

Challenging a Not Cleared Recommendation for Individual Applicant

To challenge a Not Cleared recommendation and establish your eligibility, take the following steps:

1. Contact your selecting organization as soon as possible but no later than 45 calendar days after the date of your Not Cleared recommendation to indicate that you would like to challenge the factual accuracy of the results.
2. Obtain a copy of your criminal history information from the FBI for your personal review. There are three ways to do this, outlined below. Costs and turnaround times will vary. Discuss the best option for your specific situation with your selecting organization, which may, if it chooses, pay for this additional check.
 - a. You may request your criminal history information directly from the FBI through the U.S. Postal Service. This method costs \$18, plus any fees charged by a local fingerprinting provider. Visit the FBI's [Identity History Summary Checks](#) page for more information, including current processing times.
 - b. You may request your criminal history information directly from the FBI through a pilot program that combines both electronic and postal submission. This method costs \$18, plus any fees charged by a local fingerprinting provider. As of this document's posting, average turnaround time is roughly two weeks from when the FBI receives your fingerprints. To use this method:
 - i. Complete the FBI's payment form at <https://www.pay.gov/public/form/start/69780159>.
 - ii. Print your confirmation of payment at the end of the process.
 - iii. Obtain a set of your fingerprints. Fingerprints should be placed on a standard fingerprint form (FD-258) commonly used for applicant or law enforcement purposes. Your name and date of birth must be provided on the card. The FBI will accept FD-258 fingerprint cards on standard white paper stock. Include rolled impressions of all 10 fingerprints and impressions of all 10 fingerprints taken simultaneously, sometimes referred to as plain or flat impressions. If possible, have your fingerprints taken by a fingerprinting technician, which may be available at a law enforcement agency. Fingerprints taken with ink or via live scan are acceptable. To ensure the most legible prints possible, refer to the [Recording Legible Fingerprints](#) brochure. If fingerprints are not legible, the fingerprint card will be rejected. This could cause delays in processing and could also result in additional fees.
 - iv. Mail a copy of the completed form, a fingerprint card, and confirmation of payment of \$18 U.S. dollars to:

FBI CJIS Division
ATTN: ELECTRONIC SUMMARY REQUEST
1000 Custer Hollow Road Clarksburg, WV 26306
 - v. The FBI will return all results, both foreign and domestic, by First-Class Mail via the U.S. Postal Service.
 - c. You may use a Channeler (including, but not limited to, Fieldprint) to expedite the process. A number of Channelers are approved by the FBI to provide FBI checks for personal

review, including Fieldprint. You may use Fieldprint or any other vendor that is convenient to you to complete this step, as it is outside the scope of CNCS's contract with Fieldprint. For a list of available vendors, visit <https://www.fbi.gov/services/cjis/identity-history-summary-checks/list-of-fbi-approved-channelers-for-departmental-order-submissions>. The services offered by individual Channelers will vary. Prices are generally between \$40 and \$60 per check and turnaround times range from nearly instantly to a few business days from submission of fingerprints. Be sure to indicate to the Channeler that you are requesting this check for personal review.

3. When you have obtained your FBI criminal history record information, demonstrate to the selecting organization that you are, in fact, eligible. The steps you will need to take will vary based on the specific reason you have obtained a Not Cleared recommendation as follows:
 - a. If your FBI criminal history record information contains erroneous information, including offenses that have been expunged, you may demonstrate to the satisfaction of the selecting agency that the information was erroneous. This might require providing court documentation or further information from a law enforcement agency. To correct FBI criminal history record information, see <https://www.fbi.gov/services/cjis/identity-history-summary-checks>
 - b. If your FBI criminal history record information contains a conviction for an offense that relates to sex offenses or a crime of neglect, cruelty, or endangerment that did not actually lead to a requirement to register as a sex offender, you must demonstrate to the satisfaction of the selecting organization that you are not required to register as a sex offender. Contact the selecting organization to discuss the situation. Selecting organizations may request any further information required to confirm this, including a copy of your information, court documents from the conviction, or further information from a law enforcement agency. Note that organizations may choose not to select an individual even though he or she is statutorily eligible to serve, based upon their own standards for selection.
 - c. If your FBI criminal history record information contains a charge for a potentially disqualifying offense without clearly indicating that you were not convicted, you must demonstrate to the satisfaction of the selecting organization the final outcome of the case. Contact the selecting organization to discuss the situation. Selecting organizations may request from you any further information required to confirm this, including a copy of your FBI information, court documents from the case, or further information from a law enforcement agency.
4. Whether an individual is fit to work or serve with a selecting organization is a matter of discretion for the selecting organization, even though an individual may otherwise be eligible. Selecting organizations have a right and a duty to exercise their discretion in a manner that promotes a safe and effective program, mindful of state and federal nondiscrimination laws.