

Policy 12-516: Selective Service Registration Policy

Reference State Policy:	WIOAPL 15-04.1
Board Approved:	February 27, 2009
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Effective Date:	August 20, 2024
Policy Obsoletes:	

Purpose

To outline policy regarding requirements for Selective Service (hereafter Selective Service) registration mandated by the Workforce Innovation and Opportunity Act (WIOA) and the Military Selective Service Act (MSSA) for

- Male participants born on or after January 1, 1960 18 thru 25; and
- Male participants born on or after January 1, 1960 age 26 and over who have not registered; and
- Male participants born on or after January 1, 1960 who are exempt from registering with Selective Service

This policy applies to enrollment in the Youth, Adult and Dislocated Workers programs.

Background

The Workforce Innovation and Opportunity Act (WIOA) Section 189 (h) requires all participants receiving assistance or benefit under WIOA to comply with Selective Service registration requirements under MSSA. The MSSA, section 3(a) requires male citizens of the United States who are born on or after January 1, 1960 and who are ages 18 through 25, to register for Selective Service at www.sss.gov

Requirements

The Military Selective Service Act (MSSA) requires every male U.S. citizen and non-citizen national and non-immigrant males not in compliance with their legal status in the country who are ages 18 through 25 years to register with Selective Service. WIOA requires that males must register with Selective Service to participate in services and activities funded by WIOA. See Section A for the exceptions to Selective Service registration. Further information on who is required to register for selective services can be found at: [Who Needs to Register | Selective Service System : Selective Service System \(sss.gov\)](#).

A. Exemptions to the Selective Service Registration

1. Cadets and midshipmen at Service Academies
2. Confined: Incarcerated or hospitalized or institutionalized for medical reasons. However, they must register within 30 days after being released if they have not yet reached their 26th birthday.
3. Continually confined to a residence, hospital, or institution.

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4. Females: While women officers and enlisted personnel serve with distinction in the U.S. Armed Forces, women have never been subject to Selective Service registration or a military draft in America.
5. Lawful non-immigrants on visas: (i.e. diplomatic personnel, foreign students, tourists with unexpired forms) However, a non-immigrant who fails to maintain legal status for more than 30 days is required to register. A non-immigrant student who failed to maintain full time student status is also required to register.
6. Males 26 and over: Once males reach the age of 26, it is too late to register. Even though they may not be prosecuted, they may be denied student financial assistance, Federal job training and most Federal employment unless convincing evidence is provided to the agency providing the benefit, that the failure to register was not knowing and willful.
7. Military-related: Members of the Armed forces on active duty.
8. Non-citizen male: A male who enters the U.S. as a permanent resident after he has already passed his 26th birthday is not required to register because he is over the age limit.
9. Special agricultural workers: Holders of I-688A; green card holders
10. Students in Officer Procurement Programs at Military Institutes.

Special Categories

- *Disabled men or men with medical conditions:* Neither the MSSA nor the Presidential proclamation provide an exemption from registration because of a man's mental or physical condition unless Selective Service is provided with documented evidence that the man is:
 - Hospitalized or institutionalized; or
 - Homebound and unable to function outside the home, with or without physical assistance; or
 - Is in such physical or mental condition that he would not comprehend the nature of his registration with the Selective Service System.

A determination is then made by Selective Service as to whether or not the man qualifies for exemption from registration.

- *Individuals who have had a sex change:*
 - Individuals who are born female and have a sex change are not required to register.
 - U.S citizens or immigrants who are born male and have a sex change are still required to register. In the event of a resumption of the draft, males who have had a sex change can file a claim for an exemption from military service if they receive an order to report for examination or induction.
- *Only Sons:* Sole surviving sons must register and they can be drafted. However, they may be entitled to a peacetime deferment if there is a military death in the immediate family.

Determining Eligibility for Customers Who Failed to Register

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- Males ages 18 through 25:

An individual who is of age (i.e. 18 through 25) but has not registered with Selective Service must be directed to register at www.sss.gov prior to enrollment in WIOA.

- Males Ages 26 and Older

In 1986, the Military Selective Service Act was amended by Public Law 99-661, 1366 to require that military registration status be examined and confirmed as follows:

“A person may not be denied the right, privilege, or benefit under Federal law by reason of failure to present himself for and submit to registration under Section 3 (section 453) if:

- The requirement to register has terminated or become inapplicable to the person, and
- The person shows by a preponderance of the evidence that the failure of the person to register was not knowing and willful failure to register.”

Males 26 and older, born on or after January 1, 1960, who have not registered with Selective Service, are considered “ineligible” to participate in WIOA services. The burden of proof then falls on the individual to provide a statement of evidence as to why he failed to register with Selective Service.

Area 12 will accept the following as evidence that the failure to register was not knowing and willful failure to register:

- Self-attestation statement
- Notarized statement from an individual who witnessed the individual’s attempt to register (in cases where the individual believed he did indeed submit information, but verification of such is not available through the Selective Service office)

If, after evaluating the evidence provided by the customer, the local area staff determines the failure to register was not knowing and willful and he is otherwise eligible for WIOA, services may be granted. However, if the determination is that the individual’s failure to register was knowing and willful, services may be denied. Individuals denied services should be advised of the available grievance procedures under WIOA. Decisions by the local area regarding Selective Service registration determinations are subject to WIOA grievances and appeal procedures.

Note: Former Illegal Aliens: Male aliens 26 years or older who entered the U.S. illegally and who were subsequently granted legal status by the INS (IRCA-legalized aliens) or who were born after December 31, 1959, can be registered in WIOA. It is important to remember that WIOA prohibits participation of an alien without legal status from INS, even if there is a determination that there is evidence to show that the customer did not knowingly and willfully fail to register with Selective Service.

How to Register for Selective Service

- **Register Online**

Of age males may register online with Selective Service: www.sss.gov

- **At the Post Office**

Selective Service “mail-back” registration forms are available at any U.S. Post Office. Of age males can complete the registration form and mail it to Selective

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Service, while those living overseas may register at any U.S. Embassy or consular office.

- **Check Box**
Males ages 18 through 26 can register when completing the Federal Student Aid (FAFSA) form. By checking box #22 of the FAFSA form, the Department of Education will furnish the information to Selective Service.
- **High School**
Males attending high school should consult with their high school guidance counselor regarding the identification of the assigned Selective Service registrar.

Recording/Documentation

Area 12 will maintain accurate documentation in circumstances where either the individual is too old to register or meets any of the allowable exceptions to Selective Service registration requirement. Such documentation should be maintained in the participant file, following the requirements of Ohio's source documentation guide to eligibility and should be accessible for monitoring purposes. The Request for a "Status Information Letter can be accessed at <https://www.sss.gov/verify/sil/>.

Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: OWDPOLICY@jfs.ohio.gov.

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References

[Workforce Innovation and Opportunity Act, Public Law 113-128](#)

[29 U.S.C. 3101 et seq.](#)

[Military Selective Service Act, 50 U.S.C. App. 453, 32 C.F.R. Part 1605.](#)

[USDOL, Training and Employment Guidance Letter No. 11-11, Change 2, Selective Service Registration Requirements for Employment and Training Administration Funded Programs, \(May 16, 2012\).](#)

[ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-07.3, Source Documentation for WIOA Eligibility, \(August 14,2023\).](#)