Form C5-1. Answer to a DOHA Statement of Reasons (Psychological Conditions, Personal Conduct, Outside Activities)

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Use. A Statement of Reasons lists allegations under the SEAD 4 guidelines. The answer must admit or deny each one under oath, and a hearing must be requested in the answer (Issue C5 §3.1). This template covers the allegations most likely in a UAP case: an unusual-experience report treated as a psychological concern (Guideline I), an alleged omission on the SF-86 (Guideline E), and an unreported outside activity (Guideline L).

When to use. On receipt of an SOR. **Not for:** Federal employees, whose agencies follow their own procedures under Executive Order 12968 §5.2.

Deadlines. The answer must be received by DOHA within 20 days of receipt of the SOR (DoDD 5220.6 ¶E3.1.4). Ask for an extension at once if more time is needed; good cause is required.

DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of: [Applicant], ISCR Case No. [__]

APPLICANT'S ANSWER TO STATEMENT OF REASONS AND REQUEST FOR HEARING

Applicant answers the Statement of Reasons dated [date], received [date], as follows. Applicant requests a hearing before an Administrative Judge.

Paragraph 1 (Guideline I, Psychological Conditions).

1.a. [Allegation, e.g., "You reported to a counselor in 20__ that you observed an unidentified object and experienced events you could not explain."] **Admitted in part.** Applicant reported an observation to [counselor] on [date]. Applicant denies that the report reflects any condition that impairs judgment, stability, reliability, or trustworthiness. The observation was [corroborated by (names, records) / reported through the official channel under 50 U.S.C. §3373b]. Applicant has not been diagnosed with any condition listed in SF-86 Section 21D and has never been hospitalized for a mental health condition. Under SEAD 4, App. A ¶27, "[n]o negative inference … may be raised solely on the basis of mental health counseling." [Applicant will submit an evaluation by (a duly qualified mental health professional acceptable to the Government) stating that Applicant has no condition that may impair judgment. SEAD 4, App. A ¶29(c), (e).]

Paragraph 2 (Guideline E, Personal Conduct).

2.a. [Allegation, e.g., "You falsified your SF-86 dated (date) by failing to disclose (fact)."] **Denied.** Applicant did not deliberately omit or falsify any information. [Explain: e.g., "Section 21 asks about orders, hospitalization, specified diagnoses, and conditions that substantially affect judgment. None applied. Applicant answered each question accurately."] [If an omission occurred:] Applicant disclosed the matter on [date], before it was raised by any investigator, as shown in [record].

Paragraph 3 (Guideline L, Outside Activities).

3.a. [Allegation, e.g., "You volunteer for (organization), which publishes material on defense topics, and did not report it."] **Admitted in part.** Applicant has volunteered for [organization] since [date] as [role]. The activity concerns [description], has no connection with Applicant's work or program, and involves no protected information. Applicant [reported the activity on (date) / did not understand that reporting was required, and reported it on (date) when advised]. Applicant has [ended the activity / agreed to the restrictions described in Exhibit __].

Whole-person factors. Applicant has held a clearance since [year] without incident, [summarize record: awards, evaluations, references]. Applicant will present [number] witnesses and the documents listed below.

Reprisal. [If applicable:] The allegations followed Applicant's protected disclosure on [date] to [AARO / an inspector general / a congressional committee]. Applicant asserts that the action is in reprisal for that disclosure and reserves all rights under applicable law, including 50 U.S.C. §3373b(b)(2).

Documents. [List: performance evaluations; letters of reference; the evaluation in ¶1.a; records corroborating the observation; reporting records for ¶3.a.]

I declare under penalty of perjury that the foregoing is true and correct.

[Signature] [Date]
[Applicant’s name, address, email, phone]
[Counsel’s name and contact, if represented]

Drafting notes

- **Answer each subparagraph.** A general denial is insufficient (¶E3.1.4). Admit what is true and explain it; the explanation is the start of mitigation.
- **Request the hearing here.** Without a request in the answer, the case may be decided on the written record (¶E3.1.7). A hearing lets the judge assess credibility, which decides Guideline I and E cases.
- **Mental health evidence.** Use a professional the government will accept, and ask Department Counsel in advance whether a particular evaluator is acceptable (SEAD 4, App. A ¶¶27, 29(c)). The judge is not bound by the government evaluator's diagnosis and may prefer a treating professional who has seen the applicant often and recently. ISCR Case No. 19-00151, 2019 WL 8268343, at *7 (App. Bd. Dec. 10, 2019). An applicant who offers no expert evidence leaves the government's diagnosis unrebutted. ISCR Case No. 20-02097, 2024 WL 4351699, at* 3 (App. Bd. Feb. 13, 2024).
- **Falsification.** A denial in ¶2.a puts the burden on the government, and proof of an omission alone does not prove intent. ISCR Case No. 22-00381, 2024 WL 3913933, at *5 (App. Bd. Mar. 12, 2024). Support the denial with the facts that show the applicant's understanding of the question when answering it.
- **Candor.** Do not deny an allegation that the record will prove. An admitted fact can be mitigated; a false denial becomes a new Guideline E allegation.
- **Appeal.** If the decision is unfavorable, the notice of appeal is due within 15 days and the brief within 45 days of the decision, and no new evidence is allowed on appeal (¶¶E3.1.28-E3.1.30). Put everything in the record.
- Related: Issue C5, C4, C1; Forms C4-1, C1-2.