

# Operational Guidance for Centralized Background Check and Adjudication Process: Military Members Having Regular Contact with Children

## Contents

I. Purpose.....	2
II. Coverage and Applicability.....	2
III. References.....	2
IV. Definitions.....	3
V. General Instructions.....	3
1. Communication with the CSSC.....	3
2. Fingerprints.....	4
3. Requests for Installation Records Checks from Other Components.....	5
VI. Case Submission Instructions.....	5
1. Multiple Personnel Types.....	5
2. Preparation for Submission of Request.....	5
3. SCHR and/or INTERPOL Checks.....	5
4. PSIP Submission.....	6
5. Special Situations.....	7
6. Reverifications.....	7
VII. CSSC Preliminary Background Check Processing.....	8
VIII. Adjudication.....	8
1. Adjudicative Decision.....	8
2. Reverifications.....	9
IX. Appeals.....	9
Appendix A. CSSC Consent/Release Statement.....	11
Appendix B. CSSC Master Checklist.....	11
Appendix C. No Longer in Use.....	11
Appendix D. No Longer in Use.....	11

Appendix E. No Longer in Use.....	11
Appendix F. No Longer in Use.....	11
Appendix G. Child Care Services Reference Form. (N/A for Military).....	11
Appendix H. No Longer in Use.....	11
Appendix I. No Longer in Use.....	11
Appendix J. All In Home Care Providers Notification of Submission. (N/A for Military).....	11
Appendix K. Memorandum Notifying Subject of Mandatory Derogatory Information with Opportunity to Challenge.....	11
Appendix L. Decision Matrix: Requirements for Ordering Investigations.....	11
Appendix M. CSSC Template for DA-5018-R.....	11
Appendix N. Memorandum Requesting Subject Provide Additional Information, Possible Mandatory Disqualifier.....	11
Appendix O. Memorandum Requesting Subject Provide Additional Information, Discretionary Derogatory Information.....	11
Appendix P. Memorandum Notifying Subject of Unsuitable Determination and Appeal Rights.....	11

**Red font in this document indicates there were changes made from the previous version.**

### I. Purpose.

This document provides **guidance on the process of obtaining and adjudicating** background checks for military members who have regular contact with children under the age of 18 **as part of** their officially assigned duties **in Army programs**. **This document is reformatted for simplicity. It also clarifies Personnel Security Investigation Portal (PSIP) changes for child services cases; clarifies actions required at reverification; provides for placing incomplete cases on hold or terminating cases; and outlines the appeals process.**

### II. Coverage and Applicability.

Instructions in this document apply to all military members who have regular contact with children under the age of 18 **in Army programs as part of their** officially assigned duties. **It does not apply to military members who perform volunteer duties that are not part of their officially assigned duties; instead, follow the guide that applies to specified volunteers.** This document covers the checks that are required at initial assignment, and for re-verification. Note that throughout this document, when referring to processing SCHR checks, as applicable, INTERPOL and/or credit checks will also be processed.

### III. References.

1. Army Directive 2014-23 (Conduct of Screening and Background Checks for Individuals Who Have Regular Contact With Children in Army Programs, 10 September 2014.

2. Department of Defense Instruction 1402.05, Background Checks on Individuals in DoD Child Care Services Programs, 11 September 2015, Incorporating Change 1, Effective July 14, 2016.
3. ASA(M&RA) memorandum, Clarifying Policy in Army Directive 2014-23, 5 February 2018.
4. ASA(M&RA) memorandum, Suitability and Fitness Adjudication at the Child Services Suitability Cell, 12 September 2018.

#### IV. Definitions.

1. Mandatory/Automatic Derogatory Information: Defined as “Criteria for Automatic Disqualification” in reference 2, page 12, enclosure 3, paragraph 3.b. and reference 3, paragraph 4j. Management will not pursue hiring action in these cases, or the Consolidated Suitability Service Center (previously the Child Services Suitability Cell) (CSSC) will make a determination that the derogatory information presented is disqualifying.
2. Discretionary/Presumptive Derogatory Information: Defined in reference 2, page 13, enclosure 3, paragraph 4.a. and reference 3, paragraph 4k. The CSSC will adjudicate Discretionary/Presumptive Derogatory Information.
3. Preliminary Background Checks (PBC). Checks completed prior to selectee’s entry on duty, to include FBI Fingerprint Checks, and Installation Records Checks (Defense Central Index of Investigations (DCII), Army Law Enforcement Reporting and Tracking System (ALERTS), Army Central Registry (ACR), and Army Substance Abuse Program (ASAP) data bases).
4. Consolidated Suitability Service Center (CSSC). In this document, CSSC refers to the HQDA Deputy Chief of Staff, G-1 organization in Aberdeen Proving Ground with responsibility for processing background checks for personnel having regular contact with children. Each serviced activity is assigned to a CSSC Personnel Security Specialist (PSS) who is the primary contact for that serviced activity (see Section V paragraph 1 below).
5. Reverification. In accordance with references, reverification of background checks (IRCs, FBI Fingerprint results, and State Criminal History Repository / INTERPOL checks) are completed every five years.

