



Date: May 19, 2025

In the matter of:

Applicant for Security Clearance

ISCR Case No. 24-00336

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Andrea M. Corrales, Esq., Deputy Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On August 23, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline J (Criminal Conduct), Guideline G (Alcohol Consumption), Guideline E (Personal Conduct), and Guideline F (Financial Considerations) of the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). On March 27, 2025, Defense Office of Hearings and Appeals Administrative Judge John Bayard Glendon denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

Under Guideline J, the SOR alleged that Applicant was arrested for a variety of offenses, including possession of a controlled substance in 2009, simple battery in 2018, driving under the influence in 2011 and twice in 2018, and various probation violations due to his repeated failure to comply with the alcohol treatment conditions of his supervision. All criminal concerns were

cross-alleged under Guideline E and the alcohol-related charges and probation violations were also cross-alleged under Guideline G. The SOR further alleged under Guideline E that Applicant deliberately falsified his response to interrogatories in 2023 and again in 2024, when he asserted incorrect dates for his last alcohol use. Finally, under Guideline F, the SOR alleged that Applicant failed to file federal and state income tax returns for tax years 2017 and 2019 through 2023 and that he carried a child support arrearage of approximately \$10,000 and other delinquent consumer, auto, and utility accounts totaling approximately \$38,000.

In response to the SOR, Applicant admitted all allegations with explanation. The Judge favorably resolved the criminal conduct cross-alleged under Guideline E and three of the financial concerns totaling approximately \$1,500. The Judge ruled adversely regarding all other allegations, and opined that,

Applicant's total abuse of the court system trying to give him an opportunity to favorably resolve his extensive criminal record evidences a complete lack of responsibility and maturity. His falsifications and delinquent debts also support an unfavorable whole-person evaluation. Applicant claims he is a different person than his criminal record would suggest. His behavior since his last criminal offense in 2018 does not support his claim. Overall, the record evidence leaves me with significant questions and doubts as to Applicant's suitability for national security eligibility and a security clearance.

Decision at 17.

There is no presumption of error below and the appealing party has the burden of raising claims of error with specificity. Directive ¶ E3.1.30. On appeal, Applicant makes no assertion of error on the part of the Judge, but rather requests reconsideration in light of his efforts to improve himself and become "a responsible father, adult, fiancé, and productive member of society." Appeal Brief at 1. The Appeal Board does not review cases *de novo* and our authority to review a case is limited to matters in which the appealing party has raised a claim of harmful error. Applicant has not alleged any such error. Accordingly, the Judge's decision is affirmed.

Order

The decision in ISCR Case No. 24-00336 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Catherine M. Engstrom

Catherine M. Engstrom
Administrative Judge
Member, Appeal Board