

[Date]

MEMORANDUM FOR <Insert Office Symbol>

ATTN: <Name Employee>

< Address (Employee's street address)>

< City/State/Zip (Employee's City, State, and Zip Code)>

< Email Address (Employee's agency email address)>

FROM: < Insert Office Symbol>, <Insert Supervisor's Full Name and Title>

SUBJECT: Second Notice of Decision to Furlough Due to a Lapse of Appropriations (DCIPS)
<Insert Date of this letter>

REFERENCE: NOTICE OF DECISION TO FURLOUGH DUE TO LAPSE OF
APPROPRIATIONS <Insert Date of initial furlough letter>

1. In the absence of either a Fiscal Year (FY) 2026 appropriation, or a continuing resolution for the Department of War (DoW), no further obligations may be incurred by the DoW, except those related to "excepted" functions as authorized by the Deputy Secretary of War. As provided in the Deputy Secretary of War's, memorandum, "Guidance for Continuation of Operations During a Lapse of Appropriations," such excepted situations include:

- Statutes that expressly authorize incurring obligations in advance of appropriations;
- Emergencies involving the safety of human life or the protection of property;
- Functions necessary to discharge the President's constitutional duties; and
- Activities necessary for the orderly shutdown of activities that do not fall within one of the above categories. Note, this listing is not all-inclusive and does not identify every excepted activity.

2. We very much regret the shutdown furlough and recognize the difficult financial implications of any furlough, no matter how limited its length. However, because your services are still not needed for orderly suspension of operations and because you are not engaged in one of the exempt functions, you are being placed in a furlough status effective <Insert Date>. The duration of the furlough is not known at this time. This furlough, i.e., non-duty, non-pay status, is not expected to exceed 30 calendar days. Therefore, this furlough notice expires on <Insert Date>. It is your responsibility to listen to public broadcasts and to keep abreast of the latest news regarding the budgetary status of the United States Government. When you hear that a continuing resolution or a FY 2026 appropriation for the DoW has been approved, you will be expected to report to work on your next regular duty day or as otherwise directed by your supervisor.

3. This action is being taken because of a sudden emergency requiring curtailment of DoW activities; therefore, no advance notification was possible. The customary 30-day advance notice period and opportunity to answer under the provisions of DoD Instruction (DoDI) 1400.25,

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Volume 2009, “DoD Civilian Personnel Management System: Defense Civilian Intelligence Personnel System (DCIPS) Disciplinary, Performance-Based, and Adverse Action Procedures,” Enclosure 2, is suspended in the case of emergencies.

4. If employees are being retained in your competitive area, they are required for orderly suspension of agency operations or they are performing one of the excepted activities defined in the Deputy Secretary of War’s memorandum.
5. During the furlough period, you will be in a non-pay, non-duty status, and must remain away from your workplace or other alternative worksite unless, and until, recalled. During the furlough you will not be permitted to serve as an unpaid volunteer. Any paid leave (annual, sick, etc.) previously approved for use during the furlough period is cancelled.
6. If you are a DCIPS employee who is not currently serving a DCIPS trial period and are not on a time-limited appointment of two years or less, or a preference-eligible employee who has not yet completed your DCIPS trial period but has completed one year of current continuous service in the same or similar positions to the one you hold now, you may appeal this decision through your component’s adverse action appeal process established in accordance with DoDI 1400.25, Volume 2009. Other DCIPS employees who are serving a DCIPS trial period or who are on a time limited appointment of two years or less have no right to appeal this decision.
7. If you are a Defense Intelligence Senior Executive Service (DISES) member, you may appeal this decision through your component’s adverse actions appeal procedures. Consistent with 10 United States Code (U.S.C.) § 1606, any DISES appeal will be decided within the Department, so DISES members have no right to appeal this decision to the Merit Systems Protection Board (MSPB) or any other external entity.
8. If you are an employee covered under 10 U.S.C. § 1612 or are a preference eligible DCIPS employee who has completed one year of current continuous service in the same position or similar positions to the one you now hold, you may appeal this decision to the MSPB. However, you cannot use both the DCIPS and MSPB appeal processes. If you choose to bypass your component’s DCIPS appeals process and appeal directly to the MSPB, you may not subsequently appeal the same action in the component DCIPS appeal process.
9. If you have the right of appeal and wish to appeal this action to the MSPB, you must file the appeal within 30 days after the effective date of your furlough or 30 days after the date of your receipt of this decision notice, whichever is later. If your appeal is not submitted within the time set by statute, regulation, or order of a judge, it will be dismissed as untimely filed unless a good reason for the delay is shown. The judge will provide you an opportunity to show why the appeal should not be dismissed as untimely. You may obtain a copy of the appeals form and a copy of the Board’s regulations from the MSPB website at <https://www.mspb.gov/appeals/forms.htm> or contact **<local HR contact name, phone number, and email address>**.
10. Your appeal must be filed with the MSPB regional or field office serving the area of your duty station when the action was taken. Based upon your duty station, the appropriate regional

or field office is **<insert regional/field office, mailing address, phone and fax numbers>**. The MSPB strongly encourages the use of electronic filing at <https://e-appeal.mspb.gov>. Employees with appeal rights to the MSPB have a right to representation in this matter and may be represented by an attorney or other person of their choosing at no expense to the Government.

11. The MSPB will send an Acknowledgement Order and copy of your appeal to **<insert contact information including the official's mailing address, email address, telephone and fax number >**.

12. If you believe this action is taken as reprisal for whistleblowing, you may file a complaint with either the MSPB (<http://www.mspb.gov/appeals/whistleblower.htm>) or the Office of Special Counsel (OSC): <https://osc.gov> **<delete OSC if component is exempt>**, which can be followed by an Individual Right of Action Appeal filed with the MSPB. The web address for an electronic filing of whistleblower disclosure with OSC is at <https://osc.gov/pages/file-complaint.aspx>. Your election to proceed under one process will be considered made when, in a timely manner you: file a complaint with the MSPB or file a complaint with OSC, whichever event occurs first. Therefore, your election to file either a complaint with the MSPB or complaint with the OSC waives your right to file a matter under the other available process.

13. You have the right to file a complaint with your Equal Employment Opportunity Office and then the Equal Employment Opportunity Commission (EEOC), if you believe that this furlough was effected in a discriminatory manner. To do so, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of receipt of this notice. Information regarding the federal sector EEO process is available on the EEOC website at http://eeoc.gov/federal/fed_employees/complaint_overview.cfm. You may contact your servicing Equal Employment Opportunity Office at **[insert EEO office contact information]**.

14. Attached is the Standard Form (SF) 8, "Notice to Federal Employee about Unemployment Insurance." Additional information about unemployment insurance is available at: <https://www.dcpas.osd.mil/policy/benefits/unemploymentcompensation>.

Deciding Official
[Insert DOs NAME, Pay Band/Grade, Component]

Date

I acknowledge receipt of this notice and the attachment.

[Insert Employee's Full Name]

Date

Attachment:

SF-8, Notice to Federal Employee about Unemployment Insurance