability action under the procedures of part 731 of Reference (c).

c. Any issues discovered in a reinvestigation must be evaluated to determine whether a person's continued employment promotes the efficiency of the service.

## 9. RECIPROCITY

a. HROs, or appropriate designated officials, will ensure, except as otherwise excepted by law, that reciprocal acceptance of prior suitability or fitness determinations, background investigations, and adjudications shall be reciprocally accepted in accordance with References (d) and (e).

b. Reciprocal recognition of favorable suitability or fitness determinations should be applied when:

(1) The gaining agency uses criteria for making fitness determinations equivalent to suitability standards established by the OPM;

(2) The prior favorable fitness or suitability determination was based on criteria equivalent to suitability standards established by the OPM;

(3) The individual has not had a break in employment since the favorable determination was made.

c. Reciprocal recognition of a prior favorable fitness or suitability determination is not required when:

(1) The new position requires a higher level of investigation than previously conducted for that individual;

(2) The agency obtains new information that calls into question the individual's fitness based on character or conduct; or

(3) The investigative record shows conduct that is incompatible with the core duties of the new position.

d. Reciprocity is based on final adjudication determinations. The gaining employing activity may request, and can be provided, the investigative file for review and to assist in making suitability or fitness determinations subject to OPM's file release process.

APPENDIX TO ENCLOSURE 3

SUITABILITY AND FITNESS ADJUDICATION GUIDANCE

Table 1. Suitability Factors

SUITABILITY FACTORS	GENERAL APPLICATIONS/DISCUSSION
(1) <u>Misconduct or Negligence in Employment</u>	<ul style="list-style-type: none"> <li>• Misconduct involves doing something wrong in the employer’s estimation, while negligence is the failure to do something expected by the employer.</li> <li>• May or may not have resulted in a dismissal. If dismissed, primary emphasis should be on the act or conduct which prompted the dismissal. For military misconduct, the nature of the conduct is the governing factor, rather than the type of discharge.</li> <li>• Includes: poor attendance without cause, insubordination, or other suitability issues that occur in employment, such as theft, etc.</li> <li>• Does not include inability to perform or other qualification issues.</li> <li>• Misconduct or negligence in current Federal employment is not generally included unless it is part of a pattern of conduct. (Instead, part 315 or 752 of Reference (c) would normally apply for post-appointment misconduct issues.)</li> </ul>
(2) <u>Criminal or Dishonest Conduct</u>	<p><u>Criminal Conduct:</u></p> <ul style="list-style-type: none"> <li>• Primary emphasis is on the nature of the criminal conduct, which may or may not have resulted in a conviction: details/reasons for dismissal of the offense must be considered; expungement of/pardon for an offense would not nullify the conduct, unless granted on the basis of the person’s innocence.</li> <li>• Pending charges (of a nature that would potentially be disqualifying) cannot be adjudicated until the case is disposed.</li> </ul> <p><u>Dishonest Conduct:</u></p> <ul style="list-style-type: none"> <li>• Dishonest conduct includes deliberate lies, fraud, or deceit for personal benefit (e.g., theft, acceptance of a bribe, falsification of records, falsification of employment documents, and deliberate financial irresponsibility with continuing, valid debts of a significant nature. Financial irresponsibility is only an issue if it rises to dishonesty.)</li> </ul>

