



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:

)
)
)
)
)
)

ISCR Case No. 23-00493

Applicant for Security Clearance

Appearances

For Government: Sakeena Farhath, Esq., Department Counsel
For Applicant: Carl Marrone, Esq.

05/08/2024

Decision

HARVEY, Mark, Administrative Judge:

Applicant mitigated security concerns arising under Guidelines G (alcohol consumption) and J (criminal conduct). Eligibility for access to classified information is granted.

Statement of the Case

On October 31, 2017, and August 4, 2022, Applicant completed and signed Questionnaires for Investigations Processing or security clearance applications (SCA). (Government Exhibit (GE) 1; GE 2) On June 5, 2023, the Defense Counterintelligence and Security Agency (DCSA) Consolidated Adjudication Services (CAS) issued a statement of reasons (SOR) to Applicant. (Hearing Exhibit (HE) 2) This action was taken under Executive Order (Exec. Or.) 12968, *Access to Classified Information*, dated August 2, 1995; DoD Manual 5200.02, *Procedures for the DoD Personnel Security Program (PSP)*, effective on April 3, 2017 (DoDM 5200.02); and Security Executive Agent Directive 4 (SEAD 4), establishing in Appendix A *the National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position (AG)*, effective on June 8, 2017.

The SOR detailed reasons why the DCSA CAS notified Applicant that it intended to deny or revoke his security clearance because it did not find that it is clearly consistent with the interests of national security to grant or continue a security clearance for him.

Specifically, the SOR set forth security concerns arising under Guidelines G and J. (Hearing Exhibit (HE) 2) On September 4, 2023, Applicant responded to the SOR. (HE 3)

On December 1, 2023, DOHA issued a notice of hearing, setting the hearing for January 25, 2024. (HE 1) Applicant's hearing was held as scheduled using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered five exhibits, and Applicant offered exhibit 21 exhibits. (Tr. 15-20; GE 1-5; Applicant Exhibit (AE) A-AE U) Applicant objected to page 7 of GE 5, and Department Counsel withdrew that page from GE 5. (Tr. 16-18) All other proffered exhibits were admitted into evidence without objection. (Tr. 17-20; GE 1-5; AE A-AE U) On February 2, 2024, DOHA received a transcript of Applicant's security clearance hearing. On March 24, 2024, Applicant provided four post-hearing exhibits, which were admitted without objection. (AE V-AE Y) The record closed on March 25, 2024. (Tr. 81, 128-129)

I took administrative notice of the *Diagnostic and Statistical Manual of Mental Disorders 5th Edition* (DSM 5), pages 490-497 which addresses and defines the diagnosis of Alcohol Use Disorder. (Tr. 80-81, 114; HE 4)

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

Applicant admitted the allegations in SOR ¶¶ 1.a, 1.b, and 2.a, except he said the fine adjudged as part of his second driving under the influence of alcohol (DUI) sentence was paid. (HE 3; AE D) He also provided mitigating information. (*Id.*)

Applicant is a 30-year-old software engineer, and he has worked for a government contractor since 2018. (Tr. 21, 77, 80) His resume provides additional details about his professional background. (AE J) In 2011, he graduated from high school. (Tr. 78) In 2016, he received a bachelor's degree with a major in computer science. (Tr. 78; AE H) He has never married, and he does not have any children. (Tr. 79) He received a security clearance in about 2017; however, he has never had access to classified information. (Tr. 21-22) There is no evidence that he has violated his employer's security rules.

Alcohol Consumption and Criminal Conduct

When Applicant was 16 years old, his father was an Air Force officer serving in Germany. (Tr. 22) Applicant began consuming alcohol in Germany when he was about 16 years old, which is lawful in Germany. (Tr. 22) He never engaged in underage alcohol consumption in violation of the law. (Tr. 25) He drank to intoxication for the first time when he was 17 years old. (Tr. 23) At his heaviest period of alcohol consumption, he consumed about 10 drinks about once a week. (Tr. 66) About once a month, he consumed about 15 drinks. (Tr. 66)

Applicant did not do anything he regretted after consuming alcohol except for his two DUIs, which are alleged in SOR ¶¶ 1.a, 1.b, and 2.a. (Tr. 23) He drove after consuming alcohol about once or twice a month; however, he has not driven after consuming alcohol after his second DUI arrest. (Tr. 67) Other than his DUIs, no one has ever expressed a concern to him about his alcohol consumption. (Tr. 24) He has never gone to work impaired by alcohol consumption. (Tr. 24)

SOR ¶ 1.b alleges under Guideline G that on or about June 14, 2017, Applicant was charged with DUI. On August 10, 2017, he pleaded guilty and in exchange, he received deferred adjudication. Judgment was deferred for 12 months, and he received a \$1,000 fine. SOR ¶ 2.a cross-alleged the conduct in SOR ¶¶ 1.a and 1.b under Guideline J.

