



## Adjudication and Vetting Services (AVS)

### Industry Conditional Eligibility Determinations Fact Sheet

Updated: 17 May 2024

In accordance with Security Executive Agent Directive (SEAD) 4, an adjudicator may determine that “information is serious enough to warrant a recommendation of denial or revocation of the national security eligibility, but the specific risk to national security can be managed with appropriate mitigation measures.” The information and issues may be identified upon initial review of an investigation, incident report, or after review of a response to a Supplemental Information Request (SIR) or Statement of Reasons (SOR). Only issues related to the following five (5) Adjudicative Guidelines may warrant a Conditional Eligibility Determination: Sexual Behavior, Financial Considerations, Alcohol Consumption, Drug Involvement and Substance Misuse, and Criminal Conduct. If an adjudicator is able to make a final favorable national security eligibility determination, they will do so; however, if there are guideline issues present that are not explicitly mitigated, but for which the risk to national security can be monitored through the Defense Counterintelligence and Security Agency Adjudication and Vetting Services (DCSA AVS) Continuous Vetting (CV) program, then a Conditional Eligibility Determination may be rendered.

#### **Actions Required of the Facility Security Officer (FSO) and Subject**

**FSOs:** The Processing Team (DCSA) will send the Conditional Eligibility Determination packet to the FSO the same way Industry interrogatories and SORs are sent, via an Eyes-Only package (currently being sent electronically, password-protected). The FSO will not have access to the Subject Conditional Eligibility Memorandum or Subject Acknowledgement of Receipt (Subject AOR). If the Subject agrees to abide by the Conditional Eligibility Determination, the FSO will then receive via the Defense Information System for Security (DISS) a Conditional Request for Action (RFA) containing the Fact Sheet and an associated Acknowledgement of Receipt (FSO AOR). The FSO is required to submit the signed FSO AOR in DISS within 30 calendar days. Following receipt of the FSO AOR, a DCSA AVS adjudicator will grant conditional eligibility to the Subject and update DISS accordingly.

**Subjects:** Upon receiving the Conditional Eligibility Memorandum and Subject AOR, the Subject has 20 calendar days from the date of the signed Cover Page Receipt to submit their completed AOR to the DCSA AVS, indicating whether or not they agree to abide by the Conditional Eligibility Determination. Once the Subject AOR is received, DCSA AVS will determine whether a) Subject agrees to abide by the Conditional Eligibility Determination, after which the Conditional Eligibility will be granted in DISS, or b) Subject does not agree to abide by the Conditional Eligibility Determination, after which either issue resolution will be conducted or due process will begin. If the Subject agrees to abide by the Conditional Eligibility Determination, their remaining responsibilities extend to resolution of their guideline issue(s), with no need to report those attempts to DCSA AVS, and refraining from continued derogatory behavior.

If the Subject’s AOR is not received within 20 calendar days, the DCSA AVS adjudicator will first confirm the Subject has not changed companies. If the Subject has not changed companies, the DCSA AVS adjudicator will close the case No Determination Made. If the Subject’s AOR indicates they will not abide by the conditions, the DCSA AVS will either conduct issue resolution or initiate due process.



If there are questions about this process or assistance is needed, please contact the DCSA AVS Call Center at (667) 424-3850 or [dcsa.meade.cas.mbx.call-center@mail.mil](mailto:dcsa.meade.cas.mbx.call-center@mail.mil). Please do not send correspondence requesting Conditional Eligibility Determinations for specific subjects to this email.

The conditional eligibility is a final eligibility that will support access to classified information and/or access to sites. If your government customer is requesting additional information about the Conditional Eligibility Determination or there is an issue with an Industry contractor accessing a site, please submit an email to [dcsa.ncr.dcsa-dvd.mbx.askvroc@mail.mil](mailto:dcsa.ncr.dcsa-dvd.mbx.askvroc@mail.mil) with the following information:

1. FSO Name/phone number/email
2. Subject's name and CAGE Code
3. Government POC/phone number/email

DCSA AVS will review available information and contact the government POC to discuss the Conditional Eligibility Determination and provide a response to the FSO on the outcome.