Table 1. Suitability Factors, Continued

SUITABILITY FACTORS	GENERAL APPLICATIONS/DISCUSSION
<p>(3) <u>Material, Intentional False Statement or Deception or Fraud in Examination or Appointment</u></p>	<ul style="list-style-type: none"> <li>• A “Material” statement (as used in the phrase “material, intentional false statement”) is one that is capable of influencing, or has a natural tendency to affect an official decision. The test of materiality does not rest on whether the Agency actually relied on the statement. (Only OPM can cite this factor in a suitability determination as it retains jurisdiction in all competitive service cases involving evidence of material, intentional false statement or deception or fraud in examination or appointment.)</li> <li>• A deliberate attempt to withhold information, or furnish false information, that would have a material bearing on suitability or qualifications for employment, or gain the person an advantage over other applicants, which occurs during the examination, application, or appointment process.</li> <li>• Material false answers to questions on appointment documents concerning one or more recent, serious criminal offenses, employment terminations, etc., or failure to admit a series of minor issues which demonstrate a pattern of misconduct, OR omission of information clearly related to the position sought, such as a performance discharge from the same type of job, a conviction for drug use when applying for a job in the medical field, etc.</li> <li>• Falsifying qualifications needed for the job.</li> <li>• Impersonation/collusion, altering scores, etc.</li> </ul>
<p>(4) <u>Refusal to Furnish Testimony as Required by 5 CFR 731, section 5.4</u></p>	<p>All competitive service applicants and employees are required to give OPM, MSPB, or the Special Counsel, or their authorized representatives, all information, testimony, documents, and material requested in regard to matters inquired of under the Civil Service laws, rules, and regulations, the disclosure of which is not otherwise prohibited by law or regulation.</p>
<p>(5) <u>Alcohol Abuse of a nature and duration which suggests that the applicant or appointee would be prevented from performing the duties of the position in question, or would constitute a direct threat to the property or safety of others</u></p>	<p>Current continuing abuse would ordinarily be disqualifying. Does not apply for isolated alcohol-related offenses. Rehabilitation must be carefully considered (clear, lengthy break in pattern of abuse/strong evidence the abuse will not occur again).</p>

Table 1. Suitability Factors, Continued

SUITABILITY FACTORS	GENERAL APPLICATIONS/DISCUSSION
(6) <u>Illegal Use of Narcotics, Drugs, or Other Controlled Substances, without evidence of substantial rehabilitation</u>	Current or recent use or possession of a serious nature would ordinarily be disqualifying. Rehabilitation claims must be clearly established. See comments for Alcohol Abuse. Criminal conduct would also be an applicable factor to consider.
(7) <u>Knowing and Willful Engagement in Acts or Activities Designed to Overthrow the U.S. Government by Force</u>	<ul style="list-style-type: none"> <li>• Must be an overt act.</li> <li>• Membership in an organization, alone, is not disqualifying.</li> </ul>
(8) <u>Any Statutory or Regulatory Bar that prevents the lawful employment of the person involved in the position in question</u>	There must be a specific legal restriction to employment.

Table 2. Additional Considerations

ADDITIONAL CONSIDERATIONS	DISCUSSION
(1) The <u>NATURE OF THE POSITION</u> for which the person is applying or in which the person is employed.	The more authority, responsibility, sensitivity and public trust associated with the position, the higher the risks involved and the more potential adverse impact there is to the efficiency and integrity of the service; thus the misconduct becomes more serious as a potentially disqualifying issue. However, certain kinds of conduct may result in disqualification regardless of the position.
(2) The <u>NATURE AND SERIOUSNESS</u> of the conduct.	The more serious the conduct, the greater the potential or disqualification.
(3) The <u>CIRCUMSTANCES</u> surrounding the conduct.	Full facts and circumstances are essential to insure justice to the person and to protect the interests of the Government.
(4) The <u>RECENCY</u> of the conduct.	The more recent the conduct is, the greater the potential for disqualification.
(5) The <u>AGE</u> of the person at the time of the conduct.	Offenses committed as a minor are treated as less serious than those committed as an adult, unless the offense is very recent, part of a pattern, or particularly heinous.
(6) Contributing <u>SOCIETAL CONDITIONS</u> .	Economic and cultural conditions might be a mitigating factor if the conditions are now removed. Generally considered in cases with relatively minor issues.
(7) The absence or presence of <u>REHABILITATION</u> or efforts toward rehabilitation.	Clear, affirmative evidence of rehabilitation is required for a favorable adjudication. Rehabilitation is a consideration in all cases, not just those involving alcohol and drug abuse. While formal counseling or treatment may be a consideration, other factors such as the individual's employment record, etc. may also be indications of rehabilitation. Some indicators of rehabilitation are: time elapsed since conduct last occurred (no set time frame – must be considered in tandem with other factors); results of treatment/counseling – prognosis and past history of treatment; and other aspects of the individual's life such as stable employment record, positive changes in personal life, etc.
* Additional considerations should be carefully considered as aggravating or mitigating conditions to the extent deemed pertinent to the individual case.	

