SELECTIVE SERVICE

The state of South Dakota will ensure all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Note: Selective Service registration requirements do not apply to services/programs funded or solely authorized by the Wagner-Peyser Act, however if co-enrolled in Title I, Selective Service registration required by Title I applies. Acceptable documentation showing registration status includes:

1. Selective Service Acknowledgement letter
2. Form DD-214 “Report of Separation”
3. Screen printout of the Selective Service Verification on the Selective Service website at www.sss.gov/RegVer/wfVerification.aspx. For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
4. Selective Service Registration Card
5. Selective Service Verification Form (Form 3A)
6. Stamped Post Office Receipt of Registration

MALES UNDER 26
Prior to being enrolled in a WIOA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through Selective Service.

Male participants who enter the WIOA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30th day after their 18th birthday to remain eligible for WIOA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in WIOA and refuses to comply with Selective Service Registration requirements shall be exited from the WIOA youth program. These youth would not be placed in follow-up and there should be case notes in SDWORKS to describe, in detail, the circumstances as to why services were not/could not be continued.

MALES 26 YEARS AND OVER
Prior to being enrolled in a WIOA-funded program, all males 26 years of age or older, must provide documentation of compliance with the Selective Service registration requirement. Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed above must obtain a Status Information Letter from Selective Service indicating whether he was required to register. The “Request for Status Information Letter” can be accessed at http://www.sss.gov/PDFs/infoform.pdf and the instructions can be accessed at http://www.sss.gov/PDFs/instructions.pdf.

The individual will need to describe, in detail, the circumstances preventing him from registering (e.g., hospitalization, institutionalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances. The Status Information Letter is good for life and the individual should be encouraged to keep their original letter in a safe place for future reference. If the Status Information Letter indicates an individual was not required to register for the Selective Service, then he is eligible to enroll in WIOA-funded services.

If the Status Information Letter indicates the individual was required to register and now cannot because he is 26 or older, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined his failure to register was not knowing and willful. All costs associated with WIOA-funded services provided to non-eligible individuals may be disallowed.

DETERMINING KNOWING AND WILLFUL FAILURE TO REGISTER
If an individual was required to register with Selective Service but failed to do so the individual may only receive services if they can provide evidence to establish the failure to register was not knowing and willful. Service providers
will be responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. Evidence may include an applicant’s statement and supporting documentation of his circumstances at the time of the required registration and the reason for failure to register. Examples of documentation to help make a determination in these cases include:

- **Service in Armed Forces** – Documentation verifying a man has served honorably in the U.S. Armed Forces such as the DD Form 214 or his Honorable Discharge Certificate may be considered sufficient evidence of his failure to register was not willful or knowing.
- **Third Party Affidavits** – Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, are also acceptable documentation and helpful to service providers determining whether the failure to register was willful and knowing.

In determining whether the failure was “knowing”, service providers should consider:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told they did not need to register)?
- On which date did the individual first learn he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the Status Information Letter indicate Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was “willful”, service providers should consider:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether or not to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

If the service provider determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the service provider determines the evidence shows the individual’s failure to register was knowing, and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Service providers must keep documentation related to all evidence presented in determinations related to Selective Service.

**SEX GENDER CHANGE / TRANSGENDER**

**Designated female at birth**

If you (applicant) was designated female at birth and have had sex reassignment surgery, you do not need to register with the Selective Service. However, if you are applying for federal benefits that require proof of Selective Service registration (including educational loans), you will need to show you were never required to register with Selective Service.

People designated female at birth are never required to register. You can prove this by requesting a Status Information Letter from the Selective Service System. You must explain in detail why you believe you were not required to register for the selective service (you were designated female at birth, were diagnosed with Gender Identity Disorder [OR] an intersexed condition and have now completed sex reassignment). You should also include supporting documentation, such as a letter of affidavit from your treating physician and a copy of your original birth certificate (with female gender marker).

The exemption letter you will receive does not specify why you are exempt so it will not force you to out yourself in any other application process. The Selective Service does, however, require a copy of your birth certificate showing your birth-assigned sex. If the sex on your birth certificate has been changed, attach any documentation you have to that affect. Once you receive your Status Information Letter, keep it in your files. For those female-to-male people
who transition before their eighteenth birthdays and change their birth certificates, it is also possible to register with
the service. However, no one may register after their 26th birthday.

**Please note:** although Selective Service materials refer to transgender people as “people who have had a sex change,”
their policies apply to those who have transitioned regardless of surgical history.

Complete the ‘Request for Status Information Letter’ form and submit it along with all supporting documentation to:
Selective Service System
P.O. Box 94638
Palatine, IL 60094-4638

**Designated male at birth**
If you were designated male at birth, even if you had sex reassignment surgery, you must register with the Selective
Service. However, in the event the draft is resumed, you can file a claim for exemption from military service if you
receive an order for an examination or induction.

People who were assigned male at birth are required to register with the Selective Service within 30 days of their 18th
birthday. This includes those who may have transitioned before or since then. The Selective Service uses Social
Security and other databases to determine who they believe was assigned male at birth. As of now, it is unclear
whether transgender people are eligible for military service, but you are required to register nonetheless, and this is
necessary to gain access to certain government benefits

**NAME CHANGES AND THE SELECTIVE SERVICE**
People who are assigned male at birth and who are required to register are also required to inform the Selective
Service of any legal name change or change in other record information such as address up until your 26th birthday.
This does not include change of gender as the Selective Service policy is entirely based on birth-assigned sex. For
transwomen and others who were assigned male at birth and have registered with the Selective Service, notification
of a name change is legally required within 10 days.

To update your records, fill out the Change of Information Form attached to the Registration Acknowledgement Card
with your new name. Alternatively, you can fill out a Change of Information Form called SSS Form 2, which you can
obtain at any United States Post Office or U.S. Embassy or Consulate abroad. You may also change your information
with the Selective Service by letter. In the letter, include your full name, Social Security Number, Selective Service
Number, date of birth, current mailing address and new name. With any of these three methods, you must attach
official documentation of your name change and mail it to the Selective Service. Updates take four to six weeks, after
which you will be mailed a new acknowledgement card.

WIOA Law §189 (h)
Selective Service Website
SDDLR Policy §4.6
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