



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



Date: August 14, 2026

In the matter of:

Applicant for Security Clearance

ISCR Case No. 24-01331

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 July 25, 2025, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline E (Personal Conduct) and Guideline I (Psychological Conditions) 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 June 16, 2026, Defense Office of Hearings and Appeals Administrative Judge Darlene D. Lokey Anderson denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Background

Applicant, in his mid-50s, is married and has one adult child. He served in the Air Force from 1989 until his honorable discharge in 2010. Applicant held security clearances without incident during his military career and subsequent employment with various defense contractors. He currently seeks eligibility in conjunction with pending defense contractor employment.

Under Guideline E, the SOR alleged that Applicant was terminated from four employers for various instances of workplace misconduct, including: an accusation of harassment in 2016 (SOR ¶ 2.d); making two series of unsubstantiated allegations about persistent cyberstalking that became disruptive to one workplace in 2017 (SOR ¶ 2.c) and to another workplace in 2019 (SOR ¶ 2.b); and failure to perform the duties and responsibilities of his position in 2025 (SOR ¶ 2.a). The SOR further alleged that Applicant deliberately failed to disclose his 2016, 2017, and 2019 terminations when he completed his security clearance application (SCA) in October 2019 (SOR ¶¶ 2.e, 2.g, 2.i), and that he misrepresented his reasons for leaving those employments during background interviews in 2019 and 2020 (SOR ¶¶ 2.f, 2.h, 2.j).

In response to the SOR, Applicant denied the four allegations regarding his terminations and offered clarification vis-à-vis his perspective of incidents. He admitted the falsification allegations, explaining that he withheld the information in each instance because he believed the terminations were not based on legitimate performance or misconduct issues, but rather were unjust and retaliatory, and disclosing them would harm his employability and damage his career.

In August 2020, Applicant self-referred for an evaluation with licensed psychologist Dr. L, during which Applicant “reported an incident from a previous employment that caused him significant distress.” Applicant Exhibit (AE) L at 3. Based on a “thorough clinical interview” and results from eleven tests conducted during the evaluation, Dr. L assessed that there was no evidence at the time to indicate that Applicant suffered “from a condition [] psychological in nature, that could affect his judgement or be deemed as unreliable.” *Id.* at 5.

In November 2023, in conjunction with his current national security investigation, Applicant was evaluated by license psychologist Dr. F, who diagnosed him with Other Specified Personality Disorder with Paranoid Features and found that he presents with a condition “that could pose a significant risk to his judgment, reliability, or trustworthiness concerning classified information,” noting that “paranoid ideation, by definition involves impaired judgment.” Decision at 3 (quoting Government Exhibit (GE) 7 at 9). Further citing Applicant’s “longstanding history of occupational problems, including multiple terminations, and interpersonal conflicts related to [his] persistent paranoia spanning the course of many years,” the psychologist concluded that the “risk to judgment and reliability related to any future mental health problems is high.” *Id.*

The SOR alleged the November 2023 evaluation and its conclusions under Guideline I (SOR ¶ 1.a). Applicant denied the Guideline I allegation, specifically challenging the diagnosis, arguing that the “referral appeared to be influenced by workplace dynamics rather than a genuine mental-health concern,” and reiterating his belief as expressed to the psychologist that the evaluation “was the result of an ongoing campaign by an online stalker to undermine him, including repeated online statements urging that he be sent to a therapist.” Answer at 1-2.

Judge’s Findings of Fact

Noting that Applicant’s accusations of cyberstalking and online harassment have changed over his reporting, the Judge identified certain essential facts drawn from his testimony and other record evidence, to wit:

Applicant believes that he is being cyberstalked by a former military colleague, with whom he was assigned to the same duty station in 2000 and again in about 2007. He believes that, during their second assignment together, the woman spread a rumor about Applicant's reasons for adopting a child. Applicant has not seen this woman since his retirement in 2010; however, he believes that she is responsible for cyberstalking and impersonating him, causing financial losses to his coworkers, and directing his coworkers to say certain phrases to him. Transcript at 80-81.

After retiring, Applicant noticed that his social media presence had been compromised, and he believes that the former military colleague was creating fake accounts to impersonate him and manipulate people. He asked the Air Force Office of Special Investigations (AFOSI) to monitor his work computer to ensure that she was not infiltrating it. AFOSI found nothing.

