

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 07-29-22

Rule ID(s): 9733

File Date: 7/26/2022

Effective Date: 10/24/2022

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Tennessee Department of Commerce and Insurance
<b>Division:</b>	Regulatory Boards
<b>Contact Person:</b>	Anna D. Matlock
<b>Address:</b>	500 James Robertson Parkway, Davy Crockett Tower, Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-3072
<b>Email:</b>	Anna.Matlock@tn.gov

**Revision Type (check all that apply):**

- ☐ Amendment  
☒ New  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0780-05-11	General Provisions
Rule Number	Rule Title
0780-05-11-.03	Military Training Equivalent Credit for Occupational Licensure

Chapter 0780-05: Division of Regulatory Boards  
General Provisions  
Amendments

Rule 0780-05-11-.03 Military Training Equivalent Credit for Occupational Licensure is a new rule. All subsequent rules, and references thereto, are renumbered accordingly, so that, as amended, the rule shall read:

0780-05-11-.03 MILITARY TRAINING EQUIVALENT CREDIT FOR OCCUPATIONAL LICENSURE

- (1) This rule is applicable to any state board, agency, or commission attached to the Division of Regulatory Boards, as listed in T.C.A. § 4-3-1304(a). As used in this rule:
  - (a) The terms "honorably discharged veteran," "licensing authority," and "member of the armed forces," shall have the same meaning as set out in T.C.A. § 62-76-106.
  - (b) "Commissioner" means the Commissioner of the Tennessee Department of Commerce and Insurance or the Commissioner's designee.
- (2) A request for equivalent credit towards requirements for licensure based upon training received while serving in the armed forces pursuant to T.C.A. § 62-76-106 shall be made in writing on a form prescribed by the Commissioner at the time of the initial application. The request shall include:
  - (a) The full name, address, and phone number of the applicant requesting equivalency;
  - (b) A certificate as evidence of training from the United States Department of Defense or United States Department of Veterans Affairs which states the course name of training conducted and length of or credit given for such training. An acceptable certificate of training includes but is not necessarily limited to any certificate accepted by the United States Department of Veterans Affairs to establish military service found at [https://www.cem.va.gov/hmm/discharge\\_documents.asp](https://www.cem.va.gov/hmm/discharge_documents.asp). A licensing authority may request additional documentation or information to reasonably determine the applicant's eligibility for the equivalent credit;
  - (c) A statement that the applicant acknowledges that the Department may contact any agency to verify the applicant's military service and training certificate;
  - (d) A certification, under penalty of perjury, that the information contained in the request for equivalent training is true and accurate to the best of the applicant's knowledge. This certification shall not be required to be notarized; and
  - (e) Such other information as the licensing agency may reasonably request.
- (3) Upon receipt of a certificate of training, a licensing authority must determine whether such training is sufficient for equivalency, and the amount of credit to be awarded to the applicant, utilizing the following factors:
  - (a) Whether the applicant qualifies as a member of the armed forces or who is an honorably discharged veteran.
  - (b) Whether the training was conducted while the applicant was a member of the armed forces.
  - (c) Whether the certificate or documents submitted indicate the training provided equivalent hours or measure of time equivalent to the licensing authority's requirement for licensure.
  - (d) Whether the certificate or documents submitted indicate the training provided equivalent outcomes or objectives for licensure.

- (e) Any other factor which the licensing authority determines is required to establish an equivalency between the training and licensure requirement.
- (4) Upon determining if some or all the training is equivalent and how much credit will be awarded to the applicant, the licensing authority shall notify the applicant of its determination.
- (5) Any appeal pursuant to T.C.A. § 62-76-106 by a person aggrieved by a decision of a licensing authority concerning the eligibility or whether the training meets the requirements for licensure must submit notice of the appeal to the licensing authority in the same manner as the initial licensure documents and in the form prescribed pursuant to Tenn. Comp. R. & Regs. 1360-04-01-.07. Review of the appeal will be conducted by the Commissioner or Commissioner's designee and must be conducted in the same manner as provided in T.C.A. § 4-5-322. Pursuant to T.C.A. § 4-5-322(b)(1)(A)(iv), requests for appeal shall be filed within sixty (60) days after the entry of the licensing determination under paragraph (5) of this rule.

