

# SECURITY CLEARANCE LAW

**FREQUENTLY ASKED  
QUESTIONS**



Armstrong  
Teasdale

*Armstrong Teasdale's security clearance lawyers help trustworthy individuals when their security clearances are denied, revoked or at risk. To learn more about how our security clearance lawyers can help you defend your security clearance, please read below and contact our practice area leaders [Brian Kaveney](#) and [Tod Stephens, ISP®](#).*

» **I just received a sealed envelope or secure email containing a government letter about denying my security clearance. What should I do first?**

No matter which government agency or office sent you the letter, there are three important first steps you should take:

- Read the entire letter carefully, paying special attention to the allegations against you. Note any allegation that is false, misleading or out of date. Highlight any deadlines or due dates in the letter and mark your calendar.
- Write down the date you received the letter. If you signed a receipt for the letter, keep a copy of the receipt.
- Contact a security clearance lawyer to help defend your security clearance and demonstrate your trustworthiness to the government. The experienced security clearance lawyers at Armstrong Teasdale can help you complete an initial assessment of your case free of charge. Call or email our practice area leaders Brian Kaveney (1.800.243.5070 ext. 7685, [bkaveney@atllp.com](mailto:bkaveney@atllp.com)) and Tod Stephens (314.342.8065, [tstephens@atllp.com](mailto:tstephens@atllp.com)).

» **What is a Statement of Reasons?**

A Statement of Reasons will include factual allegations against you, and you will be asked to specifically admit or deny each one.

A Statement of Reasons is a list of the government's reasons for denying or revoking your security clearance. A Statement of Reasons issued by the Department of Defense Consolidated Adjudications Facility (DoD CAF) will usually list less than five factual allegations against you, although some can include many more. You should closely examine these factual allegations and note any that are false, misleading or out of date.

The Statement of Reasons will also include passages from the government's Adjudicative Guidelines for Determining Eligibility for Access to Classified Information. Specific "Guidelines" will be listed in your Statement of Reasons by their letter (for example, Guideline F, Guideline E, Guideline B). The wording of the Guidelines does not change but will be very important to your case.

A Statement of Reasons is frequently referred to as an SOR.

» **The government letter says I can respond to the Statement of Reasons. How long do I have?**

If you received a Statement of Reasons from the Department of Defense Consolidated Adjudications Facility (DoD CAF), you should have at least 20 days to respond in writing. Extensions of the deadline are possible, but extension requests must follow the DoD CAF's specific rules and timelines.

» **Should I respond to the Statement of Reasons by myself?**

If you received a Statement of Reasons from the Department of Defense Consolidated Adjudications Facility (DoD CAF), it was likely approved by a government lawyer. In defending against the Statement of Reasons, you will be facing an office of government lawyers, with one lawyer specifically assigned to supply evidence and arguments against your clearance. This office is the Defense Office of Hearings and Appeals, or DOHA.

Some people choose to face the government lawyers alone. Others enlist Armstrong Teasdale's experienced security clearance lawyers to stand alongside them. When we join your team, we will help you oppose the allegations against you and mitigate the security concerns raised by the government. We will handle all the arguments and communications with the government lawyers. We will keep you informed throughout the entire process, watching the deadlines for you.

### » **What should be in a response to the Statement of Reasons?**

At a minimum, your response to a Statement of Reasons should include:

- Direct statements that you "admit" or "deny" each factual allegation against you.
- Evidence that rebuts, explains, extenuates or mitigates the security concerns raised against you.
- Correct or updated contact information.
- Whether you request an administrative hearing (see below).

The response to a Statement of Reasons should be professional, persuasive and purposeful. A superior response includes several categories of mitigating evidence, along with legal and factual arguments in favor of your security clearance. A superior response explains the allegations and relevant mitigating evidence in line with security clearance law and the governing regulations and government guidance. Many security clearance holders make the mistake of including irrelevant or unrelated information in a response, wasting time and resources.

### » **What is an administrative hearing and why should I request one?**

If your clearance is important to you and your career, it is almost always a mistake to not request an administrative hearing.

If you received a Statement of Reasons from the Department of Defense Consolidated Adjudications Facility (DoD CAF), an administrative hearing is the only official opportunity you have to meet face to face (sometimes by video teleconference) with the administrative judge and government lawyer who could deny your clearance. The hearing will be held by the administrative judge who will enforce rules and procedures to receive evidence about your clearance and your life. The hearing is run somewhat like a courtroom trial—there are opportunities for opening statements and closing arguments, witnesses can testify and be cross-examined, and evidence can be put into the official case record. Objections can be made, and the administrative judge will use the Federal Rules of Evidence as a guide to decide what documents and testimony will be admitted to the record. After the hearing, the administrative judge will determine whether your clearance will be denied or granted by issuing a decision.

You should request an administrative hearing if you need to explain the allegations against you in the Statement of Reasons, to explain who you are as a "whole person" (a legal concept explained in the government's Adjudicative Guidelines for Determining Eligibility for Access to Classified Information), and to explain mitigating evidence that proves you deserve a clearance. If your clearance is important to you and your career, it is almost always a mistake to not request an administrative hearing.

### » **My letter came from a government agency other than the Department of Defense. What does that mean?**

The security clearance lawyers at Armstrong Teasdale assist security clearance holders who receive clearance or special access denial letters from the CIA, NSA, DHS, DOE and other government agencies and departments. The letters will contain many of the elements described above. However, different deadlines, timelines and procedures will apply. Contact us today to discuss these specific requirements.



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