

No Draft Registration - No Job

By Holly Culhane, Contributing Columnist



In these challenging economic times, many displaced workers are returning to school to refresh their skills and redirect their careers. This can be a good career move and a productive use of a “jobless period.”

But recently I learned of a young man who was laid off from his computer job in another state. Unable to find work, he went back to school to earn a law degree. A logical part-time job for him would be an internship with a federal agency, which are abundant in his state.

I was stunned to learn that federal employment was closed to him, and so were many state and local government jobs and benefits! Why? He was a “draft dodger.” When he was 18 years old, he failed to register with the Selective Service System, which would have made him theoretically subject to the draft.

I say “theoretically” because in 1973, the draft ended and the U.S. converted to an all-volunteer military. Selective Service registration was suspended in April 1975. But in 1980, in response to the Soviet invasion of Afghanistan, President Carter reinstated the requirement that all males register with the Selective Service when they turn 18. Almost all male U.S. citizens and male aliens living in the U.S., who are 18 through 25 years of age, are required to register.

State-by-state compliance with this law varies. Selective Service statistics available from mid-2000 indicate a national rate of 86 percent, with some states nearing 100 percent compliance and others hovering in the 60 percentile.

States that tie programs and benefits to registration seem to have higher compliance rates. As of May 22, 2009, the Selective Service reports 37 states, three territories and the District of Columbia have enacted driver’s license laws requiring male applicants be registered. California does not have this requirement. Its compliance rate is among the nation’s lowest.

Student loans and college enrollment now are linked with registration in some states, where the requirement even is extended to government contractors and vendors.

Failing to register is a criminal offense punishable by a fine and imprisonment. But offenders likely will not face these consequences. Rather they face financial and career hardships their entire lives. Two recent high-profile cases illustrate what can happen.

Chris Freking was a 16-year Veterans Affairs employee, who worked his way up the pay scale as a technician at the medical center in San Francisco. He grew up in the Philippines, where his father, a

World War II veteran from Iowa, retired, married and raised a family. As a result, Freking qualified for U.S. citizenship and moved to the U.S. in 1990. Hired by the VA the following year, Freking claims he did not know he was supposed to register with the Selective Service.

He disclosed to the VA that he was not registered, but that did not block his hiring or his advancement. It was only when he was considered for a promotion in 2005 that the Office of Personnel Management (OPM) declared him ineligible for federal employment and ordered him fired.

In 2008, Michael Elgin Jr., an 18-year, valued employee of the federal Internal Revenue Service in Massachusetts, faced a similar fate.

When Elgin turned 18, he was a homeless father of a toddler trying to get himself through high school and sometimes living out of his car. He claims he didn't know he was breaking the law when he failed to register. This failure to register did not block his hiring or promotions. It was only during a routine background investigation for a promotion in 2002 that the oversight was declared grounds for Elgin's firing.

VA and IRS officials, as well as congressmen and senators, have pleaded with OPM to make exceptions in these cases and allow the men, who are well into their federal careers, to remain on the job. The office has refused.

Elgin has filed a lawsuit, contending the law discriminates by only requiring men to register. The lawsuit also contends the law unconstitutionally metes out punishment without a trial. In addition, if a man does not correct his failure to register before his 27th birthday, he has no future options!

Whether it is out of ignorance or a desire to make a "political statement," failing to register with the Selective Service when you turn 18 can have severe, lifelong consequences.

Options exist if you disagree with the draft or the possibility you will be required to serve in the nation's military...ignoring Uncle Sam is not one of them.

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