OPM U.S. Office of Personnel Management

Suitability Executive Agent Programs

Instructions for Assembling the Response File

Reflects Suitability Action Appeals final rule published August 3, 2026, effective September 2, 2026 (5 CFR Part 731, Subpart E).

Overview

These instructions explain how to prepare a complete and compliant response file when an individual appeals a suitability action. OPM needs a properly assembled file from your agency to decide the appeal fairly and on time.

When your agency takes a suitability action against an individual, that individual has the right to appeal the action to OPM. Because your agency took the action, you are the responsible agency for the appeal. OPM reviews the case and decides whether to affirm, reverse, modify, vacate, or remand your agency's suitability action. Your agency response file (ARF) gives OPM everything it needs to conduct that review: the evidence behind the case, the procedures your agency followed, and your written explanation of why the action was appropriate. If OPM is the responsible agency, OPM will notify the employing agency of the appeal as well. When OPM is the responsible agency, the OPM staff who decide the appeal are kept separate from any OPM office or official that participated personally and substantially in the suitability determination or action. When the appeal is filed by a former OPM applicant, appointee, or employee, OPM must assign an Administrative Law Judge to adjudicate it, and OPM will not disturb that judge's initial decision unless a party shows a harmful procedural irregularity, a clear error of law, or a material factual error that affected the outcome.

All documents you include in the ARF will be made available to the appellant and their representative. Include only materials you are authorized to disclose under the Privacy Act.

Deadline: Under 5 CFR § 731.503(b)(1), your response file is due within 30 calendar days of the date of OPM's acknowledgment letter to your agency, unless the OPM adjudicator establishes a different deadline. Check OPM's acknowledgment letter for the exact due date. Make every effort to meet this deadline. OPM may accept a late submission upon a showing of good cause — but failure to comply with OPM's directives may result in sanctions, including adverse inferences or exclusion of evidence. If a lapse in appropriations occurs, OPM will suspend open appeals and extend all case deadlines by the number of calendar days of the lapse; OPM will notify the parties of the revised dates.

After you submit: The eFile system will automatically notify the appellant that the ARF has been uploaded; the appellant generally has 15 calendar days from the date of the upload to file a reply. The OPM adjudicator may request supplemental material from either party and will set a deadline for such request. OPM will adjudicate the appeal on the developed written record. If the written record is insufficient to resolve one or more facts material to the outcome — including where resolving a material factual dispute requires evaluating witness credibility — OPM will assign an Administrative Judge to preside over a hearing limited to those factual issues, and will decide the appeal on the hearing record as well; your agency may be required to participate. OPM will then issue a written initial decision; either party may request that OPM reopen and reconsider the initial decision within 30 calendar days of the date the initial decision is issued — not the date it is received. Agencies should review 5 CFR § 731.505(d) and § 731.506, for additional steps OPM may take and the sanctions that may apply if a party fails to comply with an OPM directive. See OPM's Implementation Guide for OPM Appeals Programs (August 2026) for the complete post-submission process.

Milestone	Deadline
OPM issues the acknowledgment letter to the parties	Starts the agency response period
Agency response file due to OPM (served on the appellant at the same time)	30 calendar days after the acknowledgment letter, unless the OPM adjudicator sets a different date
Appellant's reply	15 calendar days after the response is filed
Request for reconsideration (either party)	30 calendar days after the issuance date of the initial decision

Settlement, withdrawal, and record retention: OPM is not a party to settlement agreements between your agency and an appellant and cannot enforce them. If the parties resolve the matter outside the appeal process, or the appellant withdraws the appeal, promptly notify the OPM adjudicator and include documentation showing the appeal was withdrawn. Regardless of the outcome, retain the complete, unredacted original records and preserve all records related to the action until the appeal — including any reconsideration — is final.

Critical Requirements Before You Begin

Before assembling your file, confirm the following:

- All documents are releasable to the individual under the Privacy Act.
- All personally identifiable information (PII) not pertaining to the appellant has been removed.
- Any information restricted from use has been properly removed in accordance with applicable statutes and executive orders.
- List any withheld, redacted, or protectively handled document in a privilege log, unless identifying the document itself is prohibited by law (OPM template available — see Step 2).
- The file is compiled as a single PDF.
- Documents within the file are organized in chronological order, to the extent practicable.

Step-by-Step Assembly Instructions

Step 1 – Establish Jurisdiction

What is "jurisdiction"? It means OPM's authority to hear the appeal. OPM can only hear suitability appeals involving a position in the competitive service or a career Senior Executive Service (SES) position, as those terms are used in 5 CFR Part 731. Your documents must show that the position the appellant applied for, was appointed to, or held was in one of those categories. If you are unsure, contact SuitEA Appeals at SuitEAAppeals@opm.gov before submitting.

Include documents showing the suitability action involved a competitive service position, an excepted service position that noncompetitively converts to the competitive service, or a career Senior Executive Service position. The required documents depend on whether the appellant was an applicant, appointee, or employee.

If the appellant was an applicant, include:

- Vacancy announcement
- Position description
- Hiring authority documentation

If the appellant was an appointee or employee, include:

- SF-50(s) — include appointee SF-50 and the most recent SF-50
- Appointment type (e.g., career, career-conditional, term)
- Position description

OPM-Directed Actions: If OPM directed the agency to take the suitability action, also include (1) the written direction OPM issued to the agency and (2) any documents showing how the agency carried out that direction.

Agency Representative Designation: Identify the designated agency representative responsible for submitting the agency response file, serving the file, monitoring the case docket, and being the agency's main point of contact for the case. OPM has created a template Agency Representative Designation you may use, which can be found on OPM's Suitability website.

Step 2 – Compile Evidence

Include all documentation related to the unfavorable suitability determination. Under 5 CFR § 731.503(c), you must include every document that was considered, relied upon, generated, issued, or served in connection with investigating, proposing, deciding, directing, or effectuating the suitability action — whether held by your agency, OPM, or another authorized entity. Include evidence that supports your decision and evidence that weighs against it.

Redact all protected information and information that is not releasable before submission to OPM.

If you withheld, redacted, or restricted any document, you must identify it in a privilege log — unless the law prohibits even identifying the document. OPM has created a template Privilege Log you may use and submit as Tab 6 of the ARF, which can be found on [OPM's Suitability website](). OPM may ask you to provide a summary or alternative disclosure, so the appellant has a fair chance to respond. You may not rely on any document that was not disclosed to the appellant, unless the appellant received notice of its substance and a meaningful opportunity to respond, except as otherwise authorized by law.

Only include documentation that served as evidence to support the determination. Do not include materials unrelated to the suitability action.

Sensitive record categories: Records your agency gathered through its own inquiries — for example, medical or psychological records, drug-test results, tax return information, or sealed or juvenile records — may carry their own disclosure restrictions. Consult your agency's FOIA/Privacy Act office or Office of General Counsel before including them. As a best practice, redact Social Security numbers wherever they appear.

Investigations from another federal agency: If your suitability action relies on an investigative file or continuous vetting records from another federal agency — for example, a background investigation conducted by DCSA — you must obtain the releasable copy of that investigation from the originating agency and include that copy in your file. Every document in your response file is released to the appellant and their representative, so you must be certain each document — including another agency's investigative file — is releasable before you submit. Include documentation showing the information is releasable.

