

Date: August 11, 2022

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In the matter of:	)	
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	)	
-----	)	ISCR Case No. 21-02303
	)	
Applicant for Security Clearance	)	
_____	)	

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

James B. Norman, Esq., Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On December 20, 2021, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline G (Alcohol Consumption) and Guideline I (Psychological Conditions) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Department Counsel requested a hearing. On July 1, 2022, after close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Mark Harvey denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30. For reasons stated below, we affirm the decision.

Under Guideline G, the SOR alleged, as amended, that Applicant consumed alcohol to the point of intoxication for a number of years, then was abstinent for about 20 years, and resumed consuming alcohol from about 2018 to mid-2021; that he reported being involved in an alcohol-related incident in 1994, which resulted in a mental health provider diagnosing him as alcohol dependent; that he received alcohol treatment in about 1998; and that a psychologist diagnosed him with Alcohol Use Disorder, Severe in 2021. The Guideline G allegation relating to the 2021

diagnosis of Alcohol Use Disorder, Severe was cross-alleged in a single Guideline I allegation. The Judge found against Applicant on all of the SOR allegations.

In his appeal brief, Applicant does not specifically assert the Judge committed any error in the decision. Rather, Applicant's brief provides an explanation about his alcohol consumption. To the extent that he may be arguing the Judge misweighed the evidence, he has failed to demonstrate the Judge's conclusions were arbitrary, capricious, or contrary to law. Directive ¶ E3.1.32.3.

Applicant failed to establish the Judge committed any harmful error. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on the record. "The general standard is that a clearance may be granted only when 'clearly consistent with national security.'" *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also*, Directive, Encl. 2, App. A ¶ 2(b): "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security."

### **Order**

The decision is **AFFIRMED**.

Signed: James F. Duffy  
James F. Duffy  
Administrative Judge  
Chairperson, Appeal Board

Signed: Jennifer I. Goldstein  
Jennifer I. Goldstein  
Administrative Judge  
Member, Appeal Board

Signed: Moira Modzelewski  
Moira Modzelewski  
Administrative Judge  
Member, Appeal Board