



**DEPARTMENT OF DEFENSE
DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD
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Date: November 21, 2025

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 26, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline I (Psychological Conditions), Guideline J (Criminal Conduct), and Guideline E (Personal Conduct) 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 September 5, 2025, Defense Office of Hearings and Appeals Administrative Judge Mark Harvey denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Under Guideline I, the SOR alleged the following three security concerns: in about June 2020, Applicant's family member filed an unsuccessful petition for an emergency mental health evaluation due to behavior that included delusions, false beliefs, mood swings, and irrational thoughts; in about August 2021, Applicant was involuntarily hospitalized due to reported delusional, paranoid behavior and irrational actions, was diagnosed with schizophrenia, and refused medications; and, in about February 2024, Applicant was evaluated by a licensed psychologist who concluded that his condition impaired his judgment, reliability, trustworthiness,

or his ability to safeguard classified information. Under Guideline J, the SOR alleged that a petition for a peace order was filed against Applicant in about July 2020. Under Guideline E, the SOR alleged a string of four terminations from employment and cross-alleged the criminal conduct security concern. The Judge found favorably for Applicant on the Guideline J and Guideline E allegations, with the caveat that the conduct alleged under Guideline J and the behavior underlying the termination alleged at SOR ¶ 3.b were relevant for consideration in his Guideline I analysis. The Judge found adversely to Applicant on all Guideline I allegations.

Background

Applicant is in his mid-forties and single, with two sons. A high-school graduate with about 35 college credits, Applicant has 20 years of experience in the security field and currently works as an armed security officer.

In June 2020, Applicant's mother filed a petition for an emergency mental health evaluation of her son, citing to behavior that included delusions, false beliefs, aggressive talking, mood swings, unwarranted suspicion, irrational thoughts, and his belief that he had special powers. SOR ¶ 1.a. The petition was unsuccessful, but Applicant was hospitalized shortly thereafter for treatment of depression, which he attributed to being unable to see his younger son. At hearing, Applicant disagreed with his mother's description of his behavior.

In August 2021, Applicant's mother again petitioned for an emergency mental health evaluation, citing Applicant's delusional and paranoid behavior, which included giving his automobile to a stranger. SOR ¶ 1.b. At hearing, Applicant explained that he was unemployed, drinking alcohol and smoking marijuana during this timeframe, that he had turned his life to Christ, and that he consequently considered matters such as a vehicle to be superficial. Although he gave conflicting testimony regarding whether his car was stolen or given away, Applicant confirmed that he told people at a bus stop that they could take the car if they needed it. Applicant also gave away his television, a laptop, and a mattress by leaving the items on his front porch.

Upon his subsequent involuntary mental health evaluation, medical personnel made the following entry in Applicant's treatment record:

[Patient] was brought in by a court order petition by mom due to pt manic and bizarre behavior. Pt is extremely delusional, irritable, paranoid and loud in the ER. Pt bursts out crying because what the police and ER doctors and nurses [are] doing to him is demonic. Pt said the whole world is demonic. Pt per court order has a [history] of bipolar and depression. . . . Pt appears to be responding to internal stimuli (talking and answering himself at times). Pt said by the way he is “allergic to sinners and uncompassionate people like us.” . . . Pt is noncompliant with med. Pt said he takes no meds because the bible said herbs is all we need. . . . Pt is confuse[d], his speech is disorganized and nonsensical.

Government Exhibit (GE) 5 at 9.

Applicant was assessed as “psychotic” during this mental health evaluation. *Id.* He was admitted for in-patient treatment for about nine days, and his diagnosis upon discharge was schizophrenia. Applicant was prescribed anti-psychotic medications but refused to take them because of his belief that “man does not have a solution for Godly problems, only God does.” GE 6 at 4. In his March 2022 security clearance application, Applicant disclosed his inpatient treatment of the prior year, but he stated that the doctors “ruled there was nothing wrong with me [and] gave me a clean bill of health,” and he denied any of the enumerated psychological diagnoses of security concern, to include bipolar disorder and schizophrenia. GE 1 at 26, 27.