#### V. General Instructions.

##### 1. Communication with the CSSC.

- a. The CSSC will communicate primarily with the Personnel Security Investigation Portal (PSIP) requester and alternate requesters.
- b. The requester and alternate requester(s) are able to view case status in PSIP for those cases that were created in PSIP. The key to understanding terms associated with Processing Status and Reason in PSIP is in the PSIP Requester Guide, Appendix N.
- c. Before contacting the CSSC PSS regarding a specific case please do the following:
  - (1) Check to ensure that PSIP request was fill out correctly in accordance with the PSIP Requester Guide and all documentation accompanied the request (if applicable).

(2) Check case status in PSIP.

d. Should concerns or issues arise during the course of a case or regarding any matters concerning the CSSC, the initial contact should be with the assigned CSSC PSS. If additional assistance is required, the matter should be elevated by the CDE government management official to one of the technical leads at the CSSC:

- Robert Snyder, at [robert.c.snyder7.civ@mail.mil](mailto:robert.c.snyder7.civ@mail.mil) / (410) 278-1412 / DSN 298-1412; or
- Eric Wieciech, at [eric.l.wieciech.civ@mail.mil](mailto:eric.l.wieciech.civ@mail.mil) / (410) 306-0119 / DSN 458-0119

If additional assistance is required, matters may be elevated by the CDE government management official to the CSSC Director:

- Tony Prestridge, at [tony.d.prestridge.civ@mail.mil](mailto:tony.d.prestridge.civ@mail.mil) / (410) 278-2071 / DSN 298-2071.

## 2. Fingerprints.

a. Army policy is to use LiveScan for fingerprint capture. When a hardcopy card is required to accompany an OFI-86C, only use the FD-258 (version 5-15-17) – do not use the SF-87. This is especially important when submitting an OFI-86C case as NBIB will not know where to send the results if a SF 87 is used due to the inclusion of the SON/SOI fields. When submitting a Hard copy FD-258 fingerprint card to obtain a FBIF FP SAC, in the section labeled “Reason for Fingerprinted” make sure to list the SON, SOI and IPAC information. Fingerprint submissions should use the local CDE SON and/or SOI and DPTMS UIC in the Attention Indicator cell, and indicate DA ARMY in the IPAC cell. The CSSC will obtain the initial FBI Fingerprint (FP) Special Agreement Check (SAC) results from NBIB’s Central Verification System and/or NP2 Portal and order copies of results as needed.

b. If fingerprints are unclassifiable, the FPs must be recaptured and resubmitted one additional time. The original case number must be provided when the reprint is submitted to avoid another charge by NBIB. Failure to provide the original case number may result in an additional charge for the reprint. There is no requirement to recapture and resubmit if the individual is a double amputee or has another physical condition that precludes capturing of FPs.

(1) For electronic submission, enter the original case number in Originating Agency Case (OCA) No. field.

(2) For hardcopy submissions, enter the original case number in the OCA number field on the FD-258. Submit the hardcopy card with “Reprint” written in the top left hand corner, and provide the Unclassifiable Notice indicating the original fingerprint was unclassifiable. The second capture should be electronic if at all possible.

c. If FPs are still unclassifiable after the second attempt, the reason will be documented, if it can be determined (such as if subject has a physical condition that precludes capturing fingerprints). In such cases, the investigation request should proceed in accordance with NBIB instructions (a name-based search of FBI-CJIS criminal history information).<sup>1</sup>

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<sup>1</sup> See <https://nbib.opm.gov/hr-security-personnel/requesting-opm-personnel-investigations/#url=6.3>.

d. Fingerprints submitted to NBIB for an initial investigation or a reverification should be taken no more than 120 days prior to the date of PSIP submission. Ideally, they should be taken and submitted no more than 3 to 10 days after the PSIP submission.