Applicant testified that he has experienced incidents in which coworkers would repeat "crazy" statements to him, and he did not know what they were talking about. *Id.* at 43. In one incident in 2015 or 2016, a coworker repeated a phrase to him every day for five months – "A person that cannot apologize shows arrogance." Not believing he had anything for which to apologize, he was initially confused by the phrase, but he later heard it used on a television show and tried to alert the coworker about its origin. She did not care and continued to repeat it to him. When he tried to explain to her that the phrase was being used to control and manipulate her and asked her where she was "getting this from" so that he could "turn it in" to the police and FBI, she walked off "in a huff" like what he said did not matter. *Id.* at 41. Applicant now believes that the woman had been led to think that Applicant owed his former military colleague an apology. The woman filed a harassment complaint against him, and he was terminated in January 2016.

Applicant believes that his former military colleague was trying both to drive him crazy and to distract people around him to steal from them. In 2017, he began a new job and experienced unusual activity with his computer and telephone, which he reported to AFOSI. He also told his coworkers about his concerns of cyberstalking and social media impersonation, asking them to report back any online activity purportedly involving him so that he could report it to authorities. When a new female coworker became flirtatious with Applicant, he believed it was in response to someone, possibly his former military colleague, impersonating him online and flirting with the new coworker first. He later overheard the woman say that \$70,000 was stolen from her, and he then began to hear other employees say they were also missing money. Applicant reported this information to his management; however, his claims of cyberstalking became disruptive to the workplace, and he was terminated in September 2017.

In February 2019, while employed with another contractor, Applicant continued to make unsubstantiated allegations with regards to persistent cyberstalking. His supervisor removed his access to the secured workplace for being disruptive to the work environment, and Applicant was asked to attend inpatient mental health treatment for 90 days to prove to the company that he was trying to improve himself before he returned to work. Applicant did not comply with the request, and he was terminated.

While employed with another contractor beginning in late 2019, Applicant's behavior caused several coworkers and his supervisor to question his mental state, and he was counseled on several occasions to stop discussing the alleged cyberstalking issues. The counseling seemed to have no effect on Applicant's behavior.

Applicant has reported the cyberstalking to private investigators, the police, the FBI, and AFOSI, but none of his concerns have been substantiated. He claims that the cyberstalking persists, explaining that he often receives spam messages to his phone, which he believes are being directed by his former military colleague.

The Judge noted that “Applicant’s assertions are technically possible,” but highlighted that “he was never able to show that he has experienced any personal consequences from his alleged cyberstalking, such as loss of personal money, his work computer being infected with malware, or online impersonations and scams.” Decision at 5. The Judge resolved all concerns adversely.

Discussion

On appeal, Applicant’s Counsel contends that the Judge erred in failing to comply with the provisions in Executive Order 10865 and the Directive by not considering all the evidence and not properly applying the mitigating conditions and Whole-Person Concept. For the following reasons, we affirm.

Guideline I

Counsel’s challenges under Guideline I largely stem from the record’s two psychological evaluations – 1) Dr. L’s, obtained by Applicant independently in 2020; and 2) Dr. F’s, completed in conjunction with Applicant’s national security investigation in 2023.

The Judge’s reference to Dr. L’s evaluation is limited to her factual findings, wherein she identified that the evaluation occurred and that Applicant “was not diagnosed with a mental health condition.” Decision at 8. In her Guideline I analysis, after finding that the evidence established disqualification, the Judge relied heavily on Dr. F’s evaluation to conclude that no mitigating conditions applied, noting that Applicant’s mental health condition “has and continues to impair his judgment and reliability” and the absence of any treatment or indication that the condition is improving or under control. *Id.* at 12.

On appeal, Counsel argues that the Judge gave dispositive weight to Dr. F’s evaluation and “failed to meaningfully analyze” Dr. L’s, “devot[ing] only a brief reference to the existence of the [latter] before summarily concluding that none of the Guideline I mitigating conditions applied.” Appeal Brief at 9, 10. He contends that “[w]here competing expert opinions address the dispositive issue before the tribunal, [a judge] must explain why one opinion is accepted over another.” *Id.* at 15. We agree that the Judge’s acknowledgement of Dr. L’s evaluation was brief, and, while it may have proved helpful to elaborate on why she afforded it little weight, our review of the record – and particularly the two evaluations – makes her reasoning clear.

