



**DEPARTMENT OF DEFENSE
DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD
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Date: November 19, 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 January 3, 2025, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline K (Handing Protected Information) 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 18, 2025, Defense Office of Hearings and Appeals Administrative Judge Eric H. Borgstrom denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶ E3.1.28 and E3.1.30.

Discussion

Applicant is in his mid-40s. He graduated from high school in 1999 and served on active duty in the United States military from 2000 until his honorable discharge in 2020. Applicant earned a bachelor's degree in March 2020 and was subsequently employed as an industrial security representative with a DoD contractor until June 2023, when he was terminated for violation of a company policy for falsifying business records. He has been employed as a background

investigator with a different DoD contractor since August 2023. The SOR alleged concerns stemming from his terminated employment, and the Judge found against Applicant on the following alleged conduct.

Under Guideline K and Guideline E, the SOR cross-alleged multiple instances of Applicant's improper security practices between December 2022 and May 2023, including that he: failed on numerous occasions to conduct required checks in classified open storage areas and falsified related completion records; failed to alarm a room; failed to properly escort an employee, who was left unescorted in a closed area; failed to secure a safe; failed to secure and alarm the door for a closed area; failed to properly secure program coversheets with codewords; and failed on numerous occasions to properly complete required logs for security containers. Many of the incidents resulted in employer counseling. The SOR further alleged under Guideline E that Applicant falsified material information during his national security eligibility interview by failing to disclose the foregoing conduct and certain other instances of workplace discipline.

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 raises no claim of harmful error on the part of the Judge. Rather, he reiterates his explanations for the alleged conduct and personal growth since the incidents, and requests reconsideration of his national security eligibility determination. 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.

Conclusion

Applicant has not established that the Judge's conclusions were arbitrary, capricious, or contrary to law. Rather, the Judge examined and 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. 24-01547 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