### 3. Requests for Installation Records Checks from Other Components.

The Army has made a determination that **Army activities** will not complete courtesy installation records checks for other components on individuals who previously were or currently are serving the Army in positions having regular contact with children. The recipient of any such requests should decline and if necessary, refer the requester to their Command HQ.

## VI. Case Submission Instructions.

### 1. Multiple Personnel Types.

If a Soldier is being processed for his/her regular military duties and in addition, a position of another type, such as a volunteer or an off duty civilian position, please call or email the CSSC PSS before submitting a request so that the CSSC PSS can ensure that all the checks are coordinated.

### 2. Preparation for Submission of Request.

a. When a military member is identified to be assigned to a position requiring regular contact with children, the FM coordinates with the BCA to have fingerprints taken (fingerprints must have been taken within the 120 days prior to submission) and submits a work order ticket and preliminary documents to the BCA (**see paragraph 4a below for a list of required documents**).

b. Upon receipt of the work order ticket, BCA reviews preliminary documents **and results of the FBI fingerprint checks** to ensure no mandatory disqualifying information is identified; if so, the BCA notifies the FM. **If a local decision is made to terminate the request, due process procedures must be followed IAW reference 3.**

c. The BCA will call NBIB to confirm if a CNACI or Tier 1 (or higher level investigation) with SCHR is on file and was completed in the last five years. It is expected that every military member will have had either a Tier 3 or Tier 5 investigation (or the equivalent). Most military members will not, however, have had SCHR.

### 3. SCHR and/or INTERPOL Checks.

If there are no SCHR on file, when taking fingerprints, state fingerprint cards and releases will be completed in order to accompany the OFI-86 C for the SCHR SAC. The BCA will take and submit all appropriate fingerprints to NBIB along with the OFI-86C if an investigation is already on file but requires state checks.

(1) If the existing investigation is pending, the BCA requests that NBIB add SCHR to the investigation.

(2) If the existing completed investigation does not include SCHR the BCA processes an OFI-86C and sends to NBIB.

(3) If the Soldier already has a Tier 1/**equivalent** or higher investigation, and SCHR are required:

a) On the OFI-86C form, the office completing the form enters the CDE SON in block number 9 and CSSC SOI "Z256" in block number 10.

b) The BCA mails the OFI-86C and applicable state documents (forms and/or hardcopy fingerprint cards) to NBIB.

c) BCA submits the case into PSIP and uploads the preliminary documents (see paragraph 4 below).

(4) If the Soldier has resided OCONUS for more than six months in the previous five years, the BCA will also submit a request for INTERPOL checks in accordance with reference 4.

(5) If the Soldier has resided overseas longer than 5 years and has no states to list the BCA will only complete a Reimbursable Suitability/Security Investigation (RSI) for checks using the NP2 Portal. Reference 4 provides instructions for submitting the RSI; however, please note that the request is now submitted on a FIPC 554. See <https://nbib.opm.gov/hr-security-personnel/rsis-reopens/>.

#### 4. PSIP Submission.

a. BCA submits the case in PSIP, selecting "CSSC PBC's Only" at the Initiation page, "military" in the role, and uploads the forms and documents listed below (combine into a single PDF file with the naming convention LASTNAME\_LAST4SSN\_PE in the Childcare Suitability Documents area).

(1) Release/Consent Statement<sup>2</sup> Signature date must be no more than 120 days prior to PSIP submission date.

(2) DA Form 5018-R, ADAPCP Client's Consent Statement For Release Of Treatment Information. Use CSSC template at Appendix M.

(3) Description of child services duties.

b. Comments should be added in PSIP to indicate if the following apply:

- INTERPOL checks submitted and the date
- Driving nexus
- Financial nexus
- Previous PRB or adjudication
- States lived in for past five years
- Date OFI-86C submitted, if any
- Individual has been previously cleared for an Army position and the type of position
- Request closed previously by PSI-CoE or CSSC
- Any other information that would assist the CSSC in processing the case

c. All documents must be complete and accurate. In the event of errors or omissions, the CSSC will notify the requester and other POCs on the request by email that the case requires correction and what the needed corrections are; process the case to the extent possible; and then place the case on hold. If, after 10 business days on hold, the corrections are not complete, the case will be terminated. If the CSSC terminates a case for errors or omissions in the submitted documents, the requester may submit the case to be reopened via encrypted email with all case documents attached, to the CSSC PSS. The

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<sup>2</sup> Appendix A.

PSS will obtain approval for the reopen from a CSSC technical lead. If approved, the case will be reopened and be placed in active status for processing.