Dr. L’s evaluation occurred six years ago, and he reviewed no documentation for it. It is unclear if he understood the extent and nature of Applicant’s workplace conduct or Applicant’s persistent and unsubstantiated allegations of cyberstalking. Most of Dr. L’s report summarizes the results of various testing conducted during the evaluation and, although his diagnostic impression states that it was reached in consideration of those results and “a thorough clinical interview,” the report is devoid of what that interview entailed or what questions and responses were exchanged. AE L at 5. Conversely, Dr. F’s evaluation occurred three years ago, and it was well-informed by both significant documentation and the interview as summarized about Applicant’s interpersonal

workplace issues and beliefs about cyberstalking. To the extent that Dr. L's and Dr. F's evaluations can be considered "competing," the Judge reasonably assigned Dr. L's less weight against Dr. F's in assessing Applicant's national security eligibility.

Counsel also challenges the Judge's finding that none of the Guideline I mitigating conditions apply, citing Dr. L's evaluation and favorable diagnostic impression, Applicant's continued successful functioning in "highly sensitive cybersecurity positions," and his cooperation throughout this investigation, including voluntary participation in the evaluation with Dr. F. Appeal Brief at 15. Counsel argues that the foregoing factors sufficiently mitigate the Government's concerns and that AG ¶¶ 29(c) and 29(d) should have applied. We disagree.

AG ¶ 29(c) affords mitigation via a *recent* opinion by a *duly qualified* mental health professional that an individual's *previous condition is under control* and has a low probability of recurrence. Dr. L's evaluation offers none of these things – there is no evidence of Dr. L's qualifications, the six-year-old opinion is not recent and does not address a previous condition, and as discussed above, uncertainty about what information Dr. L was privy to undermines his favorable impression.

Counsel similarly relies on Applicant's lengthy employment history in national security positions without security incident to advocate for mitigation through AG ¶ 29(d), which applies when the past psychological condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability. The Judge, however, properly considered Applicant's professional history but ultimately gave more weight to Dr. F's opinion that, in light of Applicant's "longstanding history of occupational problems, including multiple terminations, and interpersonal conflicts related to his persistent paranoia spanning the course of many years," Applicant presented with a condition "that could pose a significant risk to his judgment, reliability, or trustworthiness concerning classified information." Decision at 12 (quoting GE 7 at 9). The Judge's conclusion that AG ¶ 29(d) did not apply reflects a reasonable weighing of the record evidence, and we find no reason to disturb it.

Guideline E

We turn next to the Guideline E falsification concerns.¹ In reporting his employment history on his 2019 SCA, Applicant denied having been fired from the positions in 2016, 2017, and 2019 or having left due to allegations of misconduct. Rather, he explained that his contracts ended in 2016 and 2017 and that he was laid off in 2019. During his initial background interview in October 2019, Applicant was not asked about his 2016 or 2017 terminations, and he asserted that his 2019 termination resulted because the company did not have enough work to warrant keeping him on board and laid him off.

In a subsequent interview in December 2019, after confirming the accuracy of the information provided in his SCA about his 2017 termination, Applicant was confronted with developed information that he was fired from the position for misconduct and lack of professionalism. Applicant thereafter agreed with some of the details of the termination and

¹ Counsel does not challenge the Judge's adverse findings on the SOR allegations of Applicant's terminations themselves, which alone are sufficient to sustain the ultimate adverse decision.

explained that he did not list the information “for fear the termination would affect his future employment.” GE 5 at 6. He went on to explain his belief that he was being cyberstalked by a former military colleague and how that impacted this employment.

In a final interview in February 2020, after confirming the accuracy of the information provided in his SCA about his 2016 termination, Applicant was confronted with developed information that he left the position involuntarily. He then explained that “he did not believe he was fired/terminated or let go and viewed being told not to return to work as the end of his contract with this employer.” *Id.* at 8. Applicant again explained his belief about being cyberstalked and how it impacted this employment. At the end of the interview, Applicant told the investigator, “I did not list being fired because I wanted to protect myself from the ongoing [] cyber stalking/impersonating issue that I talked about in my first and second interview.” *Id.* at 9.

Applicant completed a new SCA in 2021, wherein he disclosed that he was fired from the three employers, elaborating that he was being cyberstalked and that he was fired after reporting the same. During an SCI pre-screening in 2022, Applicant reported to his Personnel Security Program Manager (PSSM) that he had been terminated from his previous employment. Via subsequent investigation and inquiry to the prior employer, the PSSM learned that “Applicant believed that there was someone impersonating him and cyberstalking him, which led to the harassment claim being filed against him, and ultimately his termination,” which information had not been disclosed earlier. Decision at 6-7. At hearing, when asked if he would disclose his terminations on future SCAs, Applicant responded that he was not sure because he feels that he is not being treated right.

