

# SECURITY CLEARANCE DENIAL OR REVOCAATION

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## Required Information and Documentation

(Note: The Equal Employment Opportunity Commission has no authority to review the substance of security-clearance determinations or the validity of an employer's requirement of a security clearance for a position. The Commission does have the authority to determine whether the grant, denial, or revocation of a security clearance was conducted in a non-discriminatory manner. Usually, the accepted claim will only indirectly concern the denial or revocation of a security clearance; it will generally focus on the adverse employment action based on the denial or revocation of the clearance.

**The following data items are examples of those that may be included, as appropriate, among those on lists for other types of claims.** For example, if the accepted claim involves a management-directed reassignment resulting from the revocation of a security clearance, or pending a security-clearance determination, then use the data list for management-directed reassignment and include data items below, as appropriate.)

1. Position description and vacancy announcement for the position at issue showing the requirement for a security clearance.
2. List of employees in the complainant's organization segment occupying the position at issue at any time during the two-year period prior to the action at issue. Provide the name and protected group(s) of all such employees and indicate whether each of these employees had the required security clearance.
3. Complainant's performance plan and performance evaluations in effect at the time of the action at issue.
4. Identify the agency official(s) who initiated the security-clearance check that resulted in the denial (or revocation) of the complainant's security clearance. Provide the name, position (title, pay plan, series and grade) and protected group(s) of this agency official(s).
5. Documentation of the initiation of the complainant's security-clearance check.
6. Notice given to the complainant of the suspension of his access to classified information, unescorted entry to restricted areas, and unclassified LAN access, with supporting documentation. Annotate:

- Name, position (title, pay plan, series and grade) and protected group(s) of the management official who issued the notice.
  - Name, position (title, pay plan, series and grade) and protected group(s) of all witnesses to each event that contributed to the suspension of access.
7. Documentation of the complainant's security-clearance determination (e.g. denial or revocation).
  8. Documentation related to the suspension of complainant's access to classified information, unescorted entry to restricted areas, and unclassified LAN access. Specifically provide:
    - Supporting documentation for the action. Annotate name, position (title, pay plan, series, and grade), organization segment and protected group(s) of all witnesses to each event that contributed to the decision to suspend complainant's access.
    - Complainant's written rebuttal to the decision to suspend his access.
    - Written response by management to complainant's rebuttal.
  9. Data on other employees subordinate to the agency official(s) who suspended the complainant's access to classified information who, during the two-year period prior to suspension of complainant's access, had their access to classified information, unescorted entry to restricted areas, and unclassified Local Area Network (LAN) access suspended. Specifically provide:
    - Name, position (title, pay plan, series and grade) and protected group(s) of employees whose access was suspended.
    - Date and reason employee's access was suspended.
    - Date and reason access was reinstated, if applicable.
    - Name, position (title, pay plan, series and grade) and protected group(s) of the agency official(s) involved in the action.
  10. Pertinent agency and local guidelines in effect at the time of the action at issue concerning the suspension of an employee's access to classified information, unescorted entry to restricted areas, and unclassified LAN access. (When providing excerpts, include cover page to identify source document.)
  11. Pertinent article(s) of negotiated union agreement, if applicable. (When providing excerpts, include cover page to identify source document.)
  12. Name of, and contact information (commercial work phone number and email address) for, the Security Specialist who handled the action at issue or who can provide information about the action.
  13. Name of, and contact information (commercial work phone number and email address) for, the Human Resources (HR) Specialist who handled the adverse employment action based on the denial or revocation of the clearance at issue or who can provide information about the action.

14. Appropriate data and documents for specific action(s) at issue. (See separate data submission checklists for covered actions.) Include basic documents showing evidence of fundamental due process for the action at issue (e.g. removal, detail, reassignment, change to lower grade, other adverse employment action resulting from the denial or revocation of security clearance). These basic documents include the notice and decision letters, the Request for Personnel Action and the Notification of Personnel Action. Also provide pertinent agency and local guidelines in effect at the time showing whether the adverse employment action taken was discretionary on the part of the agency following the denial or revocation of a security clearance.