

Federal Investigations Notice

Notice No. 07-05

Date: August 1, 2007

SUBJECT: Reporting adjudicative actions based on OPM investigations (including cases on contractors, military personnel, and other positions not in the competitive Federal service)

This notice provides OPM policy guidance and clarification regarding the reporting of adjudicative actions taken based on OPM investigations. This applies to all positions and all agencies within the Executive Branch. It also includes information about the INV Form 79A, "Report of Agency Adjudicative Action on OPM Personnel Investigations."

On July 10, 2003, we issued Federal Investigations Notice No.03-05 to remind agencies of the importance of the timely and careful adjudication of investigations, and of the availability of useful data from our system of records when such actions are properly documented. Upon request, we provide agency security offices with statistical information showing the number of adjudicative actions returned and the adjudicative actions taken for each case. Agencies can use this information to manage security issues, identify inconsistencies in adjudicative decisions, and determine staff training needs. OPM also uses this information to fulfill our responsibilities in evaluating the effectiveness of agency personnel security and suitability programs.

Effective with receipt of this Notice, agencies are required to report their adjudicative decisions for all investigations completed by OPM. This requirement for full reporting of adjudicative information is issued pursuant to OPM's authority over its investigations and agency adjudications, and in accordance with OPM's oversight responsibilities of agency suitability and security programs. Further, this requirement is critical to current policies and procedures involving the reciprocity of national security and suitability determinations. These policies and procedures prevent unnecessary reinvestigations and adjudications, and the waste of financial and operational resources. See, e.g., 5 U.S.C. 301, 1103, 1303, and 3301; Pub.L. 108-136 and 108-458; Executive Orders 10577, 10450, 12968 and 13381; OMB Memorandum M-05-17 (June 30, 2005); OMB Memorandum dated December 12, 2005; 5 CFR parts 731 and 732; and HSPD 12.

The INV Form 79A includes information about whether the case contains issues, and the severity of any identified issues. It provides instructions to the agency on completing and returning the form to OPM. In the past, OPM has granted certain agencies exemptions from the reporting requirements for certain cases. Effective with the issuance of this FIN, all such prior exemptions are null and void and full reporting is expected. Not all OPM cases include an INV Form 79A, however. For example, when non-sensitive low risk NACI cases with no issues are closed, the form is not generated. For these cases, reporting of adjudicative actions is not necessary. However, when any OPM investigation includes an INV Form 79A that states it must be completed and returned, the agency must do so within less than 90 days of receiving the completed investigation. Note that this 90-day time-frame is significantly in excess of reporting requirements established for those investigations covered by Public Law 108-458. For this reason, agencies are advised to report this information to OPM as soon as possible (under the terms of PL 108-458, agencies will be expected to make their adjudicative determinations within 30 days of the completion of the investigation; the law mandates that this period eventually be reduced to 20 days).

In the past, OPM has not required agencies to report the date of their adjudicative actions on the 79A. However, in light of requirements recently placed on OPM and other Federal agencies with regard to the reporting of adjudicative information, the adjudication date will be a required element of 79A reporting. Effective 30 days from the issuance of this FIN, 79As returned which do not show an adjudication date will be returned to the submitting agency.

Besides using the INV Form 79A to inform OPM of adjudicative actions, agencies which have access to the PIPS agency access menu may enter their adjudicative actions electronically. OPM encourages the use of electronic reporting of adjudication information as a means of streamlining the reporting process and meeting the requirements of Public Law 108-458.

OPM will work with agencies that wish to move toward electronic reporting of their adjudicative actions, whether through PIPS or via some other mutually agreeable means. Contact FISD's Agency Liaison Group at (703) 603-0442 for additional information.



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Inquiries: OPM-FISD, Agency Liaison Group, 703-605-0442

Code: Executive Orders 10450 and 12968; 5 CFR 731, 732; Homeland Security Presidential Directive 12; 5 U.S.C. 301

Distribution: SOI's

Notice Expires: When Superseded