Evidence may include any of the following, as applicable:

- Complete Personnel Security Background Investigation
- Reimbursable Suitability Investigation (RSI) or equivalent
- Continuous Vetting records
- Office of Inspector General (OIG) investigation
- Internal Affairs investigation
- Equal Employment Opportunity (EEO) investigation
- Human Resources / Employee Labor Relations investigation
- Written or documented verbal warnings
- Witness statements
- Interview summaries
- Email communications
- Time and attendance records
- Audit logs or system records
- Relevant performance documents
- Prior discipline (only if relied upon in making the determination)
- Records of parallel proceedings arising from the same conduct — e.g., a Chapter 75 adverse action, MSPB appeal, EEO complaint, grievance, or arbitration — including any decisions or settlement agreements, if relied upon or bearing on the action
- Applicable policies allegedly violated, signed acknowledgments of policies, and/or employee handbooks

- Certified completion of applicable training
- Letter of Interrogatory (LOI) or equivalent, along with any response submitted by the appellant
- Any statements submitted by the appellant (signed or unsigned)
- Documents from the agency including inquiries, or resolution efforts, which may include:
    - Employment checks
    - Education checks
    - Law enforcement checks
    - Credit checks
    - Unemployment checks
- Also include any documents related to the selection and appointment process, such as:
    - Resume
    - OF 306 provided with application
    - DD-2981 Childcare Forms (if applicable and related to the suitability action)
    - Any additional documentation provided during the application related to the suitability action
    - Appointee OF-306 (if applicable)

Step 3 – Document Suitability Action Procedures

Include documentation demonstrating your agency adhered to the procedural requirements at 5 CFR Part 731, Subpart C or D, as applicable. Further information and examples of the required documentation are outlined in the sections that follow.

Communications with the Appellant

- Records of all electronic, telephonic, or verbal communications related to the suitability decision
- Records of communications related to delivery of the LOI or other memoranda
- Records of communications related to delivery of the proposed action letter and final action letter
- Documentation demonstrating delivery of required notices (e.g., signed transmittal, proof of postal delivery, email receipt)
- SF-50 reflecting the suitability action taken, if applicable

Proposed Action

- **Proposed action letter** - must include: the specific factor(s) and additional considerations relied upon; the right to respond in writing; the address and time frame for submitting a response (a minimum of 30 calendar days from the date of the notice); the right to review the materials relied upon; and the right to designate a representative
- Documentation showing the appellant received the proposed action letter (e.g., a signed transmittal or email receipt)

Appellant Activity After Proposal Letter

- Appellant's request for Materials Relied Upon (MRU), if applicable
- Documentation that demonstrates the appellant, if requested, received the MRU
- Appellant's designation of a representative, if applicable
- Any extension requests from the appellant and the agency's response
- Complete copy of the appellant's answer to the proposed action letter, including any response provided by a designated representative
- Any attachments provided by the appellant for consideration

Final Decision

- **Final decision letter** (must include specific factors and additional considerations, the action(s) taken, including any debarment dates, and notice of appeal rights)
- Documentation showing the appellant received the final decision letter (e.g., a signed transmittal or email receipt)
- Any communications with the appellant, appellant's representative, and/or the agency after delivery of the final decision letter
- Effective date and documents implementing the action

Step 4 – Create a Charge-by-Charge Analysis (If Requested or Voluntary)

The charge-by-charge analysis is not required in every agency response file. If OPM reviews your final decision letter that was issued to the appellant as part of the suitability action process and determines additional information is needed to make a decision, OPM may request that your agency complete the charge-by-charge analysis. If you believe it is in your agency's best interest to complete a charge-by-charge analysis, you may also choose to do so on your own initiative. Your charge-by-charge analysis is a written memorandum that explains your agency's case, charge-by-charge. This analysis, whether documented in your agency's decision letter or in a separate Charge-by-Charge Analysis document, is what OPM relies on to evaluate whether each charge is supported. Once the appellant establishes timeliness and jurisdiction, your agency bears the burden of proving each charge — and the propriety of the action taken — by a preponderance of the evidence. Your record must include this analysis, and OPM's adjudicator must make findings on each material charge, specification, and suitability factor relied upon to support the action. If your analysis skips a charge or factor in your final decision letter, OPM may not be able to sustain it.

Format: If you are preparing an analysis separate from the final decision letter, you must prepare your analysis as a memorandum. OPM has created a template Charge-by-Charge Analysis memorandum that agencies may use, which can be found on [OPM's Suitability website](). If you use your own format, it must contain the information on the OPM Charge-by-Charge Analysis template.

Charges and specifications: A "charge" is the formal citing of the factor that aligns with the conduct your agency is concerned with — for example, "Misconduct or Negligence in Employment." A "specification" is the specific conduct that fits the charge — for example, "Terminated on [DATE] from XYZ Corp. for Stealing." Your analysis must address every charge and specification in the final decision letter.

For each charge in the final decision letter do the following:

- **State the charge and each specification** exactly as written in the final decision letter.
- **Cite the evidence.** For each specification, identify supporting documents by tab and page number (e.g., "Tab 3a, p. 12, Background Investigation Report"). Briefly describe what the evidence shows.
- **Analyze the suitability factor.** State which factor(s) you cited in the final decision letter and explain — in plain terms — how the conduct connects to it. Do not just name the factor; explain the connection.
- **Address the additional considerations.** For each factor, address the relevant additional considerations under 5 CFR § 731.202(c): (1) the nature of the position for which the individual is applying or in which the individual is employed; (2) the nature and seriousness of the conduct; (3) the circumstances surrounding the conduct; (4) the recency of the conduct; (5) the age of the individual involved at the time of the conduct; (6) contributing societal conditions; and (7) the absence or presence of rehabilitation or efforts toward. Address each consideration pertinent to the case.
- **Address mitigating and exculpatory evidence.** Identify any evidence, by tab and page number, that could favor the appellant: their response to the proposed action letter if applicable, mitigating circumstances, or anything in the record supporting a different outcome. Distinguish between the two: exculpatory evidence tends to disprove a specification and goes to whether the charge is sustained, while mitigating evidence accepts the conduct but bears on which action is appropriate. Address, by tab and page: (a) every mitigating or exculpatory assertion the appellant raised in the answer to the proposed action letter; (b) any evidence in

the record that contradicts a specification, even if the appellant did not raise it; and (c) any evidence of rehabilitation, changed circumstances, or the recency of the conduct bearing on the additional considerations under 5 CFR § 731.202(c). For each, state the weight your agency gave it and what effect it had on the action selected — including where it reduced the action, such as a shorter debarment period, and where it had no effect and why. If the appellant submitted no answer, or the record contains no mitigating or exculpatory evidence, state that expressly rather than omitting this discussion; an omission is indistinguishable from a failure to consider.