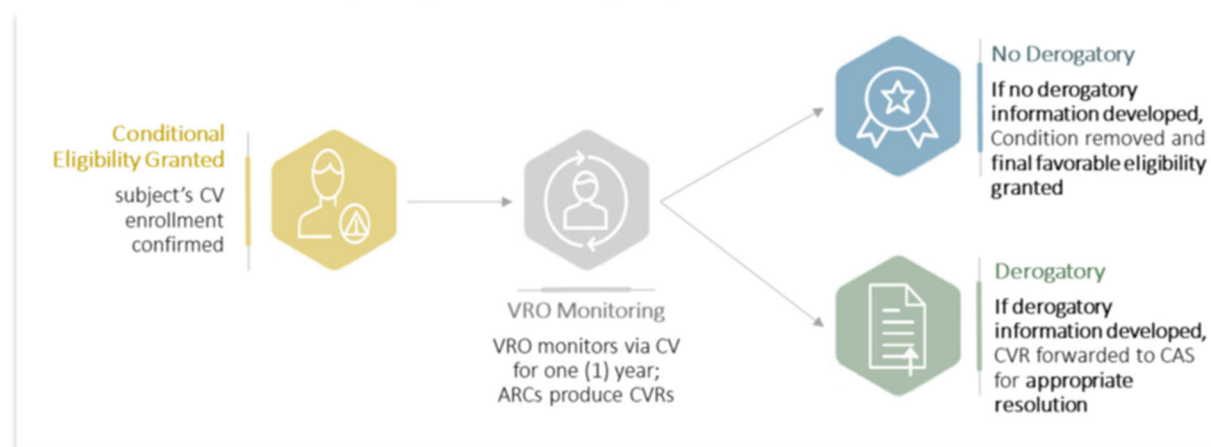
## Industry Conditional Eligibility Determinations FAQs

### How is this beneficial to stakeholders impacted by a Subject's clearance?

This process not only enables collaborative risk management and reduces timeliness impacts of avoidable due process proceedings, but it also provides a Subject with an opportunity to maintain access where they would have otherwise lost their eligibility, thus maximizing mission readiness.

### What will the process look like for Conditional Industry?

Non-Reporting Conditional Eligibility Determination Workflow



*DCSA will routinely communicate with Industry stakeholders during outreach sessions to gain feedback and ensure community awareness of Conditional Eligibility Determination functionality.*

The Processing Team (DCSA) will send the Conditional Eligibility Determination packet to the FSO the same way Industry interrogatories and SORs are sent, via an Eyes Only package (currently being sent electronically, password-protected).



The Conditional Eligibility Determination packet will consist of:

- Privacy Act cover sheet
- Cover Page Receipt
- Subject Conditional Eligibility Memorandum
- Subject AOR

The Subject will have 20 calendar days from the date of the signed receipt to submit their AOR. The Processing Team will track, monitor, and upload the Subject AOR to DISS upon receipt. If the Subject agrees to abide by the Conditional Eligibility Determination, the FSO will then receive via DISS a Conditional Request for Action (RFA) containing the Fact Sheet and an accompanying Acknowledgement of Receipt (AOR). The FSO is required to submit the signed FSO AOR in DISS within 30 calendar days. Following receipt of the FSO AOR, a DCSA AVS adjudicator will grant conditional eligibility to the Subject and update DISS accordingly.

### **What is the supporting policy for this process?**

1. DoD Manual 5200.02, Procedures for the DoD Personnel Security Program (PSP)

a. 7.15.d, Determining Eligibility with Conditions: “Adjudicators must document eligibility determinations issued with conditions in JPAS and revisit the determination annually until the conditions are removed.”

2. Security Executive Agent Directive (SEAD) 4, National Security Adjudicative Guidelines a. 2(g), “If after evaluating information of security concern, the adjudicator decides the information is serious enough to warrant a recommendation of denial or revocation of the national security eligibility, but the specific risk to national security can be managed with appropriate mitigation measures, an adjudicator may recommend approval to grant initial or continued eligibility for access to classified information or hold a sensitive position with exception as defined in Appendix C.”

3. USD(I) Memorandum, Personnel Security Clearance Adjudication Documentation, November 8, 2009

a. If an issue is not obviously and clearly mitigated by a standard mitigating condition, then an explanatory rationale must be entered. When the determination is an exception (i.e. condition, deviation, or waiver...) adjudicators will select the appropriate option from the DISS drop down menu and add rationale text to briefly explain the exception.

### **What do I need to do if a Subject granted a Conditional Eligibility is not allowed to access a government/military site?**

The conditional eligibility is a final eligibility that will support access to classified information and/or access to sites. If your government customer is requesting additional information or there is an issue with an Industry contractor accessing a site, please submit an email to [dcsa.ncr.dcsadvd.mbx.askvroc@mail.mil](mailto:dcsa.ncr.dcsadvd.mbx.askvroc@mail.mil) with the following information:

FSO Name/phone number/email

Subject’s name and CAGE Code

Government POC/phone number/email



DCSA AVS will review available information and contact the government POC to discuss the Conditional Eligibility and provide a response to the FSO on the outcome.

**What happens after a conditional eligibility monitoring period is complete?**

Conditional Eligibility Determinations have a duration of one (1) year, or until mitigating information is provided to DCSA AVS (whichever occurs first). All eligibility determinations with a Condition are revisited one year later. If no additional derogatory information requiring resolution exists, a final favorable eligibility (without a Condition) is rendered.

Once a year has elapsed, a DCSA AVS adjudicator will update the system of record with the appropriate eligibility level (Secret, Top Secret, or SCI), ensuring the Condition is no longer present in the Exception drop down, and close the case.

**What should be done if the subject leaves one company once the RFA is received and moves to another company?**

The company that received the RFA should submit a CSR – Supplemental indicating the subject has left the company. At that point, DCSA AVS will re-issue the RFA to the new company.