



## **FORT SILL LEGAL ASSISTANCE**

### **SECURITY CLEARANCE ISSUES**



#### **What is a Security Clearance?**

A security clearance allows an individual with clearance to access certain levels of sensitive material. A Soldier may be granted a security clearance if required by his or her military duties and that individual has been investigated and cleared for access.

In order to access classified materials at any level (Secret, Top Secret, etc.), an individual must have a “need to know” and an appropriate security clearance.

#### **How do Military personnel receive a Security Clearance?**

The military standard for granting a security clearance is a common sense determination that is based on all available information. An individual’s security clearance will be denied if there is a reasonable basis for doubting that person’s reliability, trustworthiness, or loyalty to the Government of the United States. The criteria used to determine loyalty is laid out in DODD 5220.6, a few examples are:

- Criminal or dishonest conduct
- Vulnerability to coercion, influence, or pressure
- Excessive indebtedness or recurring financial difficulties

#### **Who may deny or revoke my Security Clearance?**

The Department of Defense Consolidated Adjudications Facility (DoD CAF) is the authority for denial and/or revocation of security clearances and/or sensitive compartmented information access eligibility.

A Soldier’s commander and S-2 may also suspend his or her access to sensitive or classified material at the local level.

#### **What occurs if my Security Clearance is denied or revoked?**

Once the DoD CAF has determined that a denial or revocation of a security clearance is appropriate, DoD CAF will forward a letter of intent (LOI) through the command security manager to the Soldier. The LOI will lay out the information that was used for a determination and will also lay out the proposed action. The LOI will also offer the Soldier an opportunity to explain, rebut, or mitigate the information in writing.

If your Security Clearance has been denied or revoked, you can come to the Legal Assistance Office to obtain assistance with reviewing the LOI and, if needed, with filing a rebuttal to the denial or revocation.

#### **What is the process to rebut a denial or revocation?**

The commander will ensure that a Soldier acknowledges receipt of the LOI by having the individual sign and date a form letter enclosed with the LOI. Included within the acknowledgment the Soldier will indicate his/her intent to submit a rebuttal. The Soldier may and should request a copy of the investigative file. This file is what was used in determining the individual’s security status and is a helpful tool in the rebuttal process. A request for the investigative file must be forwarded to: DoD Consolidated Adjudications Facility, Attn: Privacy Act Office, Building 600, 10th Street, Fort George G. Meade, MD

20755-5131. Soldiers may also request a copy of their Office of Personnel Management (OPM) security investigation. This request should be forwarded to: Office of Personnel Management, ATTN: Privacy Section, P.O. Box 618, 1137 Branchton Road, Boyers, PA 16018-0618. The request should include:

- Full name and aliases if applicable
- SSN
- Date and place of birth
- Soldier's mailing address

The Soldier has 30 days from the date of the acknowledgement of the LOI to submit a written response. The Soldier must address each issue raised in the LOI. It is highly recommended that the Soldier submit documentation in support of his or her explanation of the issues raised.

### **What if my denial or revocation is due to debt problems?**

If the reason for the LOI is indebtedness, it is highly recommended that the Soldier seek assistance from a financial counselor. Free financial counseling is available at the Welcome Center and they can assist with debt negotiation and creating a manageable monthly budget.

### **How do I file my response?**

Once the response is complete, the Soldier will forward the response to the DoD CAF through the representative of the commander who provided the LOI. That commander shall recommend whether the Soldier's clearance should be denied, revoked, or restored.

### **After I file my response then what happens?**

A final decision will be made within 60 days from the receipt of the response. If the final decision cannot be made within 60 days, the Soldier will be notified in writing. The notification of delay must also state a decision date that cannot exceed 90 days from the date the Soldier's response was received.

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**This Information Paper provides only basic information and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.**