- *Example: "The appellant asserted in his answer (Tab 2c, pp. 3–4) that the absences resulted from a family medical emergency, and submitted supporting documentation (Tab 2c, p. 7). The agency accepts that the circumstances were as described and gave them substantial weight, reducing the debarment period from 24 months to 12. The agency did not find them sufficient to withhold action, because the appellant did not notify his employer of the absences at the time and the pattern continued after the emergency resolved (Tab 3b, p. 4)."*
- **Explain the rationale for the action selected.** State why your agency chose the specific action. The suitability actions available under 5 CFR § 731.203 are cancellation of eligibility, removal, cancellation of reinstatement eligibility, and debarment, but not every action is available to every responsible agency. Acting under delegated authority, your agency may cancel eligibilities, remove the individual, and impose an agency-specific debarment. Where OPM is the responsible agency, OPM may also cancel reinstatement eligibility and impose a Government-wide debarment. Begin by stating which actions were available to you given the appellant's status (applicant, appointee, or employee) and the scope of your authority under 5 CFR § 731.103; you are not expected to justify declining an action you had no authority to take. Then connect the seriousness of the conduct, the cited suitability factor, and the nature of the position to the action chosen and explain why that action protects the integrity or promotes the efficiency of the service. If your action includes debarment, state the period imposed and why that period is appropriate. An agency-specific debarment bars the individual only from positions within your agency and may not exceed three years; a Government-wide debarment, which only OPM may impose, bars the individual from all positions covered by 5 CFR Part 731 and likewise may not exceed three years. In either case, the period runs from the date of the final decision
- *Example: "Because the appellant was an applicant, the actions available to the agency were cancellation of eligibility and agency-specific debarment. The agency cancelled the appellant's eligibility for the position and imposed a 12-month debarment from all competitive service positions within the agency. The charge — misconduct or negligence in employment — rested on the appellant's termination from prior employment for repeated unauthorized absences 14 months before the application. The position requires independent, unsupervised field work with minimal daily oversight, so reliability in reporting for duty is central to the duties. The agency imposed 12 months rather than the 3-year maximum because the conduct involved no financial loss or harm to others and the appellant completed an employer-directed corrective program before applying."*

Step 5 – Include Any Supplemental Information

You may also submit:

- Any information responding to materials provided by the appellant in the appeal
- Any information supporting the agency's decision and action, such as documentation related to a legal opinion or the agency's legal position

Step 6 – Format Your PDF: Tabs, Bookmarks, and Page Numbers

A well-formatted PDF is required — not just preferred. OPM's staff and administrative judges need to find specific documents in your file quickly. A disorganized file can slow down adjudication and may require you to resubmit.

Build your PDF in this order: (1) sort every document into Tabs 1–6; (2) combine everything into a single PDF and add sequential page numbers; (3) add a bookmark at the first page of each document; and (4) prepare the cover page and index last, once the page numbers are final. The rest of this step explains each part.

Add Page Numbers

Every page in your file must have a sequential page number. Put the page number in the lower right corner of each page. Start from page 1 on the very first page — including the cover page and index — and number straight through to the end. Do not restart page numbers for each new section.

Adobe Acrobat: Go to Tools → Edit PDF → Header & Footer → Add. Select the lower-right corner box, click "Insert Page Number," then click OK.

Cover Page and Index (Table of Contents)

Your file must begin with two pages: (1) a cover page and (2) an index, also called a table of contents. Together, these act as a guide for everyone who reviews your submission.

Cover page should include: the appellant's full name, the OPM appeal case number from OPM's acknowledgment letter, your agency's name, the submission date, and the name and contact information of your agency's representative.

Index should list every tab in your file with the page number where it starts. Format it as a two-column list. Fill in the page numbers after the PDF is assembled and numbered, so they match the final file. Example:

Tab 1 – Jurisdiction Documents ..... p. 3
Tab 2a – Proposed Action Letter (10/26/2025) ..... p. 5
Tab 2b – Appellant's Answer to Proposed Action Letter (11/10/2025) ..... p. 9
Tab 2c – Final Decision Letter (01/02/2026) ..... p. 12
Tab 3a – Background Investigation (10/2025) ..... p. 14
Tab 4 – Charge-by-Charge Analysis (optional) ..... p. 42
Tab 5 – Supplemental Information ..... p. 56 (if applicable)
Tab 6 – Privilege Log ..... p. 60

Organize Your File into Tabs

Your file must be divided into numbered tabs in this order:

- **Tab 1 – Jurisdiction Documents** (materials from Step 1 of this guide and the agency representative designation).
- **Tab 2 – Suitability Action Procedures** (materials from Step 3 of this guide: notices, letters, and delivery records). Arrange in chronological order (e.g., proposed action letter, answer to the proposed action letter, and then the final decision letter).
- **Tab 3 – Evidence** (materials from Step 2 of this guide). Arrange in chronological order — oldest document first (e.g., completed background investigation, followed by a Letter of Interrogatory (LOI) regarding the background investigation, followed by the individual's response to the LOI, etc.).
- **Tab 4 – Charge-by-Charge Analysis** (your written analysis from Step 4 of this guide). If you are not submitting a separate Charge-by-Charge Analysis, you will include this Tab as a placeholder but the Tab will have no content.
- **Tab 5 – Supplemental Information** (Step 5 materials, if any) If you are not submitting supplemental information, you will include this Tab as a placeholder but the Tab will have no content.
- **Tab 6 – Privilege Log Information**

When a Tab has more than one document, add a letter after the Tab number: Tab 2a, Tab 2b, Tab 2c, and so on.

Add Bookmarks (Digital Tabs)

A bookmark is the digital version of a tab divider. Bookmarks appear in a panel on the left side of the PDF and let a reviewer jump straight to any document in one click. Give every document in your file its own bookmark; without them, a reviewer has to scroll the whole file to find anything.

Bookmark naming format: Tab [#][letter if multiple docs] – [MM/DD/YYYY] – [Document Title]

Examples:

Tab 2a – 10/26/2025 – Proposed Action Letter
Tab 2b – 11/10/2025 – Appellant Response to Proposed Action Letter
Tab 2c – 01/02/2026 – Final Decision Letter
Tab 3a – 10/2025 – Background Investigation Report
Tab 3b – 11/12/2025 – Letter of Interrogatory and Appellant Response
Tab 4 – Charge-by-Charge Analysis

How to Add Bookmarks

Adobe Acrobat: Open the PDF. Click the Bookmarks panel icon on the left side of the screen (it looks like a ribbon). Navigate to the first page of the document you want to bookmark. Click the "New Bookmark" icon, or press Ctrl+B (Windows) / Cmd+B (Mac). Type the bookmark name using the format above. Repeat for every document in your file.

Microsoft Word or Excel — before converting to PDF: If your documents start as Word files, apply Word's built-in Heading styles (Heading 1, Heading 2, etc.) to mark each section. When saving as PDF (File → Save As → PDF Options), check "Create bookmarks using: Headings." Word will automatically turn your headings into PDF bookmarks.