In February 2024, Applicant was referred to Dr. G, a licensed psychologist, for a mental health evaluation as part of his security clearance adjudication. Dr. G based her opinion on her review of the background information, a clinical interview and observations, and an objective personality assessment. Dr. G noted the following: that Applicant was not open or insightful regarding his mental health symptoms, diagnoses or treatment history; that he was not endorsing current symptoms but was not considered a reliable informant; that his medical records from 2021 indicated an earlier diagnosis of bipolar disorder and a diagnosis of schizophrenia upon discharge; that Applicant disagreed with both diagnoses; that he had never been compliant with medication or psychiatric recommendations; and that he was “observed to be talking to himself during both breaks taken during the evaluation, which could either be due to anxiety or more concerningly, possibly responding to internal stimuli.” GE 6 at 6–7. In light of these factors, Dr. G rendered an opinion that Applicant’s “judgement, reliability, and trustworthiness are not reasonably intact” and that “there is an indication that his current psychological condition impairs his judgment, reliability, trustworthiness, or his ability to safeguard classified or sensitive information.” *Id.* at 7. Applicant has not received any mental health treatment since Dr. G’s evaluation and is not taking any prescribed mental-health medications.

The Judge found the following incident – alleged under Guideline J as criminal conduct – to be relevant for Guideline I purposes. In July 2020, about the time of his mother’s first and unsuccessful petition for a mental health evaluation, a neighbor filed a petition for a peace order against Applicant for entering the neighbor’s property, breaking a yard statue, pushing over a motorcycle on the property, and returning later and hitting the front door with a large cement tile, breaking the door. Applicant explained that he was depressed because he was unable to see his son during the COVID–19 pandemic, that he decided to mow the yard of his neighbor, whom he did not know, that he accidentally knocked over a yard statute and motorcycle with his mower, and that he knocked on the front door to explain and accidentally broke the door. Applicant testified that he went home, drank some alcohol, and smoked marijuana. He said he was upset and threw a rock at the door because the neighbor was sitting on the porch earlier in the day and had “a bad look on his face.” Transcript at 44.

Similarly, the Judge found one incident of termination – alleged as SOR ¶ 3.b under Guideline E – to be relevant in the context of the Guideline I allegations. Around March 2017, Applicant’s employer terminated his employment because of multiple instances of aggressive and intimidating comments and gestures to government employees and others.

Judge's Analysis

The Judge found that the record evidence established all four enumerated security concerns under Guideline I.¹ Turning to the mitigating conditions, the Judge concluded that none applied:

Applicant is not currently receiving mental-health treatment. There is no favorable prognosis. There is no statement from a mental-health professional indicating an absence of a current problem or that his mental-health issues are in remission. Applicant has not accepted that he has a mental-health issue. Based on all the facts and circumstances, especially Dr. G's report, the mental-health treatment records, and his behavior with his neighbor, the mental, psychological conditions security concerns are not mitigated.

Decision at 11.

Discussion

On appeal, Applicant's primary argument is that he was misdiagnosed with bipolar disorder and schizophrenia. He asserts that "any erratic behavior" on his behalf was due to a combination of being unemployed, an inability to see his son, and his use of alcohol and marijuana: "These are the things which caused my erratic behavior at that time and not being Bi-Polar or Schizophrenic." Appeal Brief at 1. Applicant highlights that he "no longer partake[s] in those vices" and that he has been employed at his current company for over three years and has exhibited no symptoms of either disorder. *Id.*

Our review of the record confirms that there is substantial evidence to support the Judge's conclusion that all four disqualifying conditions under Guideline I were established. Additionally, the Judge's conclusion that no mitigating condition has been established is well-supported by the evidence. As the Judge highlights, Applicant denies that he has either bipolar disorder or schizophrenia, but he submitted no statement from a mental health professional to rebut the diagnoses of record or to corroborate his claim that he currently exhibits no symptoms. Given the gravity of Applicant's conduct, as reflected in employment records, petitions to the court, medical records, and diagnoses, Applicant's own report that he is experiencing no symptoms is insufficient to establish AG ¶ 29(d) – that his condition was temporary, the situation has been resolved, and he no longer shows indications of emotional instability. The Judge's analysis reflects that he weighed the record evidence and reached a reasonable conclusion, and Applicant's disagreement with that weighing is insufficient to demonstrate that the Judge's decision was arbitrary, capricious, or contrary to law.

¹ AG ¶¶ 28: (a) behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors; (b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness; (c) voluntary or involuntary inpatient hospitalization; and (d) failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including, but not limited to, failure to take prescribed medication or failure to attend required counseling sessions.

Conclusion

Applicant has not established that the Judge committed harmful error. The record reflects that the Judge examined the relevant evidence, weighed the disqualifying and mitigating evidence, and articulated a satisfactory explanation for the decision. The record is sufficient to support that the Judge's findings and conclusions are sustainable. "The general standard is that a clearance may be granted only when 'clearly consistent with the interests of the national security.'" *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." AG ¶ 2(b).

Order

The decision in ISCR Case No. 24-00844 is **AFFIRMED**.

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

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

Signed: Allison Marie
Allison Marie
Administrative Judge
Member, Appeal Board