

**Kansas Department of Commerce
Workforce Services
Policy and Procedures Manual**

Policy Number: 5-23-00 (Replaces #2-03-01)

Originating Office: Workforce Services

Subject: Selective Service System Registration

Issued: May 3, 2017

Revised: March 14, 2017

Program: Workforce Innovation and Opportunity Act

Purpose: To provide a review of the basic registration requirements for Selective Service System Registration as mandated by WIOA and the Military Selective Service Act.

References: WIOA Section 189(h); TEGL 11-11 Change 2; Military Selective Service Act (50 U.S.C. App. 453); Presidential Proclamation 4771.

Background: Section 189(h) of WIOA provides that the Military Selective Service Act (50 U.S.C. App. 453) must be enforced to ensure that each individual that receives assistance or benefit under Title I of WIOA has not violated section 3 of the Military Selective Service Act. TEGL 11-11 Change 2 provides guidance for administering the Military Selective Service System Registration requirements for Title I of WIOA.

Action: Disseminate to appropriate staff, service providers, and vendors.

Contact: Questions should be directed to State Veterans Services Manager, (785) 762-8870
TDD: 1-800-766-3777, WorkforceSvcs@ks.gov.

Attachments: None.

Selective Service System Registration

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Legislative References

Presidential Proclamation - Presidential Proclamation 4771 of July 2, 1980 requires that male persons born after December 31, 1959, who have attained their 18th birthday, register with the Selective Service System. Registration must be completed within 30 days of a male's 18th birthday. Failure to register in a timely manner does not relieve the duty to register.

WIOA Section 189(h) - The Workforce Innovation and Opportunity Act (WIOA) Section 189(h) requires all participants receiving assistance or benefit under WIOA to comply with the Selective Service System registration requirements under the Military Selective Service Act.

Military Selective Service Act - Section 3(a) of the Military Selective Service Act requires male citizens of the United States who are between 18 and 21 years of age, to present themselves for Selective Service System registration at times and places determined by the President of the United States. Section 12, Subsection (g), of the Military Selective Service Act (as amended by provision contained in the National Defense Authorization Act for fiscal year 1987, P.L. 99-661) requires the registration status of all males born after December 31, 1959 be examined and confirmed. Subsection (g) states:

A person may not be denied a right, privilege, or benefit under the federal law due to failure to present himself for, and submit to registration under Section 3(a) of the Military Selective Service Act if the requirement for the person to register has terminated or becomes inapplicable to the person; and the person shows by a preponderance of evidence that the failure of the person to register was not a knowing and willful failure to register.

Basic Registration Requirements

- A. Almost all male U.S. citizens regardless of where they live, and male immigrant aliens residing in the United States, are required to be registered with the Selective Service System if they are at least 18 years of age but not yet 26 years of age. Men who are 26 years of age and older are too old to register. Complete information as to who must register, registering online, and checking whether a person is registered can be found at the [Selective Service System](https://www.sss.gov/) website located at <https://www.sss.gov/>.
- B. The Local Workforce Development Board (LWDB) must determine whether a male applicant has satisfied the Selective Service System registration requirement as a condition for participating in WIOA funded activities and services. A local process must be in place to accomplish the following:
 1. Document date of birth to ensure the applicant was born after December 31, 1959 and is 18 years of age or older; and
 2. Verify whether the applicant has complied with the registration requirements of the Military Selective Service Act. Verification may be made by inspecting the applicant's registration acknowledgment or through the [Selective Service System](https://www.sss.gov/) website located at <https://www.sss.gov/>.

Determining Eligibility for Applicants Who Fail to Register

A. Males 18 to 25 Years of Age

A male who has failed to register within the 30-day period after his 18th birthday, and who has not yet attained 26 years of age can mitigate his failure to register by presenting himself at a U.S. Post Office or before an official Selective Service System registrar and submitting the information necessary for Selective Service System registration.

B. Males 26 Years of Age or Older

A male 26 years of age or older who has failed to register is presumptively disqualified from participation in WIOA funded activities and services. A male who has failed to register 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. The burden falls on the applicant to provide evidence explaining why he failed to register with the Selective Service System. The LWDB, not the Selective Service System, is given the final authority to determine whether an applicant has shown that his failure to register was not a knowing and willful failure to register. Determinations must be made on a case-by-case basis. The applicant has the right to appeal a LWDB decision to the Kansas Department of Commerce (Commerce). In such cases, the Commerce decision will be final (see ***Grievance/Appeal Procedures*** section below).