Security, Redaction, and Accessibility

Do not password-protect or encrypt your PDF — OPM's reviewers and the appellant must be able to open it. Apply redactions with a redaction tool that permanently removes the underlying text; drawing a black box over text does not remove it, and the content can be recovered. As a best practice, sanitize the final PDF to remove hidden content such as metadata, comments, annotations, and embedded files (Adobe Acrobat Pro: Tools → Redact → Sanitize Document). Keep bookmarks in a single flat list in tab order — do not nest bookmarks under other bookmarks. Name your file "Agency Response File – [Appellant Last Name] – [OPM Case No.]" (add "Part A of B," "Part B of B," etc. only if split for size). Ensure the PDF is text-searchable — apply OCR to scanned documents — to support accessibility under Section 508.

File Size

The system limits file size to 50 MB. If your file is too large to upload as one submission, split it into labeled parts: "Agency Response File – Part A of B," "Agency Response File – Part B of B," etc. At the start of each part, include a short note showing how many total parts there are and what is in each part.

Legibility

All documents must be as legible as practicable. If a source document is unclear, take reasonable steps to improve legibility before scanning (e.g., obtain a cleaner copy or re-scan at higher resolution). Retain the original records in your agency's files regardless of the copy quality submitted.

Step 7 – Compile and Submit the File

- Review the complete file to confirm all documents are releasable and appropriately redacted.
- Organize documents in chronological order within each section, to the extent practicable.
- Convert the entire file into a single PDF.
- Make sure every page is numbered.

Submit the single PDF response file through OPM's eFile system (https://opmefile.opm.gov/) as directed in the acknowledgment letter. Your agency representative must have an active OPM eFile account. Agencies should register their representatives in the eFile system in advance of any appeal being filed. OPM will not accept filings by email or postal mail unless a party shows good cause and obtains OPM's approval. If you have questions, contact SuitEA Appeals at SuitEAAppeals@opm.gov.

Prepare and attach a signed certification that the submitted record is complete, as required by 5 CFR § 731.503(c)(6). An authorized agency representative must sign it before submission. OPM has created a template Certification of Completeness and Service that agencies may use, which can be found on OPM's Suitability website. Separately, the Certificate of Service, required by 5 CFR § 731.503(f), is incorporated as part of this template, so completing the Certification of Completeness and Service also satisfies that requirement.

Include the Certification of Completeness and Service as the last part of the file. Filing through OPM's eFile system constitutes simultaneous service on the appellant and the appellant's representative and satisfies the delivery requirement. If you cannot serve the file by the submission deadline, notify the OPM adjudicator immediately; failure to timely serve the appellant may result in sanctions, including exclusion of evidence.

If OPM expressly approves an alternative method of transmission for good cause, serve the ARF by the method OPM directs on both the appellant (and their representative, if any) and OPM SuitEA, and include proof of delivery with the Certification of Completeness and Service. Keep proof of delivery — for example, an email with a read receipt, a signed transmittal form, or postal tracking confirmation — showing how and when service was made. Serve the appellant and their representative at the addresses provided in the appeal or, if none, the last known addresses in your agency's records, using a method that documents delivery.

U.S. Office of Personnel Management

Quick Reference Checklist

Use this checklist to verify your file is complete before submission.

Agency Response File Name	**Prepared By**	**Date**
		mm/dd/yyyy

Privacy Act & Redaction

☐ All documents are releasable to the individual

☐ PII not pertaining to the appellant has been removed

☐ Information restricted from use has been properly removed; any withheld or redacted documents are listed in a privilege log.

Format

☐ File submitted as a single PDF

☐ Documents organized in chronological order

☐ Every page is numbered

☐ Cover page and index (table of contents with page numbers) included at the start of the file

☐ File organized into tabs (Tab 1 through Tab 6, as applicable)

☐ Every document has a bookmark using the required naming format: Tab [#][letter] – Date – Title

☐ Documents in Tab 2 – Suitability Action Procedures, arranged in chronological order (e.g., proposed action letter, answer to the proposed action letter, and then the final decision letter)

☐ Documents in Tab 3 – Evidence, arranged in chronological order (e.g., completed background investigation, followed by a Letter of Interrogatory (LOI) regarding the background investigation, followed by the individual's response to the LOI, etc.)

Steps to Compile Agency Response File

1. Jurisdiction

☐ Vacancy announcement / SF-50 / position description included

☐ Hiring authority documented (if excepted service that noncompetitively converts to competitive service)

☐ Agency Representative Designation

2. Suitability Action Procedures

☐ Delivery records for all notices (e.g., proposed action letter, final decision letter, etc.) included

☐ Proposal letter included

☐ MRU request and delivery documentation included (if applicable)

☐ Appellant's answer to proposed action letter included

☐ Final decision letter included

3. Evidence

☐ All materials relied upon included

☐ Background investigation included with releasability documentation — if conducted by another federal agency, the releasable copy obtained from that agency

☐ Application documents included

☐ LOI and appellant response included

4. Charge by Charge Analysis (if applicable)

☐ Document which evidence in the file supports each charge.

☐ Provide an analysis of the specific factors cited and relevant additional considerations.

☐ Discuss any contradictory or exculpatory evidence.

☐ Provide your rationale for the action(s) your agency took.

5. Supplemental Information

☐ Any additional agency response or legal position included (if applicable)

6. Privilege Log

☐ Privilege log completed — either confirming no documents were withheld or redacted, or identifying each withheld/redacted document and the legal basis for withholding it

7. PDF Format

☐ Page numbers in lower right corner, sequential from page 1

☐ Cover page and index included

☐ File divided into Tabs 1–6 with correct ordering within each tab

☐ All documents bookmarked using format: Tab [#][letter] – Date – Title

☐ Large files split into labeled parts if needed

8. Compile and submit the file

☐ Review the complete file to confirm all documents are releasable and appropriately redacted.

☐ Organize documents in chronological order within each section, to the extent practicable.

☐ Convert the entire file into a single PDF.

☐ Make sure every page is numbered.

☐ Submit the single PDF response file per OPM's eFile system or submission instructions.

☐ Signed Certification of Completeness and Service

Suitability Executive Agent Programs

Suitability Appeal Agency Response File

Suitability Action Appeals | 5 CFR Part 731, Subpart E |

CASE INFORMATION
Appellant’s Full Name
OPM Appeal Case Number
Agency Name
Submission Date

AGENCY REPRESENTATIVE INFORMATION
Agency Representative Name
Agency Representative Contact Information

Suitability Executive Agent Programs

AGENCY RESPONSE TEMPLATE INSTRUCTIONS

Suitability Action Appeals | 5 CFR Part 731, Subpart E | Effective September 2, 2026

ORGANIZATION

These template instructions are being provided to assist you in the use of this template in preparing your Agency Response File (ARF)

- All tabs must remain in place even if your agency has no content to provide for a particular tab. ***DO NOT DELETE TABS.***
- For ease of use, your agency should place PDF files behind the corresponding tabs. Please be sure to follow the guidance provided in OPM's Agency Response File Instructions located on OPM's Suitability website.
- We have provided a sample of a Table of Contents for your reference. Your Table of Contents should be formatted in a similar style but should match your unique ARF submission.
- You may add a sub-tab under any of the primary tabs, if necessary. For example, if under Tab 3 – Evidence, your agency would like to split out additional evidence for clarity, you may create Tabs 3c, 3d, etc. Be sure to add bookmarks corresponding to the added tabs.