In 2017, Applicant was 24 years old. He consumed alcohol while playing volleyball and later in a bar and at a friend's house. (Tr. 26-27) He estimated he had about 14 drinks throughout the evening; however, he could not specifically remember how much he had to drink. (Tr. 28) At about 1:30 a.m., he fell asleep while driving and hit the back of a pickup truck. (Tr. 28) He was unsure if anyone was injured in the accident. (Tr. 29) He waited for the police to arrive. (Tr. 29) He failed a field sobriety test, and his breathalyzer test result was .13 percent. (Tr. 31, 39) He pleaded guilty and received a deferred adjudication. (Tr. 33) The court ordered him to pay a \$1,000 fine, and he was ordered to complete a 15-hour alcohol class. (Tr. 32) His vehicle was totaled in the accident. (Tr. 33) His driver's license was revoked for one week. (Tr. 33) After his 2017 DUI arrest, he typically consumed about four beers a week, and he drank to intoxication about every two months. (Tr. 58)

SOR ¶ 1.a alleges under Guideline G that on or about September 11, 2021, Applicant was arrested and charged with DUI. On March 2, 2023, he pleaded guilty to DUI, and he was sentenced to 12 months of unsupervised probation and to pay a \$2,800 fine. At the time the SOR was issued, the fine had not been paid.

On September 11, 2021, Applicant was 28 years old. (Tr. 37) He drove to a bar where he consumed 12 to 18 drinks from 10:00 p.m. to about 3:30 a.m. (Tr. 36, 56) He believed he needed to move his car from the location near the bar because there was a sign that said no overnight parking and violators would be towed. (Tr. 37) A police officer stopped him for speeding. (Tr. 38) He failed a field sobriety test, and his breathalyzer test result was .18 percent. (Tr. 39, 55) His vehicle was towed. (Tr. 40) Three or four days after his DUI arrest, he informed his security manager and supervisor of the DUI arrest. (Tr. 41)

On October 7, 2021, a licensed clinical social worker (LCSW) evaluated Applicant on behalf of a state agency. The LCSW found 3 out of 12 symptoms as follows: (1) "Alcohol or drugs are taken in larger amounts or over a longer period than intended"; (2) "Recurrent alcohol or drug use in situations in which it is physically hazardous"; and (3) "Tolerance-Either a need for markedly increased amounts of alcohol or drugs to achieve

intoxication or the desired effect, or a markedly diminished effect with continued use of the same amount of alcohol or drugs." (AE E at 9) The finding of two or three symptoms warranted a conclusion of "Significant Risk Classification." (*Id.*) The LCSW diagnosed him with Substance Use Disorder Mild and recommended he complete at least 10 hours of DUI Risk Education and at least 20 hours of substance abuse treatment. (*Id.* at 11, 14)

On May 16, 2023, a state agency evaluated Applicant's alcohol consumption. (AE E) Applicant admitted that many years ago he had hangovers, passed out, and had memory loss after consuming alcohol. (Tr. 64; AE E at 17) He said he consumed alcohol only once after his September 11, 2021 DUI arrest, and he most recently consumed 1-2 glasses of alcohol on December 31, 2022. (AE E at 2) He said he intended "to be 100 percent alcohol free." (*Id.*) At that time, a LCSW noted he takes "full responsibility for his past alcohol use. He voiced good insight about his past alcohol abuse. He stopped frequenting bar establishments and stopped associating with former heavy drinking friends." (AE E at 17) The LCSW reported "Prognosis is good due to commitment to abstinence or future minimal alcohol use, prior treatment completed, and lifestyle changes." (AE E at 9)

