



DEPARTMENT OF DEFENSE  
DEFENSE LEGAL SERVICES AGENCY  
DEFENSE OFFICE OF HEARINGS AND APPEALS  
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January 12, 2007

MEMORANDUM FOR THE RECORD

SUBJECT: Annual 10 U.S.C. 986 Waiver Report

This memorandum is provided to report that the Director of the Defense Office of Hearings and Appeals granted three waivers of meritorious exception to Title 10 U.S.C. 986. The following information identifies the disqualifying facts that caused the statute to apply and the reasons for the waiver of the disqualification.

**Applicant 1:** Thirty-nine years ago, the Applicant, then aged 22, was arrested for and later convicted of breaking and entering for which he served 18 months in jail. He has had no other criminal involvement since 1968. Now aged 61, he has worked for the same defense contractor with a Secret clearance without any problems for over 14 years. He is highly regarded by his employer and in his community. He received a state pardon in 1982 for this almost four-decade-old offense.

**Applicant 2:** Thirty-four years ago, the Applicant, then aged 21, was convicted of possession of marijuana for which he served 32 months in prison. He has not had any further involvement with illegal drugs or any other criminal activity of any kind. Now a 55-year-old truck driver, he has safely hauled munitions for more than two decades without incident. He received a state pardon for this single three-decade-old offense.

**Applicant 3:** Thirty-one years ago, the Applicant, then aged 17, was arrested for and later convicted of burglary and assault for which he served 24 months in jail. Now aged 49, he has worked for the same defense contractor for his entire career, over two decades; working his way up from the mail room to a managerial level. During that time, he has held a Secret clearance, obtained a college degree, married, bought a house, and raised two children, all since this isolated three-decade-old offense.

Leon J. Schachter  
Director