OPTIONAL CHARGE-BY-CHARGE ANALYSIS

Agencies are not required to submit the Charge-by-Charge analysis at the time of the submission of the ARF. Since the Charge-By-Charge Analysis (Tab 4) is an optional submission, it may be left blank at the time of your submission. However, if warranted by the circumstances of any appeal, OPM may request this document after reviewing the totality of your submission. If OPM requests a Charge-By-Charge Analysis, your agency will be provided with a specific timeframe for when the Charge-By-Charge Analysis is due.

TAB CONTENTS

- Tab 1 – Jurisdiction Documents. Materials establishing that the position was in the competitive service, an excepted service position that noncompetitively converts to the competitive service, or a career Senior Executive Service position, together with the Agency Representative Designation.
- Tab 2 – Suitability Action Procedures. Notices, letters, and delivery records, arranged in chronological order (e.g., proposed action letter, the appellant's answer to the proposed action letter, then the final decision letter).
- Tab 3 – Evidence. All materials considered, relied upon, generated, issued, or served in connection with the suitability action, arranged in chronological order with the oldest document first.
- Tab 4 – Charge-by-Charge Analysis. Optional. If you are not submitting a separate analysis, include this tab as a placeholder with no content. Do not delete the tab.
- Tab 5 – Supplemental Information. If you are not submitting supplemental information, include this tab as a placeholder with no content.
- Tab 6 – Privilege Log Information. Complete the privilege log even if nothing was withheld or redacted, confirming that no documents were withheld.

******Delete this page once your file has been prepared******

PDF FORMAT, BOOKMARKS, AND PAGE NUMBERS

- Submit the completed file as a single PDF. Do not password-protect or encrypt the file — OPM's reviewers and the appellant must be able to open it.
- Number every page sequentially in the lower right corner, beginning with page 1 on the cover page and continuing straight through to the end. Do not restart numbering at each tab.
- Give every document its own bookmark, using the format Tab [#][letter] – [MM/DD/YYYY] – [Document Title] (e.g., Tab 2a – 10/26/2025 – Proposed Action Letter). Keep bookmarks in a single flat list in tab order; do not nest bookmarks under other bookmarks.
- Apply redactions with a tool that permanently removes the underlying text. A black box drawn over text does not remove it, and the content can be recovered.
- Ensure the PDF is text-searchable — apply OCR to scanned documents — to support accessibility under Section 508.
- Name the file "Agency Response File – [Appellant Last Name] – [OPM Case No.]". The eFile system limits submissions to 50 MB; if your file exceeds that limit, split it into labeled parts ("Part A of B," "Part B of B") and note at the start of each part how many parts there are and what each contains.

DEADLINE, SERVICE, AND CERTIFICATION

- Under 5 CFR § 731.503(b)(1), your ARF is due within 30 calendar days of the date of OPM's acknowledgment letter to your agency, unless the OPM adjudicator establishes a different deadline. Check the acknowledgment letter for the exact due date.
- Every document in the ARF is released to the appellant and the appellant's representative. Include only materials your agency is authorized to disclose under the Privacy Act and remove all PII that does not pertain to the appellant.
- List any withheld, redacted, or protectively handled document in the Privilege Log at Tab 6, unless identifying the document itself is prohibited by law. Your agency may not rely on a document that was not disclosed to the appellant unless the appellant received notice of its substance and a meaningful opportunity to respond.
- Include the signed Certification of Completeness and Service, required by 5 CFR § 731.503(c)(6), as the last part of the file. An authorized agency representative must sign it before submission. The Certificate of Service required by 5 CFR § 731.503(f) is incorporated into that template, so completing it satisfies both requirements.
- File through OPM's eFile system at https://opmefile.opm.gov/. Filing through eFile constitutes simultaneous service on the appellant and the appellant's representative and satisfies the delivery requirement. Your agency representative must have an active OPM eFile account.
- Failure to comply with OPM's directives — including failure to timely serve the appellant — may result in sanctions under 5 CFR § 731.506, including adverse inferences or exclusion of evidence.
- Questions about assembling or submitting the ARF may be directed to SuitEA Appeals at SuitEAAppeals@opm.gov.

******Delete this page once your file has been prepared******

Table of Contents

Table of Contents
Documents Pertaining to the Appeal
to the United States Office of Personnel Management
In the Matter of [Insert Appellant's Full Name]
v.
[Insert Agency Name]

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2 - Suitability Action Procedures

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3 - Evidence

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3b - Additional Information obtained by the Agency

4 - Charge-by-Charge Analysis

U.S. Office of Personnel Management

Suitability Executive Agent Programs

CHARGE-BY-CHARGE ANALYSIS MEMORANDUM

Suitability Action Appeals | 5 CFR Part 731, Subpart E, § 731.503(c)(3) | Effective September 2, 2026

CASE INFORMATION

Appellant Name	OPM Appeal Case Number
	Note: Use the case number from OPM's acknowledgment letter — the appeal case number, not the underlying investigation number.
Position / Title	**Agency / Component**

Burden of Proof: Once the appellant establishes timeliness and jurisdiction, the responsible agency bears the burden to establish, by a preponderance of the evidence, the charge or charges supporting the unfavorable suitability determination and the substantive propriety of the suitability action taken (5 CFR § 731.501(b)(2)). That allocation does not shift to the Agency the appellant's own burden to demonstrate timeliness, jurisdiction, or any claim of improper procedure (5 CFR § 731.501(b)(1)). OPM's deciding official must make findings on each material charge, specification, and suitability factor relied upon (5 CFR § 731.505(f)(2)). If this analysis omits a charge or factor cited in the final decision letter, OPM may not be able to sustain it.

INSTRUCTIONS FOR USE

A charge-by-charge analysis is not required in every agency response file. OPM may request that the agency complete one, or the agency may choose to submit one voluntarily on its own initiative. These instructions govern assembly of the complete analysis; the rules for drafting an individual charge appear on the ***Charge Analysis Attachment*** page. Complete one Charge Analysis Attachment, using the template on the following page, for each charge cited in the final decision letter. Number the attachments sequentially — for example, “Charge 1 of 3,” “Charge 2 of 3,” “Charge 3 of 3.” File the completed attachments together behind this cover page in Tab 4 of the agency response file.

Each attachment must be grounded in the documentary record. Do not include facts or arguments not supported by materials already in the file. State each charge and specification exactly as written in the final decision letter — no paraphrasing. Cite supporting documents by tab and page number throughout (e.g., “Tab 3a, p. 12”). Italic bracketed text [like this] is guidance — delete it before submitting.

If there are two or more charges, complete Section VIII (Cumulative Basis for Action) at the end of the final charge attachment. An agency that uses its own format must include the information on this template. Questions about this form or the appeals process may be directed to SuitEA Appeals at SuitEAAppeals@opm.gov.

PREPARER'S CERTIFICATION

I certify that this charge-by-charge analysis is based solely on the documentary record included in the agency response file and that, to the best of my knowledge and belief, the factual statements herein are accurate and complete. I am an authorized agency representative or have been authorized by an authorized agency representative to prepare this analysis. I understand that a willfully false, fictitious, or fraudulent statement in this certification may subject me and the Agency to criminal penalties under 18 U.S.C. § 1001.

