

# Northwest Workforce Investment Board

## ADMINISTRATIVE PROCEDURES

Issuance No: 26  
Issuance Date: June 23, 2008, Catalogued 6/27/2008  
Subject: Failure to Register for Selective Service

---

**Background:** This policy statement is based on the U.S. Department of Labor Training and Employment Guidance Letter (TEGL) 8-98.

**Purpose:** The purpose of this Policy Statement is to provide guidance to staff on applying the Selective Service registration requirement for individuals over the age of 26, born on/or after January 1, 1960, and will be applied on a case by case basis. Staff should follow the procedures as outlined in the attached TEGL 8-98. TEGL 8-98 states in part that:

(g) A person may not be denied a right, privilege, or benefit under Federal law by reason of failure to present himself for and submit to registration under section 3 [50 U.S.C. App.453] **if—**

(1) The requirement for the person to so register has terminated or become inapplicable to the person; **and**

(2) The person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.

**Preponderance of the Evidence:** Every effort should be exercised to assist customers to establish eligibility and provide the appropriate services. To demonstrate by the “Preponderance of the Evidence” that a person’s failure to register was not a knowing and willful failure, staff will be required to do the following:

- 1) Have person offer as much evidence and details as possible to support the circumstance that caused the failure to register. Examples of such “evidence” may include the following:
  - Copies of document showing any periods of hospitalization, institutionalization, or incarceration occurring between their 18<sup>th</sup> and 26<sup>th</sup> birthdays **or**
  - Third party affidavits from parents, teachers, employers, doctors having first-hand knowledge of the person’s circumstance occurring between their 18<sup>th</sup> and 26<sup>th</sup> birthdays **or**
  - The person’s affidavit detailing the circumstance occurring between their 18<sup>th</sup> and 26<sup>th</sup> birthdays. An “Applicant Statement” can be used for this purpose with a collaborating witness’ signature
- 2) Individuals who were not United State citizens during the period of mandatory Selective Service registration will then be required to provide documents that show when they entered the United States
- 3) Once the above mentioned information has been provided, staff must consult with Local WIB staff for final Selective Service eligibility determination prior to the provision of registered WIA services. If the determination is favorable, staff may begin service provision. The MIS and the paper file must contain the documentation used to arrive at the eligibility determination