Authority: T.C.A. 62-76-106

Rules of Tennessee Department of Commerce and Insurance, Division of Regulatory Boards  
Chapter 0780-05-11 General Provisions  
Rule 0780-05-11-.03 Military Training Equivalent Credit for Occupational Licensure

If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
N/A					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Commerce & Insurance, Division of Regulatory Boards (board/commission/other authority) on 06/13/2022 (mm/dd/yyyy) and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/18/2022

Rulemaking Hearing(s) Conducted on: (add more dates). 06/13/2022

Date: 7/20/2022

Signature: Alex Martin

Name of Officer: Alex Martin

Title of Officer: Assistant Commissioner for Regulatory Boards

Agency/Board/Commission: Tennessee Department of Commerce and Insurance, Division of Regulatory Boards

Rule Chapter(s) Number: 0780-05-11-.03 Military Training Equivalent Credit for Occupational Licensure

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III  
Herbert H. Slatery III  
Attorney General and Reporter  
7/25/2022  
Date

**Department of State Use Only**

Filed with the Department of State on: 7/26/2022

Effective on: 10/24/2022

RECEIVED

JUL 26 2022

Secretary of State  
Division of Publications

Tre Hargett

Tre Hargett  
Secretary of State

**Public Hearing Comments:**

The Department received no public comments prior to the hearing, nor during the rulemaking hearing.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The proposed rule amendments do not affect small businesses directly. These rule amendments are specifically tailored for members of the military with occupational licensing experience that can be applied to Tennessee licensure. Therefore, the impact, if any, would be positive for small businesses and open opportunities to attract new customers, should members of the armed forces and honorably discharged veterans take advantage of this opportunity. As these rule amendments make it easier for members of the armed forces, who are individuals that are often transitory depending on their military assignments throughout the country, these rule amendments may help attract economic activity to Tennessee. Also, the rule amendments may assist those honorably discharged veterans seeking new opportunities to use previously acquired skills to assist within the Tennessee workforce.

The Department knows of no other less burdensome, less intrusive, or less costly alternative methods of achieving this purpose and the objectives of the proposed rule amendments. The proposed rule amendments would require minimal, if any, costs for compliance. The Department is unaware of any similar rules and regulations in other jurisdictions. The Department does not foresee any impact to consumers with the promulgation of the proposed rule amendments. As these rule amendments do not impact small businesses directly, an exemption for small businesses would not be beneficial.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The Department of Commerce and Insurance, Division of Regulatory Boards foresees no impact on any local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed rule amendments permit equivalent credit towards requirements for occupational licensure to qualified honorably discharged veterans and members of the armed forces. The rule amendments provide an application process and details what acceptable documentation is required to evidence proof of eligibility. The rule amendments also provide the criteria for the Division to use in determining whether an applicant meets the requirements to be awarded credit for completed training toward occupational licensure. Lastly, the drafted rule amendments detail a procedure and rights afforded to applicants for an appeal to the Commissioner in the case of denial.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

On January 1, 2022, T. C. A. § 62-76-106 went into effect permitting members of the armed forces and qualified honorably discharged veterans to receive equivalent credit for occupational licensure. These rule amendments effectuate the process and procedures for this statute. No other federal or state laws or regulations are known mandating promulgation of these amendments or establishment of guidelines.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The proposed rules amendments would affect future honorably discharged veterans and members of the armed forces that apply for military equivalent credit for occupational licensing. The proponents of the rule amendments likely include members of the military. The Department does not foresee a particular segment of opponents.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no known additional known opinions of the Attorney General and Reporter or any judicial rulings that directly relate to these rule amendments.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is no foreseeable probable increase or decrease in state and local government revenues and expenditures resulting from the promulgation of these rule amendments.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Anna D. Matlock, Associate General Counsel for the Tennessee Department of Commerce and Insurance  
Alex Martin, Assistant Commissioner for Regulatory Boards

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Anna D. Matlock, Associate General Counsel for the Tennessee Department of Commerce and Insurance  
Alex Martin, Assistant Commissioner for Regulatory Boards

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Anna D. Matlock  
500 James Robertson Parkway, Nashville TN 37243  
(615) 253-0070  
Anna.Matlock@tn.gov

Alex Martin  
500 James Robertson Parkway, Nashville, TN 37243  
(615) 878-2307  
Alex.Martin@tn.gov

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

There is no known additional relevant information.