Complete the following only if the preparer is not the authorized agency representative designated in Tab 1. The preparer need not be that representative — for example, the representative may be an attorney in the Office of General Counsel while the analysis is prepared by an adjudications office more familiar with the basis for the decision.

Authorized By (authorized agency representative approving the preparer):

Name / Title: ______________________________ Office / Component: ______________________________

Date of Authorization: __________________ Documentation of authorization at Tab _____, p. _____.

Signature

Printed Name **Title / Position**

Agency / Component **Date**

Charge Analysis Attachment

- Complete one copy of this attachment for each charge, numbered sequentially in the heading below. See the cover page for filing instructions and for when to complete Section VIII.
- Copy each charge and specification word for word from the final decision letter. Do not paraphrase, condense, or reword.
- Write only what the record supports. Every fact and argument must come from a document already in the agency response file — do not add new information here.
- Cite a tab and page number for every document referenced — for example, “Tab 3a, p. 12.”

CHARGE ___ OF ___

Charge: [state exactly as written in the final decision letter]

Note: A “charge” is the formal citation of the suitability factor — e.g., “Misconduct or Negligence in Employment.” Copy verbatim as it was presented to the appellant in the final decision letter.

Suitability Factor(s) Under 5 CFR § 731.202(b): [List Factor]

Note: The ten factors are: (1) Misconduct or Negligence in Employment; (2) Criminal Conduct; (3) Material, Intentional False Statement, or Deception or Fraud in Examination or Appointment [OPM only]; (4) Dishonest Conduct; (5) Failure to Comply with Financial Obligations or Generally Applicable Civil Legal Obligations, such as timely filing of tax returns; (6) Excessive Alcohol Use Without Evidence of Rehabilitation; (7) Illegal Use of Narcotics, Drugs, or Other Controlled Substances Without Evidence of Rehabilitation; (8) Knowing and Willful Engagement in Acts or Activities Designed to Overthrow the U.S. Government by Force [OPM only]; (9) Violent Conduct; and (10) Any Statutory or Regulatory Bar [agencies in applicant and appointee cases only]. OPM may act on any factor in any case. Agencies must refer to OPM any case resting on Factor 3 or Factor 8, and any conduct that may warrant a Government-wide debarment. If this charge rests on a referred factor, state the date of the referral and cite the referral documentation by tab and page.

I. SPECIFICATION(S)

Specifications

State the specific factual allegation. Include the act or omission, dates, locations, and details connecting the conduct to the appellant. Each separate act or incident should be its own numbered specification. Copy specifications verbatim from the final decision letter. Add additional specifications using the same format.

Note: List all specifications under this charge before moving to Section II. A charge stands or falls on its specifications. If the Agency no longer relies on a specification cited in the final decision letter, or the record does not support one, say so here and explain the effect on the charge — do not simply omit it. OPM must make findings on each material charge and specification, and where fewer than all are sustained, OPM determines whether the sustained grounds still support the action taken (5 CFR § 731.505(f)(2)).

II. STATEMENT OF FACTS

Summarize the factual record in narrative form: what happened, when, how the Agency learned of it, what investigation was conducted, and any formal findings. Cite specific documents by tab and page (e.g., “Tab 3a, p. 4”). If the same conduct gave rise to any parallel proceeding — a Chapter 75 adverse action, MSPB appeal, EEO complaint, grievance, arbitration, or criminal or administrative matter — identify it, state its status or outcome, and cite the documentation by tab and page. If the Agency knew of this conduct before making a favorable suitability determination on the appellant, state that and explain the basis for acting now. Keep this section factual — save legal analysis for Section IV.

III. PROCEDURAL COMPLIANCE

Confirm and cite by tab and page that the Agency provided each protection listed at 5 CFR § 731.501(c)(2): (a) advance written notice stating the charge(s) and specific reason(s) for the proposed action; (b) notice of the right to be represented by a representative of the appellant's choosing; (c) at least 30 calendar days from the date of the notice of proposed action to file a written response and furnish documentation; and (d) a written decision delivered to the appellant explaining the decision and the procedures for appealing it. Also confirm the appellant was given the opportunity to review the materials relied upon on request. If any protection was not provided, or was provided late, state that expressly and explain the circumstances — do not omit it.

IV. ANALYSIS — SUITABILITY FACTOR(S)

Identify which factor(s) under 5 CFR § 731.202(b) apply. Explain in plain terms how the facts of this charge connect to each factor. Be specific — cite documents by tab and page. Explain the nexus between the conduct and the duties, responsibilities, and access requirements of this specific position.

V. ADDITIONAL CONSIDERATIONS UNDER 5 CFR § 731.202(c)

Address each of the seven regulatory considerations below that is pertinent to this charge. A consideration may be aggravating as well as mitigating. If a consideration is not pertinent, state that expressly and briefly explain why — do not leave it blank. Cite supporting evidence by tab and page.

1. Nature of the position for which the individual is applying or in which the individual is employed.

[Describe the duties, access, responsibilities, and sensitivity level of the position.]

2. Nature and seriousness of the conduct.

[Was the conduct intentional or negligent? Isolated or repeated? Did it cause harm?]

3. Circumstances surrounding the conduct.

[Describe contextual factors — personal crisis, workplace environment, provocation, etc.]

4. Recency of the conduct.

[When did the conduct occur? How much time has passed, and is the passage of time relevant?]

5. Age of the individual at the time of the conduct.

[If the conduct occurred when the appellant was a minor or young adult, address how that affects the assessment.]

6. Contributing societal conditions.

[Address broader social, economic, or environmental factors that may have contributed.]

7. Absence or presence of rehabilitation or efforts toward rehabilitation.

[Describe steps the appellant has taken to address the conduct. Rehabilitation is relevant both to whether the charge is sustained and to which action is appropriate.]

Note: Section V analyzes the seven regulatory considerations; Section VI addresses specific mitigating and exculpatory evidence the appellant has offered or that appears in the record. Rehabilitation evidence may appear in both sections — address it in each where relevant, with specific record citations.

VI. MITIGATING AND EXCULPATORY EVIDENCE

The record must include the Agency's consideration of mitigating, rehabilitative, contradictory, and exculpatory evidence. Distinguish between two types of evidence:

- Exculpatory evidence tends to disprove a specification — it goes to whether the charge is sustained at all.
- Mitigating evidence accepts that the conduct occurred but bears on which action is appropriate.

Appellant's Response to Proposed Action Letter:

☐ Response received on: _____________ (Tab _____, p. _____)
☐ No response received within the response period stated in the proposed action letter (minimum 30 calendar days).
☐ Appellant declined to respond (documentation of declination at Tab _____, p. _____).

[For each piece of mitigating or exculpatory evidence — whether raised by the appellant or found in the record — identify it by tab and page number, state the weight the Agency gave it, and explain what effect it had on the action selected. Address: (a) every assertion raised in the appellant's answer; (b) any record evidence that contradicts a specification; and (c) any evidence of rehabilitation or changed circumstances bearing on the additional considerations in Section V. If it reduced the action (e.g., shorter debarment), say so. If it had no effect, explain why.]

