

**Pinal County Workforce Development Board (PCWDB)
Policy Broadcast (PB)
PCWDB PB 20-4
Determining Knowing and Willful Failure to Register for Selective Service
Effective April XX, 2021**

This policy broadcast is to inform PCWDB's service providers of the Workforce Innovation and Opportunity Act Title I-B Adult, and Dislocated Worker Programs of requirements for determining knowing and willful failure to register for Selective Service when an applicant fails to register for Selective Service prior to his 26th birthday, as is required by the Military Selective Service Act (32 CFR 1605).

Reference: Training and Guidance Letter 11-11, Change 2

Before receiving WIOA Title I-B-funded individualized career or training services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov.

Registration Requirements for Males 26 Years and Over

Prior to receiving WIOA Title I-B-funded individualized and training services, all males, 26 years of age or older, must provide:

1. Documentation of compliance with the Selective Service registration requirement;
2. Documentation showing they were not required to register;
3. If they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

The WIOA Title I-B program that enrolls individuals in WIOA Title I-B funded activities may require that males 26 years and over, who failed to comply with the Selective Service registration requirement, request a Status Information Letter before making a determination that the failure to register was knowing and willful.

Alternatively, the WIOA Title I-B service provider may initiate its process to determine if the failure to register was knowing and willful without first having the potential program participant request the Status Information Letter.

Requesting a Status Information Letter

An individual may obtain a Status Information Letter from Selective Service if he

1. Believes he was not required to register; or
2. Did register but cannot provide any documentation listed under in the [WIOA Title I-B Eligibility Checklist](#) for the Selective Service status criteria. The Request for Status Information Letter form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf> and the instructions can be accessed at <http://www.sss.gov/PDFs/instructions.pdf>. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, institutionalization, incarceration, and/or military service from age 18 through 25.) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.
3. If the Status Information Letter indicates that an individual was not required to register for the Selective Service, **then he is eligible to enroll in services authorized or funded by Title I-B of WIOA.**
4. If the Status Information Letter indicates that the individual was required to and did not register, he is presumed to be disqualified from participation in WIOA Title I-B funded individualized career and training services until it can be determined that his failure to register was not knowing and willful.

All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with the Selective Service as determined by the Status Information Letter or by his own acknowledgment, the individual may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful.

The WIOA Title I-B Service Provider that enrolls individuals in WIOA Title I-B funded activities is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

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1. Service in the Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to grantees in making determinations in cases regarding willful and knowing failure to register.

In order to establish consistency regarding the implementation of the requirement, WIOA Title I-B service provider should consider the following questions when determining whether a failure to register is knowing and willful. In determining whether the failure was “knowing,” the WIOA Title I-B service should consider:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful,” the WIOA Title I-B service provider should consider:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

If a WIOA Title I-B service provider determines it was not a knowing and willful failure and the individual is otherwise eligible, any type of WIOA Title I-B service may be provided.

If WIOA Title I-B service provider determines that evidence shows that the individual's failure to register was knowing and willful, WIOA Title I-B services must be denied.

Individuals denied services must be advised of available [PCWDB WIOA Title I-B Chapter 700 Complaints, Grievances and Appeals policy and procedures](#).

WIOA Title I-B Service Providers must upload selective service documentation, including selective service status letters and/or evidence presented to make determinations related to knowing and willful failure into the AJC system, and add case notes on evidence and reasons for the determination into the AJC system.

If you have any questions regarding PCWDB's WIOA Title I-B Adult, Dislocated Worker or youth policies or requirements in this PB, email moriahrobles@pinal.gov.