The Judge found that Applicant deliberately provided false information and attempted to conceal his employment terminations on his 2019 SCA and during his 2019 and 2020 background interviews, which Counsel challenges, arguing that the Judge’s finding of deliberate falsification fails to “meaningfully address[] substantial evidence demonstrating Applicant’s subsequent candor,” namely that he “voluntarily disclosed the circumstances surrounding his prior employment” to his PSSM in 2022. Appeal Brief at 17. Counsel contends that, “[h]ad Applicant intended to permanently conceal these employment matters from the Government, there would have been no reason for him to voluntarily disclose them during an SCI prescreening before they had otherwise been discovered.” *Id.* As an initial matter, Counsel’s argument ignores that Applicant’s terminations *had* already been discovered, but only through background investigation in 2019 and resulting confrontation during his 2019 and 2020 interviews.

Additionally, it is unclear whether Counsel’s argument is intended to take aim at the Judge’s disqualification or mitigation analysis, so we address both. To the extent that Counsel challenges the Judge’s finding that the omissions were intentional falsifications for purposes of disqualification, his argument is without merit. Whether to protect against further damage to his career or further cyberstalking, Applicant acknowledged throughout his investigation that his failures to disclose the nature and circumstances of his terminations were intentional.

To the extent that Counsel advocates for mitigation based on Applicant’s subsequent disclosures, we are similarly unpersuaded. AG ¶ 17(a) – the only condition that appears to fit Counsel’s argument – mitigates a falsification when there has been a prompt, good faith effort to correct the omission prior to being confronted with the facts. None of that is the case here. Rather,

during multiple background interviews, Applicant repeatedly endorsed as accurate the incorrect information he provided in his 2019 SCA, and it was only after the adverse information was ferreted out through investigation and confrontation that Applicant began to report the information accurately in his 2021 SCA and 2022 SCI pre-screening. Applicant's corrected disclosures were neither prompt nor made in good faith or absent confrontation.

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. AG ¶ 15. In cases involving the deliberate omission, concealment, or falsification of material information, an applicant has a "heavy burden in 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." ISCR Case No. 01-03132, 2002 WL 32114509 at *4 (App. Bd. Aug. 8, 2002). The Judge's explanation for her adverse resolution of the Guideline E falsification concerns is well supported by the record and Appeal Board precedent.

Whole-Person Concept

Finally, Counsel contends that the Judge gave insufficient weight to favorable factors under the Whole-Person Concept, including Applicant's "distinguished military career, numerous performance awards, favorable employment history, and multiple character references." Appeal Brief at 6. The decision reflects that the Judge properly considered Applicant's favorable information in terms of the Whole-Person Concept, including his lengthy military service and honorable discharge; incident-free clearance history; military award nominations and corporate recognitions; and recommendations from seven military and civilian colleagues, who noted Applicant's "work performance was at the highest level," and described him as "reliable, honest, diligent, and hardworking" and "as having a high level of integrity, dependability, and a strong work ethic." Decision at 9. The Judge ultimately concluded, however, that those matters were outweighed by Applicant's "history of delusional behavior; multiple employment terminations; deliberate falsifications; and a recent mental health diagnosis." *Id.* at 14.

While evidence of an applicant's good character² or good security record³ are relevant considerations under the Whole-Person Concept, neither preclude an unfavorable national security eligibility determination, and a judge must still consider whether an applicant's circumstances pose a security risk. Considering the totality this record, the Judge had a rational basis for concluding that continuing Applicant's national security eligibility is not clearly consistent with the national interest.

² See ISCR Case No. 01-26893, 2002 WL 32117729 at *8 (App. Bd. Oct. 16, 2002) (The Government "need not prove an applicant is a bad person before it can deny or revoke access to classified information.").

³ See ISCR Case No. 08-00435, 2009 WL 848722 at *2 (App. Bd. Jan. 22, 2009) (citing *Adams v. Laird*, 420 F.2d 230, 238-39 (D.C. Cir. 1969) (The Government "need not wait until an individual mishandles or fails to safeguard classified information before it can make an unfavorable security clearance decision.")).

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.'" *Department 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. 24-01331 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Jennifer Goldstein

Jennifer Goldstein
Administrative Judge
Member, Appeal Board