Note: If the appellant submitted a response, address every assertion raised. If no response was submitted, state that expressly — an omission is indistinguishable from a failure to consider. Confirm as well that every document relied upon in this analysis was disclosed to the appellant. OPM may not rely on nondisclosed material to affirm the suitability action unless the appellant received notice of its substance and a meaningful opportunity to respond, except as otherwise authorized by law (5 CFR § 731.503(c)). If any material relied upon was withheld, redacted, or protectively handled, identify it in the privilege log at Tab 6 and state what notice of its substance the appellant received.

VII. ACTION TAKEN AND RATIONALE

[State which action the Agency took and why. The suitability actions available under 5 CFR § 731.203 are: (1) cancellation of eligibility; (2) removal; (3) cancellation of reinstatement eligibility; and (4) debarment. Not every action is available to every responsible agency. Acting under delegated authority, an agency may cancel eligibilities, remove the individual, and impose an agency-specific debarment; only OPM may cancel reinstatement eligibility and impose a Government-wide debarment. State which actions were available given the appellant's status (applicant, appointee, or employee) and the Agency's delegated authority under 5 CFR § 731.103 — the Agency is not expected to justify declining an action it had no authority to take. Then explain: • The nexus between the conduct, the suitability factor(s), and the duties of the specific position — what about this position makes the conduct particularly serious. • Why the action taken is warranted and why a less severe action would not adequately protect the integrity or efficiency of the service. • Whether this charge alone would support the action, or whether it contributes to the overall basis (see also Section VIII). If the action includes debarment: state the period imposed and why that period is appropriate. An agency-specific debarment bars the individual only from positions within the Agency; a Government-wide debarment, which only OPM may impose, bars the individual from all positions covered by 5 CFR Part 731. Neither may exceed three years, and in either case the period runs from the date of the final decision. If a Government-wide debarment appeared warranted, state whether the case was referred to OPM under 5 CFR § 731.103.]

VIII. CUMULATIVE BASIS FOR ACTION

[Complete this section only when there are two or more charges. Explain the overall basis for the action, drawing together all sustained charges. Address whether the action is supported by the cumulative weight of all charges, and how the combination of conduct, factors, and additional considerations supports the action taken.]

5 - Supplemental Information

6 - Privilege Log Information

Suitability Executive Agent Programs

AGENCY REPRESENTATIVE DESIGNATION

Suitability Action Appeals | 5 CFR Part 731, Subpart E | Effective September 2, 2026

CASE INFORMATION

Appellant Name

OPM Appeal Case Number

Note: Use the case number from OPM's acknowledgment letter — the appeal case number, not the underlying investigation number. Include this designation in the agency response file, due within 30 calendar days of the date of OPM's acknowledgment letter, unless the OPM adjudicator sets a different date (5 CFR § 731.503(b)(1)).

AGENCY REPRESENTATIVE INFORMATION

The individual listed below is designated as the authorized representative of the agency in the above-referenced suitability appeal. The representative is responsible for submitting the complete, indexed, paginated, and certified agency response file within the applicable deadline; serving the file on the appellant simultaneously; monitoring the case docket; and serving as the agency's main point of contact for the case.

Note on who to designate: Appropriate representatives include an attorney from the agency's Office of General Counsel, the agency's suitability program manager or officer, a Human Resource official, or another official familiar with the suitability requirements. The designation must be in writing and specific to this appeal; a general power of attorney or a designation from another proceeding is not sufficient. The representative's signature below constitutes the designation.

Full Name

Title / Position

Agency Name

Office / Division / Component

Mailing Address

Phone Number

Email Address (opmefile.opm.gov registration)

Alternate Representative (optional)

Name / Title

Email Address (opmefile.opm.gov registration)

Phone Number

Office / Division / Component

Suitability Executive Agent Programs

PRIVILEGE LOG

Suitability Action Appeals | 5 CFR Part 731, Subpart E, § 731.503(c) | Effective September 2, 2026

CASE INFORMATION

Appellant Name

OPM Appeal Case Number

Note: Use the case number from OPM's acknowledgment letter — the appeal case number, not the underlying investigation number.

Position / Title

Agency / Component

Effective Date of Suitability Action

Agency Representative

Note: “Agency Representative” is the person designated as the authorized representative of the agency.

PRIVILEGE LOG (WITHHELD, REDACTED, OR PROTECTIVELY HANDLED DOCUMENTS ONLY)

This item is mandatory — check one:

- ☐ No documents have been withheld, redacted, or protectively handled.
- ☐ One or more documents have been withheld, redacted, or protectively handled. Each such document, and the legal basis for withholding it, is identified below, unless identifying the document itself is prohibited by law.

Note: Affirmatively check one box. If no documents have been withheld, check the first box — do not leave this item blank. Contact SuitEAAppeals@opm.gov with questions about withholding.

If any document is withheld, redacted, or protectively handled, it must be identified in this log unless the law prohibits even identifying the document (5 CFR § 731.503(c)). OPM may ask the Agency to provide a summary or alternative disclosure so the appellant has a fair chance to respond. The Agency may not rely on any document that was not disclosed to the appellant unless the appellant received notice of its substance and a meaningful opportunity to respond, except as otherwise authorized by law.

- Assign a Privilege Log Item number (PL-1, PL-2, etc.).
- Identify the document with enough detail for the appellant to understand what it is (type, date, originating office), unless identifying the document itself is prohibited by law.
- Identify the tab and page numbers containing the withheld or redacted material (e.g., Tab 3b, pp. 4–5).
- State the specific legal basis for withholding or redacting (e.g., Privacy Act, law enforcement privilege, deliberative process privilege, attorney-client privilege, protective order).
- Indicate whether the document was relied upon or considered in the suitability determination.
- File this completed, signed Privilege Log in Tab 6 (Privilege Log Information) of the agency response file.

PRIVILEGE LOG ITEMS

PL #	Document Description	Tab / Page(s)	Legal Basis for Withholding or Redaction	Relied Upon

PREPARER'S CERTIFICATION

I certify that this Privilege Log is consistent with the documentary record included in the agency response file and that, to the best of my knowledge and belief, the factual statements herein are accurate and complete. I am an authorized agency representative, or have been authorized by the Agency to prepare this Privilege Log. I understand that a willfully false, fictitious, or fraudulent statement in this certification may subject me and the Agency to criminal penalties under 18 U.S.C. § 1001 and other applicable law.

Signature

Printed Name

Title / Position

mm/dd/yyyy

Agency / Component

Date

Note: For each representative listed above, use a named individual's unique work email address — not a shared or group mailbox (e.g., suitability@agency.gov) and not a position title. OPM's notification message to the agency creates an eFile account at https://opmefile.opm.gov/ using this email address. Each representative must have an active account before the response file is due. Registration constitutes consent to receive electronic service of all pleadings, evidence, notices, orders, and other documents filed by other parties or issued by OPM. Each representative must regularly monitor the eFile system for new case-related documents; failure to monitor is not grounds for an extension or relief from a deadline. OPM does not accept postal or email submissions without good cause and prior OPM approval (5 CFR § 731.502). Naming an alternate is optional but recommended, given the 30-day response deadline. An alternate must be separately registered in the eFile system in order to receive service and file on the agency's behalf. The primary representative remains responsible for all filings and deadlines unless the agency files an updated designation naming the alternate as primary.