<b>Department of State</b> <b>Division of Publications</b> 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower Nashville, TN 37243 Phone: 615-741-2650 Email: <a href="mailto:publications.information@tn.gov">publications.information@tn.gov</a>	<b>For Department of State Use Only</b>  Sequence Number: _____ Rule ID(s): _____ File Date: _____ Effective Date: _____
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## Rulemaking Hearing Rule(s) Filing Form - REDLINE

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*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

<b>Agency/Board/Commission:</b>	Tennessee Department of Commerce and Insurance
<b>Division:</b>	Regulatory Boards
<b>Contact Person:</b>	Anna D. Matlock
<b>Address:</b>	500 James Robertson Parkway, Davy Crockett Tower, Nashville, Tennessee
<b>Zip:</b>	37243
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<b>Email:</b>	Anna.Matlock@tn.gov

**Revision Type (check all that apply):**

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☒ New  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0780-05-11	General Provisions
Rule Number	Rule Title
0780-05-11-.03	Military Training Equivalent Credit for Occupational Licensure

Chapter 0780-05: Division of Regulatory Boards  
General Provisions  
Amendments

Rule 0780-05-11-.03 Military Training Equivalent Credit for Occupational Licensure is a new rule. All subsequent rules, and references thereto, are renumbered accordingly, so that, as amended, the rule shall read:

0780-05-11-.03 MILITARY TRAINING EQUIVALENT CREDIT FOR OCCUPATIONAL LICENSURE

- (1) This rule is applicable to any state board, agency, or commission attached to the Division of Regulatory Boards, as listed in T.C.A. § 4-3-1304(a). As used in this rule:

  - (a) The terms “honorably discharged veteran,” “licensing authority,” and “member of the armed forces,” shall have the same meaning as set out in T.C.A. § 62-76-106.
  - (b) “Commissioner” means the Commissioner of the Tennessee Department of Commerce and Insurance or the Commissioner’s designee.
- (2) A request for equivalent credit towards requirements for licensure based upon training received while serving in the armed forces pursuant to T.C.A. § 62-76-106 shall be made in writing on a form prescribed by the Commissioner at the time of the initial application. The request shall include:

  - (a) The full name, address, and phone number of the applicant requesting equivalency;
  - (b) A certificate as evidence of training from the United States Department of Defense or United States Department of Veterans Affairs which states the course name of training conducted and length of or credit given for such training. An acceptable certificate of training includes but is not necessarily limited to any certificate accepted by the United States Department of Veterans Affairs to establish military service found at [https://www.cem.va.gov/hmm/discharge\\_documents.asp](https://www.cem.va.gov/hmm/discharge_documents.asp). A licensing authority may request additional documentation or information to reasonably determine the applicant’s eligibility for the equivalent credit.
  - (c) A statement that the applicant acknowledges that the Department may contact any agency to verify the applicant’s military service and training certificate;
  - (d) A certification, under penalty of perjury, that the information contained in the request for equivalent training is true and accurate to the best of the applicant’s knowledge. This certification shall not be required to be notarized; and
  - (e) Such other information as the licensing agency may reasonably request.
- (3) Upon receipt of a certificate of training, a licensing authority must determine whether such training is sufficient for equivalency, and the amount of credit to be awarded to the applicant, utilizing the following factors:

  - (a) Whether the applicant qualifies as a member of the armed forces or who is an honorably discharged veteran.
  - (b) Whether the training was conducted while the applicant was a member of the armed forces.
  - (c) Whether the certificate or documents submitted indicate the training provided equivalent hours or measure of time equivalent to the licensing authority’s requirement for licensure.
  - (d) Whether the certificate or documents submitted indicate the training provided equivalent outcomes or objectives for licensure.

