



TEAMSTERS **Safety &** **Health** **FACTS**

Safety and Health Department, International Brotherhood of Teamsters
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HAZMAT BACKGROUND CHECKS - APPEAL PROCESS

Applicants who wish to obtain, renew, or transfer a Hazardous Materials Endorsement (HME) onto their state-issued Commercial Driver's License (CDL) and have been denied through the Initial Determination of Threat Assessment may appeal the decision. Applicants who have been told they are disqualified may appeal the disqualification on the grounds of mistaken identity or other information, such as a reversed conviction. Using the process described below, an individual must assert that he or she meets the security threat assessment standards.

After Initial Determination of Threat Assessment is received:

1. An applicant initiates an appeal by submitting a 'written reply' to TSA or written request for materials from TSA WITHIN 30 days.
 - a. Within 30 days after the date of service of the Initial Determination of Threat Assessment, the applicant may request in writing copies of the materials upon which the Initial Determination was based.
 - b. If the applicant does not wish to ask for the copies of the materials, then a written appeal is submitted. The appeal must include the rationale and information on which the applicant disputes TSA's Initial Determination.
2. If materials were requested, TSA must respond to the request for materials within 30 days after receiving the applicant's request. TSA must provide copies of the releasable materials on which the Initial Determination was based to the applicant. No classified information will be included.
 - a. During these 30 days TSA may request additional information or documents from the applicant that TSA believes are necessary to make a Final Determination.

3. The applicant must appeal within 30 days of receiving the Initial Determination or within 30 days of receiving the requested materials. The appeal MUST include the rationale and information on which the applicant disputes TSA's Initial Determination.
4. TSA must decide the final determination within 30 days of receiving the applicant's appeal by either:
 - a. Serving a Final Determination of Threat Assessment or;
 - b. Withdrawing the Initial Determination.

Extension of Time

TSA may grant an applicant an extension of time of the limits described above for good cause shown. An applicant's request for an extension of time must be in writing and be received by TSA within a reasonable time before the due date to be extended. TSA may grant itself an extension of time for good cause.

The information contained here is based on information provided by the U.S. Department of Homeland Security • Transportation Security Administration • <http://www.tsa.gov>.