



**DEPARTMENT OF DEFENSE
DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD
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Date: January 14, 2026

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

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

FOR APPLICANT

Grant Couch, Esq.

The Department of Defense (DoD) declined to grant Applicant a security clearance. On May 6, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under 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 25, 2024, the Government amended the SOR to allege eight additional Guideline E concerns. On October 16, 2025, Defense Office of Hearings and Appeals Administrative Judge Benjamin R. Dorsey denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Background

Applicant, in his mid-40s, served on active duty in the United States military from 2009 until his honorable discharge in 2013, since which time he has served on inactive duty in the Reserve force. He was married in 2012, divorced in 2013, and remarried in 2024. Applicant has two minor children, a stepdaughter and a son, with his second wife. He was employed as a linguist

with Company A, a defense contractor, from 2015 to 2019, and he has been employed in the same capacity by several other defense contractors since January 2021.

The SOR, as amended, alleged that Applicant engaged in various misconduct while employed by Company A (SOR ¶¶ 1.b-1.e), and that he was terminated from the employment in September 2019 and is ineligible for rehire due to concerns of poor work performance and other misconduct (SOR ¶ 1.a). The SOR further alleged that Applicant falsified material information on security clearance applications (SCAs) in 2022 and 2019 (SOR ¶¶ 1.g and 1.i) and a counterintelligence-focused security screening (CIFSS) in 2020 (SOR ¶ 1.h) when he failed to disclose the basis of his termination from Company A. Finally, the SOR alleged that Applicant raped his wife in 2012 (SOR ¶ 1.f). Applicant denied all allegations in response to the SOR, and the Judge ultimately resolved two of the falsification allegations, SOR ¶¶ 1.g and 1.h, adversely.

Discussion

The record reflects the following about Applicant's termination from Company A and his disclosure of the same. On September 10, 2019, Company A's U.S. military client rescinded Applicant's access to its facilities and systems, citing unsatisfactory performance and three more specific reasons, including that he: 1) "failed to adapt to the pace, precision required, and demands of the linguist position"; 2) "bypassed the military chain of command on multiple occasions . . . without informing or requesting [Team Leader] concurrence or guidance"; and 3) "on more than one occasion, made unwelcomed advances towards a US military female." Government Exhibit (GE) 5 at 15; GE 6 at 6-7. Company A subsequently terminated Applicant's employment.

One week after his removal and termination, Applicant completed his September 2019 SCA, disclosing that he was fired due to an allegation of misconduct that he claimed resulted from a personal issue with an immature team leader. GE 3 at 22. While noting that Applicant disclosed having been fired under the wrong employer and wrong employment period, the Judge still credited the acknowledgment and resolved the corresponding falsification allegation, SOR ¶ 1.i, favorably. This vague disclosure represents the only instance of Applicant voluntarily linking his Company A termination to allegations of misconduct.

During his January 2020 CIFSS, Applicant reported that he left employment with Company A because his "contract ended." GE 2 at 2. In his 2022 SCA, Applicant disclosed being fired from Company A; however, he averred that the termination was wrongful and in retaliation for his reporting "discrimination [he] faced at [his] assignment location based on [his] race and national origin" to his supervisor. GE 1 at 20-21.

After addressing at length the evidence regarding Applicant's credibility, the Judge found that disqualifying conditions AG ¶¶ 16(a) and 16(b)¹ were established for SOR ¶¶ 1.g and 1.h, and

¹ AG ¶¶ 16(a): deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities; and 16(b): deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative.

that Applicant deliberately falsified facts regarding his departure from Company A in his 2022 SCA and 2020 CIFSS. In concluding that no mitigating conditions applied, the Judge opined that Applicant's falsification was not minor, that there was insufficient evidence of his prompt, good-faith effort to correct the omission prior to confrontation, and that he continued to "justify his failure to report required information with reasons that lacked believability." Decision at 21.

On appeal, Applicant does not challenge the Judge's disqualification analysis. Instead, he contends that the Judge erred in failing to consider all evidence and not properly applying the mitigating conditions and Whole-Person Concept. Specifically, Applicant argues that mitigating conditions AG ¶¶ 17(a), 17(c), 17(d), and 17(e)² were applicable and all for the same general reason – that Applicant "provided accurate and all relevant information regarding these incidents" and that he did so "to the best of his ability." Appeal Brief at 8. We disagree.

Applicant's 2020 CIFSS explanation that he left Company A because his "contract ended" was plainly false. His 2022 SCA explanation that he was wrongfully terminated in retaliation for discrimination is not only unsupported by the record but also omits significant relevant information about Company A's basis for the removal and termination. Applicant's contention on appeal that he provided "accurate" and "all relevant" information about his termination is both untrue and reflects his willingness to provide incomplete or inaccurate information during the national security eligibility process based on his own interpretation of what is relevant.

The Directive is clear that an applicant's failure to respond truthfully and candidly during a national security investigation is of special concern, specifically stating that the "refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives" in connection with an investigation and adjudication will normally result in an unfavorable eligibility determination. Directive ¶ 6.2; AG ¶ 15. Here, the Judge's falsification analysis addressed the significance of that concern along with the evidence bearing on Applicant's credibility and state of mind when he completed his SCA and CIFSS. A person holding a security clearance has a duty to *fully* disclose conduct of security concern, and the record supports a conclusion that Applicant failed in this regard. Moreover, the Judge's conclusion that Applicant's continued failure to accept responsibility for his falsification and material omission prevents application of any mitigating conditions is well supported by Appeal Board precedent and the record.³

² AG ¶¶ 17(a): the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts; 17(c): the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; 17(d): the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and 17(e): the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

³ See ISCR Case No. 01-03132, 2002 WL 32114509 at *4 (In cases of multiple falsifications, an applicant has a "heavy burden of demonstrating evidence of reform, rehabilitation, or changed circumstances sufficient to justify a conclusion that it is clearly consistent with the national interest to grant him access to classified information.").

Conclusion

Applicant has not established that the Judge's adverse decision was arbitrary, capricious, or contrary to law. Our review of the record confirms that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, which is sustainable on this record. "The general standard is that a clearance may be granted only when 'clearly consistent with the interests of the national security.'" *Dept. of 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. 24-00278 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