- (e) Any other factor which the licensing authority determines is required to establish an equivalency between the training and licensure requirement.
- (4) Upon determining if some or all the training is equivalent and how much credit will be awarded to the applicant, the licensing authority shall notify the applicant of its determination.
- (5) Any appeal pursuant to T.C.A. § 62-76-106 by a person aggrieved by a decision of a licensing authority concerning the eligibility or whether the training meets the requirements for licensure must submit notice of the appeal to the licensing authority in the same manner as the initial licensure documents and in the form prescribed pursuant to Tenn. Comp. R. & Regs. 1360-04-01-.07. Review of the appeal will be conducted by the Commissioner or Commissioner's designee and must be conducted in the same manner as provided in T.C.A. § 4-5-322. Pursuant to T.C.A. § 4-5-322(b)(1)(A)(iv), requests for appeal shall be filed within sixty (60) days after the entry of the licensing determination under paragraph (5) of this rule.

Authority: T.C.A. 62-76-106

If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
N/A					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Commerce & Insurance, Division of Regulatory Boards (board/commission/other authority) on 06/13/2022 (mm/dd/yyyy) and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/18/2022

Rulemaking Hearing(s) Conducted on: (add more dates). 06/13/2022

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Alex Martin

Title of Officer: Assistant Commissioner for Regulatory Boards

Agency/Board/Commission: Tennessee Department of Commerce and Insurance, Division of Regulatory Boards

Rule Chapter(s) Number: 0780-05-11-.03 Military Training Equivalent Credit for Occupational Licensure

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Herbert H. Slatery III  
Attorney General and Reporter

\_\_\_\_\_  
Date

#### Department of State Use Only

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

**Public Hearing Comments:**

The Department received no public comments prior to the hearing, nor during the rulemaking hearing.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The proposed rule amendments do not affect small businesses directly. These rule amendments are specifically tailored for members of the military with occupational licensing experience that can be applied to Tennessee licensure. Therefore, the impact, if any, would be positive for small businesses and open opportunities to attract new customers, should members of the armed forces and honorably discharged veterans take advantage of this opportunity. As these rule amendments make it easier for members of the armed forces, who are individuals that are often transitory depending on their military assignments throughout the country, these rule amendments may help attract economic activity to Tennessee. Also, the rule amendments may assist those honorably discharged veterans seeking new opportunities to use previously acquired skills to assist within the Tennessee workforce.

The Department knows of no other less burdensome, less intrusive, or less costly alternative methods of achieving this purpose and the objectives of the proposed rule amendments. The proposed rule amendments would require minimal, if any, costs for compliance. The Department is unaware of any similar rules and regulations in other jurisdictions. The Department does not foresee any impact to consumers with the promulgation of the proposed rule amendments. As these rule amendments do not impact small businesses directly, an exemption for small businesses would not be beneficial.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The Department of Commerce and Insurance, Division of Regulatory Boards foresees no impact on any local governments.

### **Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed rule amendments permit equivalent credit towards requirements for occupational licensure to qualified honorably discharged veterans and members of the armed forces. The rule amendments provide an application process and details what acceptable documentation is required to evidence proof of eligibility. The rule amendments also provide the criteria for the Division to use in determining whether an applicant meets the requirements to be awarded credit for completed training toward occupational licensure. Lastly, the drafted rule amendments detail a procedure and rights afforded to applicants for an appeal to the Commissioner in the case of denial.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

On January 1, 2022, T. C. A. § 62-76-106 went into effect permitting members of the armed forces and qualified honorably discharged veterans to receive equivalent credit for occupational licensure. These rule amendments effectuate the process and procedures for this statute. No other federal or state laws or regulations are known mandating promulgation of these amendments or establishment of guidelines.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The proposed rules amendments would affect future honorably discharged veterans and members of the armed forces that apply for military equivalent credit for occupational licensing. The proponents of the rule amendments likely include members of the military. The Department does not foresee a particular segment of opponents.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

There are no known additional known opinions of the Attorney General and Reporter or any judicial rulings that directly relate to these rule amendments.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There is no foreseeable probable increase or decrease in state and local government revenues and expenditures resulting from the promulgation of these rule amendments.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Anna D. Matlock, Associate General Counsel for the Tennessee Department of Commerce and Insurance  
Alex Martin, Assistant Commissioner for Regulatory Boards

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Anna D. Matlock, Associate General Counsel for the Tennessee Department of Commerce and Insurance  
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- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(615) 253-0070  
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Alex Martin  
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(615) 878-2307  
Alex.Martin@tn.gov

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

There is no known additional relevant information.