

## Issue Characterization Chart

### 1. Intoxicants

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Drunk Drunk and disorderly Liquor law violation (use or possession by minor)	Drinking and driving Driving under influence Driving while intoxicated	Illegal manufacturing Illegal sale	Pattern of excessive use as reflected in: - convictions - job performance - employment gaps - inability to function responsibly - medical treatment or poor health

### 2. Drug Use

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Infrequent use or possession of marijuana Possession of marijuana paraphernalia Arrested or charged with possession of marijuana	Regular use or possession of marijuana Infrequent use or possession of other controlled substances Possession of drug paraphernalia Cultivating marijuana for personal use	Transfer of controlled substance Possession for sale or resale Prescription fraud or forgery Sale of controlled substance Unlawful dispensing of prescription drugs Smuggling contraband drugs Into prison Regular use of controlled substances other than marijuana	Pattern of use or excessive use as reflected in 1D above.  manufacturing addiction importing trafficking cultivating for sale

### 3. Financial Responsibility

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Bad check Infrequent, irregular, but deliberate delinquency in meeting financial obligations	Non-support Judgement, tax lien or other default with no attempt at restitution Illegal gambling Eviction	Pattern of irresponsibility as reflected in... - credit history - disregard for debts - abuse of fiduciary trust	Pattern of irresponsibility in 3C, plus... - continuing, major, valid liabilities

### 4. Criminal and Immoral Conduct

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
	Indecent exposure Solicitation Voyeurism, peeping tom Mailing, selling, or displaying obscene material Obscene phone call Indecent proposal	Carnal knowledge Sodomy Prostitution Bigamy or polygamy Pimping or pandering Keeping house of ill repute Contributing to delinquency of or corrupting morals or minor Sexual harassment Other sexual misconduct with impact on job	Pattern of misconduct as reflected in conviction records Child molestation Sexual assault Statutory rape Incest Bestiality

### 5. Honesty

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Non-material, intentional false statement or deception or fraud in examination or appointment	Altering Breaking & entering Forgery Fraud Possession of stolen property Black market activities (non-profit)	Bribery Embezzlement Grand larceny Grand theft Mail theft Burglary Robbery (unarmed)	Pattern of dishonesty as reflected in... - disregard for truth - conviction records - abuse of trust, or - employment records Blackmail

Petty larceny Minor stealing or petty theft Shoplifting Abuse of property False statement Filing false instrument Failure to file income tax return	Perjury False impersonation (e.g., impersonating a law enforcement officer) Interstate transportation of stolen goods Black market activities (with intent to profit) Income tax evasion Receiving stolen property	Counterfeiting Extortion Armed robbery Material, intentional false statement or deception or fraud in examination or appointment* Deliberate misrepresentation, falsification, or omission of material fact**
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\* 731.202 (b)(3) applies – Use solely for falsification in the competitive examination/appointment process

\*\* 731.202 (b)(2) applies – Use for falsification outside the competitive examining process

**6. Disruptive or Violent Behavior**

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Disorderly conduct Disturbing the peace Making a threat Resisting arrest Abusive language Unlawful assembly	Assault Damaging property Destroying property Hit & run Vandalism Criminal or malicious mischief Harassment Cruelty to animals Hindering prosecution Eluding police	Assault & battery Battery Manslaughter (involuntary)	Pattern of violence as reflected in... <ul style="list-style-type: none"> <li>- conviction records</li> <li>- disregard for life or property</li> <li>- civil actions</li> <li>- employment records, or</li> <li>- medical records</li> </ul> Aggravated assault Assault with deadly weapon Assault with intent to commit rape Kidnapping or abduction Murder Rape Arson Threat or assault upon public official Manslaughter (voluntary) Child abuse

**7. Employment Misconduct, Negligence\***

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Attitude Personality Conflict	Insubordination Absenteeism or attendance problem Rules or regulation violation		Pattern of unemployability Based on misconduct or negligence as reflected in employment history

\* Other issues (use or possession of intoxicants, controlled substances and marijuana, financial responsibility, criminal immoral conduct, honesty, disruptive or violent behavior, etc.) which lead to termination or forced resignation are raised one level for adjudication purposes. For example, petty theft, a "B" issue by itself, becomes a "C" issue if it is determined to be the reason for termination or forced resignation from employment.