## 5. Special Situations.

*a. Incorrectly Processed Prior Actions.* If it is determined that there was derogatory information from the previous background checks that was not obtained and/or adjudicated in accordance with existing guidance at the time, the BCA will submit a case in PSIP, selecting the “CSSC PBCs Only” option at the initiation page and adding a note in the comments explaining the situation. The BCA will submit all available documents regarding the previous adjudication (using the guide in paragraph 5c below) in the Childcare Suitability Documents area of PSIP. If SCHR checks were not previously completed, the requester will complete the OFI-86C as described in paragraph 3 above.

*b. Due Process.* If management decides not to proceed at any time based on derogatory information, due process procedures must be followed as appropriate IAW reference 5.

## 6. Reverifications.

*a. Timeliness.* Requests for reverification should be submitted no earlier than 75 days prior to the anniversary date of the oldest previous background check or investigation. The BCA will submit all requests for reverification in PSIP, following the instructions below. When a reverification is required, PBCs and OFI-86C will be completed.

### *b. SCHR and/or INTERPOL Checks.*

(1) On the OFI-86C form, the office completing the form enters the CDE SON in block 9, and enters CSSC SOI "Z256" in block number 10.

(2) The BCA mails the OFI-86C and applicable state documents (forms and/or hardcopy fingerprint cards) to NBIB.

(3) The results of the SCHR Checks will be sent directly from NBIB to the CSSC.

(4) If the Soldier has resided OCONUS for more than six months in the previous five years, the BCA will also submit a request for INTERPOL checks in accordance with reference 4.

(5) If the military member has resided overseas longer than 5 years and has no states to list the BCA will only complete an RSI for INTERPOL checks using the NP2 Portal. See paragraph 3(3)(d) above.

### *c. PSIP Submission.*

(1) BCA submits the case in PSIP, selecting “CSSC Reverification” at the Initiation page, and uploads the forms and documents listed below (combine into a single PDF file with the naming convention LASTNAME\_LAST4SSN\_PE in the Childcare Suitability Documents area).

(a) Copies of following documents, unless the CSSC processed the initial background checks or a previous reverification (if so, these documents are not required).

- Original Release/Consent Statement.<sup>3</sup>

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<sup>3</sup> See Appendix A for sample.

- All previous applicable PRB documents: CRESR printout showing full case details and suitability determination, Tab A, Tab C, Tab I, IMCOM 26 and 26A, IMCOM 26B, any other PRB documents adjudicated by the Garrison/equivalent commander (from Tab K in CRESR).

(b) DA Form 5018-R, ADAPCP Client's Consent Statement For Release Of Treatment Information. Use CSSC template at Appendix M.

(c) Description of child services duties.

(2) Comments should be added in PSIP to indicate if the following apply:

- INTERPOL checks submitted and the date
- Driving nexus
- Financial nexus
- Previous PRB or adjudication
- States lived in for past five years
- Break in service over 24 months
- Date OFI-86C submitted, if any
- Individual has been previously cleared for an Army position and the type of position
- Request closed previously by PSI-CoE or CSSC
- Any other information that would assist the CSSC in processing the case

(3) All documents must be complete and accurate. In the event of errors or omissions, the CSSC will notify the requester and other POCs on the request by email that the case requires correction and what the needed corrections are; process the case to the extent possible; and then place the case on hold. If, after 10 business days on hold, the corrections are not complete, the case will be terminated. If the CSSC terminates a case for errors or omissions in the submitted documents, the requester may submit the case to be reopened via encrypted email with all case documents attached, to the CSSC PSS. The PSS will obtain approval for the reopen from a CSSC technical lead. If approved, the case will be reopened and be placed in active status for processing.

## VII. CSSC Preliminary Background Check Processing.

The CSSC manages preliminary background check (PBC) process to include Installation Records Checks (IRC) (DCII, ALERTS, ACR and ASAP), and the FBI FP SAC. The CSSC:

- a. Requests and receives results of IRC checks based on submission of case in PSIP by BCA.
- b. Obtains FBI FP SAC results from CVS/PIPS. When results of the FBI FP SAC indicate a "Record", the CSSC obtains the FBI SAC CCT and ROI from NBIB.
- c. Reviews all documents and adjudicates in accordance with paragraph VIII below.