Local Workforce Development Board Procedures

The following procedures should be used by the LWDB to determine whether an applicant's failure to register was knowing and willful:

Step 1 - Applicant should obtain a "Status Information Letter" from the Selective Service System indicating if he was or was not required to register. The applicant may receive a Status Information Letter using the following methods:

- Internet - Download the Request for Status Information Letter and directions for completing the request from the [Selective Service System](https://www.sss.gov/) website located at <https://www.sss.gov/>. The applicant will be required to provide his name, address, Social Security Number, date of birth, day time telephone number, and email address.
- Telephone - Call 1-847-688-6888. The call will be answered by an automated voice system to provide instructions for verifying the Selective Service System registration status.
- Written Request - Send a written request for a Status Information Letter to: Selective Service System, Data Management Center, PO Box 94638, Palatine, Illinois 60094-4638. The applicant must describe in detail the circumstances he believes prevented him from registering and provide copies of documents showing any periods when he was hospitalized, institutionalized, or incarcerated between his 18th and 26th birthdays. If the applicant is a non-citizen, he may be required to provide documents showing when he entered the United States. He will be required to provide his name, address, Social Security Number, date of birth, day time telephone number, and signature.

If the Status Information Letter indicates the applicant was required but failed to register continue with Step 2.

Step 2 - Applicant must provide a written explanation, stating his circumstances at the time of the required registration and his reasons for not registering, together with supporting documentation. The applicant should be encouraged to offer as much evidence and in as much detail as possible to support his case. Examples of evidence and documentation that could be provided by the applicant are described in the *Evidence and Documentation* section below.

Step 3 - The LWDB shall evaluate the evidence presented by the applicant and make a determination regarding whether or not the applicant's failure to register with the Selective Service System was knowing and willful. If it is shown by a preponderance of evidence that the applicant's failure to register was not a knowing and willful failure and he is otherwise eligible, services may be granted. If failure to register with the Selective Service System was determined to be knowing and willful, services funded by WIOA must be denied.

Evidence and Documentation

Examples of evidence and documentation that could be provided by the applicant includes, but is not limited to the following:

1. Service in Armed Forces

Evidence - Applicant received an honorable discharge from active duty with any U.S. military service. Reserve duty and National Guard service are not acceptable.

Documentation

Military discharge document (DD 214) indicating the character of the discharge. To obtain proof of military service, the applicant may call the Veterans Administration at (800) 827-1000, or visit the following website for information on how to request military service records online, by mail or by fax: <https://www.archives.gov/veterans/military-service-records>

2. Physical or mental disability

Evidence - Applicant has a visible or obvious physical or mental disability that would permanently disqualify him from military service.

Documentation:

Appropriate documentation noting the type of disability observed may include such documents as the following:

- a. Medical Records
- b. Physician's Statement
- c. Sheltered Workshop Certification
- d. Social Security Administration Disability Records

- e. Social Service Records/Referral
- f. Veterans Administration Letter/Records
- g. Vocational Rehabilitation Letter
- h. Observable Condition (applicant statement needed as to why this would permanently disqualify him from military service)

3. Alien who entered the United States on or after their 26th birthday

Evidence - Applicant was an alien who entered the United States on or after their 26th birthday.

Documentation:

- a. Citizenship and Immigration Services Form I-94 (Arrival-Departure Record); or
- b. Citizenship and Immigration Services Form I-551 (Alien Registration Receipt Card commonly called the “green card”).

4. Immigrant Alien

Evidence - Applicant is an immigrant alien, or refugee, parolee, asylee, seasonal agricultural worker, or Immigration Reform and Control Act (IRCA) legalized alien with a work permit.

Documentation:

Citizenship and Immigration Services Form I-688 Temporary Resident Card

5. Former Illegal Alien

Evidence - Applicant is an alien 26 years of age or older who entered the United States illegally and who was subsequently granted legal status by the U.S. Citizenship and Immigration Services.

Documentation:

Legal status documents from the U.S. Citizenship and Immigration Services

6. Non-Immigrant Alien

Evidence - Applicant is a lawful non-immigrant alien on visa (e.g., diplomatic and consular personnel and families, foreign students, and tourists with unexpired Forms I-94, I-95A, or Border Crossing Documents I-185, I-186, I-586, or I-444) who is authorized to work in the United States under Section 167(a)(5) of the Selective Service Act.

Documentation:

Legal status documents from U.S. Citizenship and Immigration Services

Grievance/Appeal Procedure

If WIOA services are denied, applicants must be provided information and access to the Local Area Grievance/Appeal procedure. If an applicant does not receive a decision at the local level within 60 days after filing a grievance, or is dissatisfied with the decision he receives, he may request Commerce to review his grievance. The Commerce decision in such cases will be final.

Applicants who wish to request a review at the state level may contact:

Chief Attorney
Kansas Department of Commerce
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612
(785) 296-1913
E-mail: legal@kansascommerce.com