**8. Firearms and Weapons**

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Possession of an unregistered firearm	Possession of a prohibited weapon Possession of illegal ammunition Carrying deadly weapon Unlawful Discharge of firearms	Carrying concealed weapon or firearm Brandishing firearm Possession of firearm by felon Possession of loaded firearm Possession of explosives	Improper or illegal sale or transportation of firearms or explosives Illegal manufacture of firearms or explosives

## 9. Miscellaneous

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Vagrancy Loitering Trespassing Minor traffic violation (traffic violations not required to be admitted on OF306 or other application material/QSP will not be considered issues)	Traffic violations greater than "A", but less than "C" Contempt of court Driving motor vehicle without owner's consent Possession of instrument of crime	Vehicular homicide Refusal to furnish testimony by 5 CFR 5.4 Tampering with a witness Harboring a fugitive	Hatch Act violation Mutilation or destruction of public records Engaging in riots or civil disorders Striking against the Government Desertion

### NOTE:

For conduct not listed in this chart, attempt to find a like or related issue, and use the characterization of the listed issue. If unlisted conduct does not equate with a listed issue, but seems to relate more appropriately to a level where no issues are identified (such as level A for issue 4), identify the issue at the level. Criminal offenses shown as "attempted" or "accessory to" are characterized by the base charge (e.g., Attempted Burglary equals Burglary). Characterize the seriousness of the issue by the conduct it self rather than its outcome (e.g., "assault" may warrant actual characterization as a "D" issue rather than a "B" if the details show serious injury inflicted on the victim, etc). Any uncertainty about an issue should be resolved by an experienced Adjudicator.

The ranking of probation/parole violations is determined by the nature of the issue leading to the violation. For example, a probation/parole violation for driving while intoxicated is adjudicated at level "B" while a violation for assault with a deadly weapon is adjudicated at level "D."

## 10. Statutory Debarment

The following issues require *AUTOMATIC* debarment from Federal employment for the period specified below. The legal authority for debarment must be consulted prior to taking debarment action.

<u>Issue</u>	<u>Debarment Period</u>	<u>Legal Authority</u>
Illegally receiving, seeking, promising or offering compensation for services in matters affecting the Government	Indefinite	18 U.S.C. 203
Current, habitual use of intoxicating beverages to excess	NTE 3 years	5 U.S.C. 7352
Evidence of disloyalty: advocates or is a knowing member of an organization that advocates the overthrow of our constitutional form of government	Indefinite	5 U.S.C. 7311; 18 U.S.C. 1918
Participation in a strike against the Government	Indefinite	5 U.S.C. 7311; 18 U.S.C. 1918
Willful and unlawful concealment, removal, mutilation or destruction (or attempts) of public records and materials	Indefinite	18 U.S.C. 2071 (b)
Inciting, organizing, promoting, encouraging, engaging or aiding others to engage in riots or civil disorders	5 years from the date the conviction becomes final	5 U.S.C. 7313
Interference by an officer or member of the armed forces with elections	Indefinite	5 U.S.C. 593
Unlawful approval of bond or sureties by a postmaster	Indefinite (from employment as postmaster only)	18 U.S.C. 1732
Theft or unlawful concealment of money or other property of value from a bank or safe in, or adjacent to, a bank which is a Federal Reserve member or is insured by the Federal Deposit Insurance Corporation (FDIC)	Indefinite (from positions of national bank examiner only)	18 U.S.C. 655

Unlawful trading in public property by collections or disbursing officer	Indefinite	18 U.S.C. 1901
Unauthorized disclosure of information by a farm credit examiner	Indefinite (from employment as a farm credit examiner only)	18 U.S.C. 1907
Unauthorized disclosure of information by a National Agricultural Credit Corporation (NACC) examiner	Indefinite (from employment as an NACC examiner only)	18 U.S.C. 1908
Committing treason against the United States	Indefinite	18 U.S.C. 2381
Inciting, assisting or participating in any rebellion or insurrection against the United States	Indefinite	18 U.S.C. 2383
Knowingly and willfully advocating, abetting, advising or teaching the overthrow of the United States Government or any political subdivision of the United States	5 years from the date of the conviction	18 U.S.C. 2385
Activities intended to impair the loyalty, morale and discipline of the United States Armed Forces	5 years from the date of the conviction	18 U.S.C. 2387
Conviction for misdemeanor crime (under Federal or State law) of domestic violence (use or attempted use of physical force, or the threatened use of a deadly weapon, committed by current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting or who has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim).	Indefinite from any positions requiring the individual to ship, transport, possess, or receive firearms or ammunition	PL 104-208 Omnibus Consolidated Appropriations Act of 1997 (amended the Gun Control Act of 1968)
Any individual who has been found guilty of, or has entered a plea of nolo contendere or guilty to any offense under Federal, State, or tribal law involving crimes of violence, sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons.	Indefinite from any position involving regular contact with, or control over, Indian children	PL 101-630, Indian Child Protection and Family Violence Act, dated November 28, 1990, contains minimum standards. Refer also to Department of Interior or Health and Human Services agency regulations, as appropriate.
Knowing and willful failure to register under Section 3 of the Military Selective Service Act (50 U.S.C. App. 453)	Indefinite (only from positions in executive agencies)	5 U.S.C. 3328
<ul style="list-style-type: none"> <li>Applies to men born after December 31, 1959, who are or were required to register and who are not registered, or did not register before the requirement terminated or became inapplicable to the individual. Processing guidance can be found at 5 CFR 300.</li> </ul>		

