



**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD**



Date: May 5, 2026

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In the matter of:)
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Applicant for Security Clearance)
_____)

ISCR Case No. 24-02099

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 April 4, 2025, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline E (Personal Conduct), Guideline F (Financial Considerations), and Guideline J (Criminal 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 March 26, 2026, 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.

Background

Applicant, in his early 30s, has worked for his current employer since September of 2023. In 2013, he received a General Educational Development diploma. He reported taking online college classes, and that he was seeking a bachelor’s degree. He never married. He has three minor children that live with Applicant and his grandmother.

The Judge found the Guidelines F and J security concerns were mitigated. Under Guideline E, the Judge also found SOR ¶¶ 2.a, 2.b, and 2.e for Applicant. Those findings are not raised on

appeal and will not be discussed further. However, the Judge found that SOR ¶¶ 2.c and 2.d under Guideline E were not mitigated. Applicant disputed those adverse findings on appeal.

SOR ¶¶ 2.c and 2.d. alleged that Applicant intentionally failed to disclose negative information on his October 2023 security clearance application (SCA) about being fired from two previous employments in response to questions about whether he was terminated and why he left those jobs. The Judge noted that Applicant did not check the box indicating he was fired, and he stated that he left one job to “start a new opportunity” and that he left the other job because he “received a better offer” from another employer, despite having been fired from both positions. Government Exhibit 1 at 13, 14. Applicant claimed to have been rushing through the SCA and noted he was completing it on his cellphone. At hearing, Applicant denied that he intended to conceal the terminations or deceive the Government.

Discussion

On appeal, Applicant argues that the Judge erred in finding that Applicant “did not take responsibility for intentionally omitting negative information” in the employment section of his October 2023 SCA. Decision at 16. Applicant claimed he took “full accountability for it” yet continued to assert that the “omission was not an attempt to deceive or mislead the government.” Appeal Brief at 1. Applicant also asserted the Judge failed to consider other positive factors such as Applicant’s disclosure of other personal matters, his letters of recommendation (duplicates of which he attached to his Appeal Brief), and his performance during the time his clearance was under review. *Id.* at 2.

A judge’s decision can be arbitrary or capricious if: it does not examine relevant evidence; it fails to articulate a satisfactory explanation for its conclusions, including a rational connection between the facts found and the choice made; it does not consider relevant factors; it reflects a clear error of judgment; it fails to consider an important aspect of the case; it offers an explanation for the decision that runs contrary to the record evidence; or it is so implausible that it cannot be ascribed to a mere difference of opinion. *See* ISCR Case No. 95-0600, 1996 WL 480993 at *3 (App. Bd. May 16, 1996) (citing *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983)). However, “[a]n analysis that merely is considered inadequate in the eyes of a party does not equate to an analysis that is arbitrary and capricious.” ISCR Case No. 23-01559 at 2 (App. Bd. Sep. 16, 2024). “Unless a Judge’s weighing of the record evidence is patently absurd, clearly illogical, or obviously unreasonable, the appealing party must present a cogent reason or argument as to how or why the Judge’s weighing of the record evidence is arbitrary, capricious, or contrary to law.” ISCR Case No. 03-05072 at 4 (App. Bd. Jul. 14, 2005).

Here, Applicant’s brief advocates for an alternative weighing of the evidence under the applicable disqualifying conditions, mitigating conditions, and the Whole-Person Concept but fails to demonstrate error. An applicant’s “disagreement with the Judge’s weighing of the evidence, or an ability to argue for a different interpretation of the evidence, is not sufficient to demonstrate that the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law.” ISCR Case No. 06-17409 at 3 (App. Bd. Oct. 12, 2007). Moreover, Applicant’s arguments fail to rebut the presumption that the Judge considered all of the record evidence.

We have considered the entirety of the arguments contained in Applicant’s appeal. The record supports a conclusion that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, including a rational connection between the facts found and the choice made. His conclusions and adverse decision are 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.’” *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. 24-02099 is **AFFIRMED**.

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

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

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