



TORII LEGAL ASSISTANCE

OFFICE OF THE STAFF JUDGE ADVOCATE



SECURITY CLEARANCE

Adapted from an handout from XVIII Airborne Corps Legal Assistance Office

1. WHAT ARE THE CONSEQUENCES OF HAVING MY SECURITY CLEARANCE REVOKED?

For many Soldiers a security clearance is vital for pursuing and retaining their Military Occupational Specialty. If it is revoked, your military career may be adversely impacted. If you are having security clearance issues, a Legal Assistance Office may be able to assist you.

2. WHAT IS THE PROCEDURE FOR REVOKING MY SECURITY CLEARANCE?

The Central Clearance Facility (CCF) located at Fort Meade, Maryland, will notify you that there is a problem with your security clearance. Army Regulation (AR) 380-67, Chapter 8, governs clearance revocation and the appeals process. The initial memorandum, called a Letter of Intent (LOI), will state that the CCF intends to revoke your security clearance because the CCF discovered credible derogatory information about you. A common form of derogatory information is a bad credit report. For example, if your credit report demonstrates that you do not pay your bills regularly and/or on time, the CCF may consider you a security risk and begin actions to revoke your clearance. The LOI will state in detail the nature of the derogatory information, explain the CCF's proposed action, and will direct suspension of your access to classified information and/or your access to Sensitive Compartmented Information.

3. WHAT DO I DO WHEN I RECEIVE A LETTER OF INTENT?

Immediately upon receiving the LOI, your commander will have you acknowledge its receipt in writing and will counsel you regarding the severity of losing your security clearance. Your commander will also have you indicate in writing whether or not you intend to appeal.

4. HOW DO I APPEAL?

You have sixty (60) days to appeal the CCF's intent to revoke your clearance. In appealing your revocation, you must address each issue raised in the LOI in your appeal. You should attach written documents supporting your appeal including letters from supervisors, counselors, creditors, or other credible sources. When you complete your appeal packet, you must forward it through your chain of command. At least one of your commanders must endorse the LOI and recommend whether your clearance should be revoked or restored.

5. CAN I SUBMIT A REQUEST FOR RECONSIDERATION?

After the CCF receives your appeal, a decision regarding your clearance revocation will be made within 60 to 90 days. If your appeal is denied, you have 60 days following receipt of the denial letter to appeal to Headquarters, Department of the Army. Within 60 days after receiving the denial letter, you may also submit a Request for Reconsideration (RFR) to the CCF. The RFR must be based on additional mitigating information not contained in the first appeal to the CCF. If all of your appeals are denied, you may submit another RFR to the CCF after one year from the date of your final denial letter or appeal decision, whichever is later.

6. WHAT IF I HAVE FURTHER QUESTIONS?

If you have problems with your security clearance, contact the Torii Station Legal Assistance Office. An attorney can assist you in understanding the appeals process and help you prepare your appeal.