### 11. Loyalty and Security

- Any SUITABILITY issue indicating evidence of disloyalty or terrorism that does NOT require statutory debarment will be adjudicated at level D.
- Homosexuality, in and of itself, while not a suitability issue, may be a security issue and must be addressed completely, when indications are present of possible susceptibility to coercion or blackmail.
- Cohabitation, adultery, illegitimate children, etc. are rarely suitability issues but, in certain circumstances, may be security issues.
- Previous instances of security violations, clearance denials or revocations are included.
- Any other issue not listed elsewhere may be a suitability issue considered in security adjudication. (Examples are judgment, reliability, and dependability issues)

### 12. Qualifications (including health)

- Lack of required knowledge, skills, and abilities
- Inability to perform or poor performance which is not due to negligence or misconduct:
- Physical health issues; and
- Mental, emotional, psychological, or psychiatric issues which do not include other issues listed in this Appendix.

### 13. Issues Relating to Associates

- Issues listed in this chart that relate to an associate of the person under investigation.

### 14. Issues Relating to Relatives

- Issues listed in this chart that relate to a relative of the person under investigation.
- Use issue codes 13 or 14 only when the issue has a bearing on the suitability or security determination of the person under investigation.

Bribery of public officials and witnesses, and graft in connection with public service matters may also serve as a basis for debarment. Some misconduct requires removal from Federal employment, but no automatic debarment. (See 5 CFR 735)

- **SUITABILITY UPGRADE** – considers that multiple issues raise more serious questions about suitability

FREQUENCY	UPGRADE ACTION
2 ISSUES IN 0-36 MONTHS	RAISE BOTH ISSUES ONCE (e.g., “A” to “B”)
3 OR MORE ISSUES IN 0-36 MONTHS	RAISE ALL ISSUES TWICE (e.g., “A” to “C”)

- **DOWNGRADE (CONVERSION) OF ISSUES** - considers issues over 36 months old to be less serious

ISSUE		PERIOD IN WHICH ISSUE OCCURRED		
		0-36 MO	37-72 MO	73-108 MO
B	CONVERTS TO	B	A	NON-ISSUE
C		C	B	A
D		D	C	B

Note: Any issues over 108 months are considered to be non-issues.

- **DEBARMENT ACTION** (only OPM may impose the maximum 3 year period of debarment. Agencies may impose up to one year and may use the chart to determine if referral to OPM for a longer bar is warranted)

ISSUE	RECENCY		
	0-12 MO	13-24 MO	25-36 MO
C	24 MO DEBAR	18 MO DEBAR	12 MO DEBAR*
D	36 MO DEBAR	24 MO DEBAR	18 MO DEBAR*

\* OPM would rarely take action on a case in which less than a 24 month bar remains. Debarment action will only be taken on C issue cases when careful assessment of the job-relatedness of the specific issue(s) involved warrants such action. The disqualifying nature of the conduct in D issue cases usually warrants debarment action.

The debarment period begins on the date of the final decision letter or 120 days after the control date, whichever is closer to the control date. **IN REMOVAL DECISION,**

**CONSIDER IMPOSING MAXIMUM DEBARMENT RATHER THAN RELYING ON THE DEBARMENT PERIODS STATED IN THE CHART.**

- **DETERMINING RECENCY OF ISSUES(S)** – The following control dates by type of case are used in determining the recency of issue(s) for issue conversion or upgrade purposes:

TYPE OF CASE	CONTROL DATE
Civil Service Register or Outside Register Applicant Filing Directly with Agency	Date document (i.e., OF 306, etc.) containing conduct information was first considered by Personnel Office. (If referred to OPM-FIPC-SAS, use the date of referral or objection/passover)
Investigated Applicant	Date subject signed investigative data form.
Appointee or Employee	Date subject signed investigative date form. (However, if falsification/fraud of a material fact is discovered, use date conduct first identified as an issue. In addition, when determining debarment length at the final decision stage, consider imposing the maximum debarment rather than relying on the debarment periods calculated with the control date.)

When new actionable issues arise subsequent to the original control date, the control date becomes the date of occurrence of the most recent actionable conduct.

The control date for cases involving an applicant whose previous application was canceled because of pending charges is the date of referral of the current or most recent application. If two or more applications are received for suitability determination, the control date for the case is the earliest referral date.

