MEMORANDUM FOR [Employee]

SUBJECT: Written Authorization to Engage in Work Involving [Covered Relationship]

References: 5 C.F.R. § 2635.502

This responds to your request for my evaluation of whether you must disqualify yourself from any of your duties as [Employee Title/Position], in particular your participation in particular matters relating to [Covered Relationship Person/Entity].

SUMMARY.  By way of this memorandum, I authorize you to participate in particular matters involving [Covered Relationship Person/Entity]. I find DoD’s interest in your participation in these matters outweighs any concern that your participation may cause a reasonable person with knowledge of the relevant facts person to question the integrity of the DoD’s programs and operations.

FACTS. [Insert facts & circumstances giving rise to the Section 502 issue]

ANALYSIS.

a. Appearance of Impartiality: Under 5 C.F.R. § 2635.502 you have a “covered relationship” with [insert relevant covered relationship provision]. Where an employee’s participation in a particular matter would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. Factors considered include:

(1) The nature of the relationship involved;

(2) The effect that resolution of the matter would have upon the financial interests of the person involved in the relationship;

(3) The nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;

(4) The sensitivity of the matter;

(5) The difficulty of reassigning the matter to another employee; and

(6) Adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

I have determined that DoD’s interest in your continued involvement in particular matters involving [Covered Relationship Person/Entity] outweighs any concerns that a reasonable person with knowledge of the relevant facts would question the integrity of SDA’s or DoD’s programs and operations. In making this determination, I have considered the factors listed above, specifically [insert factors weighing in favor of authorization].

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Agency Designee

Cc: Ethics Counsel