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

BI	background investigation
CAF	Central Adjudication Facility
CVS	Central Verification System
DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DCPAS	Defense Civilian Personnel Advisory Service
DCPDS	Defense Civilian Personnel Data System
DoDD	DoD Directive
E.O.	Executive Order
HRO	Human Resource Office
MSPB	Merit Systems Protection Board
NAF	nonappropriated fund
OF	Optional Form
OPM	Office of Personnel Management
PD	position description
PDT	Position Designation Automated Tool
SES	Senior Executive Service
SF	Standard Form
USD(I)	Under Secretary of Defense for Intelligence
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this Volume.

adjudication. The evaluation of pertinent data in a background investigation, as well as any other available information that is relevant and reliable, to determine whether a covered individual is suitable for Government employment.

Agency. The DoD Components.

appointee. A person who has entered on duty and is in the first year of a subject-to-investigation appointment.

authorized management official. A management official delegated the authority for designating position sensitivity, position classification, approving recruitment, relocation, retention, or extended assignment incentives, student loan repayments, or foreign language proficiency pay.

BI. An investigation conducted for high risk, public trust positions.

CAF. The central location for adjudicating decisions about personnel security, suitability for government employment, and eligibility for issuance of Common Access Cards in accordance with Homeland Security Presidential Directive 12 (Reference (q)).

covered positions. A position in the competitive service, a position in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and a career appointment to a position in the Senior Executive Service.

CVS. A central data repository for viewing and recording information on existing security clearances, background investigations, suitability, fitness, and HSPD-12 determinations that enables reciprocity among Federal agencies.

debarment. A prohibition from taking a competitive service examination or from being hired (or retained in) a covered position for a specific time period. Debarment can be issued by the Agency or OPM.

derogatory information. Information which may unfavorably impact suitability adjudication because of the nexus between the issue or conduct and the core duties of the position.

fitness. The reference to a person's level of character and conduct determined necessary for an individual to perform work for, or on behalf of, a Federal agency as an employee in the excepted service (other than in a position subject to suitability) or as a contractor employee.

investigative service provider. The company or agency authorized to perform background investigations on personnel on behalf of the agency.

National Security positions. As defined in part 732 of Reference (c) and Reference (i).

PDT. An automated tool provided by the OPM to assist in determining the level of risk and sensitivity of positions in the competitive service, positions in the excepted service where the incumbent can be noncompetitively converted to competitive service, and initial career appointments in the SES. Position designation determines the type of investigation required and how closely an individual is screened for a position.

position description. The official description of management's assignment of duties, responsibilities, and supervisory relationships to a position.

public trust. As described in part 731 of Reference (c).

reciprocity. Recognition of favorable fitness or suitability determinations when the determination was based on criteria equivalent to standards established by the OPM.

request for personnel action. An automated form (e.g., Standard Form (SF) 52), submitted to the HRO by an authorized management official when seeking to appoint, separate, or make other personnel changes to civilian employees or encumbered civilian positions.

suitability. Refers to a person's identifiable character traits and/or conduct that may have an impact on the integrity or efficiency of the service.

suitability actions. Actions taken that affect covered applicants and appointees. The actions taken include cancellation of eligibility for employment, removal, cancellation of reinstatement eligibility of employment, or debarment.

suitability determination. A decision that a person is suitable or is not suitable for employment in a covered position within the Department of Defense.