## VIII. Adjudication.

### 1. Adjudicative Decision.

a. The CSSC will make all interim, final and reverification adjudications. For each adjudication, the CSSC will notify the BCA of the results with the first page of the Appendix B checklist. The checklist will

indicate whether it is an interim, final, or reverification adjudication. **Interim adjudications will be made on or after the date that the OFI-86C is forwarded to NBIB. The documents the adjudicator will use are, as applicable:**

- (1) Results of IRCs from IRC agencies.
- (2) Results of SCHR checks and INTERPOL checks from NBIB.
- (3) Results of FBI FP SAC.
- (4) Copy of the OPM/NBIB investigation, ordered from NBIB as needed (based on Appendix L).

(5) Information from the Soldier as necessary. **If the CSSC requires additional information to adjudicate the case, the CSSC PSS will forward the appropriate memo (Appendix K, N, or O) to the BCA. The BCA forwards the memo to the FM to provide the memo to the subject. The FM enters his/her contact information in the space provided and issues the memo to the Soldier, who has ten calendar days to respond. The FM obtains the individual's signature on the memo, or if the Soldier refuses to sign to acknowledge the receipt of the memo, the FM annotates the memo accordingly, signs and dates the memo. The FM returns the memo to the BCA and if/when the Soldier responds, returns the response to the BCA. The BCA returns a copy of the Soldier-signed or FM annotated memo to the CSSC and any additional information provided by the Soldier. The Soldier may request, in writing, a ten calendar day extension of the initial response period. In this case, the BCA will forward the request to the CSSC for decision and notify the Soldier of the decision regarding the extension. If the Soldier does not respond within the 10 days, the BCA will notify the CSSC with a copy of the memo, annotated accordingly.**

**b. If the PSI-CoE rejects a request for a new investigation because there is an existing investigation, and the previous one has been archived, the BCA contacts the CSSC, and the CSSC sends a request for a new investigation to the Initiations Inbox. The request will include the CLR # and an explanation similar to those cited in the Definition of CSSC reason for access, e.g. current existing investigation unavailable for review or the age of the investigation does not meet the needs of the program.**

## **2. Reverifications.**

a. **If the CSSC PSS identifies serious derogatory information during the reverification process, the CSSC PSS will contact the BCA to advise them of same so that a local decision may be made as to whether to place the individual back under LOSS or remove him or her from contact with children.**

b. **If the CSSC identifies derogatory information in any of the checks pertaining to an incident that appears to have occurred in the course of performing their military duties, the CSSC will contact the BCA to request documentation as to any disciplinary action that might have been considered/taken as a result of the incident. The BCA will coordinate with management as necessary to obtain that documentation and provide it to the CSSC so that incident is not considered in the reverification process.**

## **IX. Appeals.**

**If the CSSC makes an unfavorable determination, the CSSC PSS will provide the memo at Appendix P to the BCA and the BCA will forward to FM to provide the individual with notification and information**

about appeal rights. The FM enters his/her contact information in the space provided and issues the memo to the Soldier, who has ten calendar days to respond. If the Soldier refuses to sign to acknowledge the receipt of the memo, the FM annotates the memo accordingly, signs and dates the memo and returns it to the BCA. The BCA will return a copy of the Soldier-signed (or FM annotated) Appendix P memo to the CSSC. If the individual appeals, the BCA forwards the appeal to the CSSC. Once the appeal is acted upon, the CSSC notifies the BCA of the final determination. If no appeal is filed within the time frame allowed, the CSSC notifies the BCA that the determination is final. The Soldier may request, in writing, a ten calendar day extension of the initial response period. In this case, the BCA will forward the request to the CSSC for decision and notify the FM, who will notify the Soldier of the decision regarding the extension. The CSSC records the determination and maintains the case record.

Appendix A. CSSC Consent/Release Statement.

Appendix B. CSSC Master Checklist.

Appendix C. No Longer in Use.

Appendix D. No Longer in Use.

Appendix E. No Longer in Use.

Appendix F. No Longer in Use.

Appendix G. Child Care Services Reference Form. (N/A for Military)

Appendix H. No Longer in Use.

Appendix I. No Longer in Use.

Appendix J. All In Home Care Providers Notification of Submission. (N/A for Military)

Appendix K. Memorandum Notifying Subject of Mandatory Derogatory Information with Opportunity to Challenge.

Appendix L. Decision Matrix: Requirements for Ordering Investigations.

Appendix M. CSSC Template for DA-5018-R.

Appendix N. Memorandum Requesting Subject Provide Additional Information, Possible Mandatory Disqualifier.

Appendix O. Memorandum Requesting Subject Provide Additional Information, Discretionary Derogatory Information

Appendix P. Memorandum Notifying Subject of Unsuitable Determination and Appeal Rights.