DESIGNATION AND SIGNATURE OF AUTHORIZED AGENCY REPRESENTATIVE

By signing below, I confirm that the agency has designated me as its authorized representative in this appeal. I confirm that the contact information above is accurate; that I am registered (or will register before the response file is due) as an e-filer at opmefile.opm.gov; and that I am responsible for all required filings in this matter on behalf of the agency.

Signature

Printed Name

Title / Position

Date Signed

Note: This designation supersedes any prior designation filed in this case. Notify OPM immediately through opmefile.opm.gov if the representative changes.

FILING INSTRUCTIONS

- File this completed, signed designation in Tab 1 (Jurisdiction Documents) of the agency response file.
- Use of this template is recommended but not required — any written designation that identifies the representative by name and contact information and is specific to this appeal is sufficient. Questions about this form or the appeals process may be directed to SuitEA Appeals at SuitEAAppeals@opm.gov.
- Filing through OPM's eFile system constitutes simultaneous service on the appellant and the appellant's representative and satisfies the delivery requirement (5 CFR § 731.503(f)).
- Register agency representatives in the eFile system in advance of any appeal being filed. The eFile system is how OPM identifies the agency for service. Contact SuitEAAppeals@opm.gov to update the agency's designated representative when it changes.

Suitability Executive Agent Programs

CERTIFICATION OF COMPLETENESS AND SERVICE

Suitability Action Appeals | 5 CFR Part 731, Subpart E | Effective September 2, 2026

CASE INFORMATION

Appellant Name

OPM Appeal Case Number

Note: Use the case number from OPM's acknowledgment letter — the appeal case number, not the underlying investigation number.

Position / Title

Agency / Component

Part I: CERTIFICATION OF COMPLETENESS

I certify that I am a duly authorized representative of the Agency and that I have authority to submit this agency response file on behalf of the Agency.

Note: Under 5 CFR § 731.503(b)(1), the agency response file is due within 30 calendar days of the date of OPM's acknowledgment letter, unless the OPM adjudicator sets a different deadline. Check the acknowledgment letter for the exact due date.

I further certify, to the best of my knowledge and belief, that:

1. Completeness. This agency response file contains all records, documents, reports, memoranda, and other materials relevant to the suitability action identified above that are in the possession, custody, or control of the Agency, OPM, or another authorized entity, except as identified in Item 7 below. Where the action relies on an investigative file or continuous vetting records of another federal agency, the Agency has obtained the releasable copy from the originating agency and included it in this file. The Agency has not omitted any document considered, relied upon, generated, received, issued, or served in investigating, proposing, deciding, directing, or effectuating the suitability action.
2. Format. The file has been organized in accordance with OPM's agency response file instructions and is submitted as a single bookmarked, indexed, and sequentially paginated PDF. The file begins with a cover page and an index identifying each tab and the page on which it begins, is divided into Tabs 1 through 6 in the order required by OPM's instructions, and includes a bookmark for each document in the format Tab [#][letter] — Date — Title, in a single flat list in tab order. The PDF is not password-protected or encrypted, all redactions were applied so as to permanently remove the underlying text, and the file is text-searchable. If the file exceeds 50 MB and has been split into multiple labeled parts, each part is identified (e.g., “Part A of B”), and all parts together constitute the complete agency response file.
3. Legibility. All documents included in this file are as legible as practicable. Where a source document was unclear, the Agency has taken reasonable steps to improve legibility (e.g., re-scanning). The Agency retains the complete, unredacted original records and will preserve all records related to the suitability action until the appeal, including any request for reconsideration, is final.
4. Page Numbering. All pages have been consecutively numbered in the lower right-hand corner, beginning with page 1 on the cover page. Approximate total page count: ______ pages.

5. Service on Appellant. A complete copy of this file has been served on the appellant (and the appellant's representative, if any) simultaneously with submission to OPM. The copy served on the appellant is identical to the copy filed with OPM.
6. Releasability. All documents in this file are releasable to the appellant under the Privacy Act. Personally identifiable information not pertaining to the appellant has been removed, and information restricted from use has been removed in accordance with applicable statutes and executive orders. Where the file includes an investigative file or continuous vetting records of another federal agency, the Agency has confirmed the copy included is releasable and has included documentation showing releasability.
7. Obligation to Supplement. If the Agency discovers additional responsive records after this submission, the Agency will promptly notify OPM and supplement the record as directed by the OPM adjudicator.
8. Withheld Documents. *Check one — this item is mandatory*:

   ☐ No documents have been withheld, redacted, or protectively handled.

   ☐ One or more documents have been withheld, redacted, or protectively handled. A privilege log identifying each such document and the legal basis for withholding it is included in this file at Tab 6, page _____, unless identifying the document itself is prohibited by law.

Note: Affirmatively check one box. If no documents have been withheld, check the first box — do not leave this item blank. Contact SuitEAAppeals@opm.gov with questions about withholding.

PART II: CERTIFICATE OF SERVICE

Required by 5 CFR § 731.503(f). A certificate of service must accompany every submission to OPM. Include this completed Certification of Completeness and Service as the last part of the agency response file.

I certify that I have served a true and complete copy of the agency response file described in Part I on the appellant and the appellant's representative (if any). If the Agency cannot serve the file by the submission deadline, it will notify the OPM adjudicator immediately; failure to timely serve the appellant may result in sanctions, including exclusion of evidence. Select the method used below — the required information and proof of service differ by method.

Appellant's Full Name

____

Appellant's Mailing Address or Email

____

Appellant's Representative Name (if applicable)

____

Representative's Address or Email

____

Date of Service

____

Method of Service on Appellant (check one):

☐ OPM eFile System

Note: The agency record and response in the above-captioned matter were submitted to OPM through the electronic filing system established under 5 CFR § 731.502. Filing through that system constitutes simultaneous service on the appellant and the appellant's representative.

☐ Email — attach read receipt or delivery confirmation as proof

☐ First-Class Mail — attach USPS tracking or certified mail receipt as proof

☐ Other (describe): ____

Note: Filing through OPM's eFile system constitutes simultaneous service on the appellant and the appellant's representative. The email, mail, and other methods above may be used only where OPM has expressly approved an alternative method of transmission for good cause; in that case, attach proof showing how and when service was made. Service was made on the appellant and the appellant's representative at the addresses provided in the appeal or, if none were provided, at the last known addresses in the Agency's records, using a method that documents delivery. Filing with OPM must be through opmefile.opm.gov, not by email or postal mail, absent good cause and OPM approval (5 CFR § 731.502).

SIGNATURE BLOCK

By signing below, I certify to all matters set forth in both Part I (Certification of Completeness) and Part II (Certificate of Service) above. I understand that a willfully false, fictitious, or fraudulent statement in this certification may subject me and the Agency to criminal penalties under 18 U.S.C. § 1001 and other applicable law.

Signature

____

Printed Name and Title

____

Agency / Component	**Phone Number**
Email Address	**Date Signed**