On March 2, 2023, Applicant pleaded guilty, and he was convicted of DUI, which is a Class A misdemeanor. (Tr. 42-43) He was sentenced to a \$2,710 fine and unsupervised probation for one year. (Tr. 42; AE D)

Applicant completed 12 hours of risk education and 20 hours of substance-use treatment. (Tr. 56; AE E at 19) On August 30, 2023, he paid the fine. (Tr. 43; AE D) He has not had any probation violations. (Tr. 45, 56) The PEth (phosphatidylethanol) test measures the alcohol metabolite in whole blood. It can detect consumption of alcohol in about the previous three weeks. On August 3, October 3, and November 17, 2023; and January 2, February 23, and March 8, 2024, he provided samples for PEth testing, which were all negative for alcohol consumption. (AE F; AE V) On March 20, 2024, the court issued an order indicating his probation was completed on March 2, 2024. (Tr. 44; AE W) His driver's license was revoked for one year. (Tr. 42) In October 2023, his driver's license was reinstated. (Tr. 46)

On January 8, 2024, Applicant received an evaluation of his alcohol use. (Tr. 70; AE U) The evaluator said:

The client does not appear to have any present problems with alcohol that would require any further intervention. He does admit that he abused alcohol in the past and he identifies with three DSM-5 criteria for a Mild alcohol use disorder. He appears to have resolved his past problem drinking behavior by abstaining from alcohol since January 1, 2023. He appears to be forthcoming and honest in assessing his past problems with alcohol. I believe him to be sincere in addressing these issues and reducing the likelihood of future alcohol-related problems. I do not believe his behavior would be a threat to national security. (AE U)

Applicant stopped consuming alcohol on New Year's Eve of 2022-January 1, 2023. (Tr. 47, 51) He drank two drinks on that occasion, and he did not drive after consuming the two drinks. (Tr. 59) He did not have any alcohol withdrawal symptoms. (Tr. 47) He does not go to bars. (Tr. 48) He ended his association with friends with whom he previously consumed significant amounts of alcohol. (Tr. 47, 57) He does not crave alcohol. (Tr. 47) He admitted he showed a lack of judgment when he consumed alcohol and drove his vehicle. (Tr. 54) He said, "I recognize the danger that I put other people in, how stupid it was to put myself in that situation to start with and how there's better options and how I'm moving forward without drinking." (Tr. 47, 49, 51) If he drinks any alcohol in the future, he will not drive. (Tr. 52)

Applicant promised not to drink alcohol in the future. (Tr. 52, 75; AE G) If he consumes alcohol in the future, he will report this breach of his promise to his security manager. (Tr. 80)

Character Evidence

Applicant's performance evaluations indicate he is an excellent employee. (AE I) Six friends and/or coworkers made statements at Applicant's hearing, and Applicant's supervisor and seven friends and/or coworkers provided written statements on his behalf. (Tr. 84-114; AE K-AE R) The general sense of Applicant's character evidence is that he is professional, diligent, responsible, intelligent, honest, and conscientious. He is remorseful about the two DUIs. (Tr. 93) One character witness said he consumed alcohol on a trip in the summer of 2022, which was inconsistent with Applicant's previous statement to a LCSW that he only consumed alcohol once in 2022 on New Years Eve - January 1, 2023. (Tr. 105) For purposes of this decision, I find the character witness was mistaken. The character evidence supports his continued access to classified information.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant's eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An

administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant's allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and DNI have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). "The Directive presumes there is a nexus or rational connection between proven conduct under any of the Guidelines and an applicant's security eligibility. Direct or objective evidence of nexus is not required." ISCR Case No. 18-02581 at 4 (App. Bd. Jan. 14, 2020) (citing ISCR Case No. 15-08385 at 4 (App. Bd. May 23, 2018)).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Alcohol Consumption

AG ¶ 21 articulates the Government's concern about alcohol consumption, "Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual's reliability and trustworthiness."

AG ¶ 22 lists conditions that could raise a security concern and may be disqualifying in this case including:

(a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder; and

(c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.

AG ¶ 22(a) and 22(c) are established. Discussion of the disqualifying conditions is in the mitigating section *infra*. The SOR did not allege a diagnosis of Alcohol Use Disorder as a disqualifying condition, and this diagnosis will not be considered in the disqualification analysis.

AG ¶ 23 details conditions that could mitigate security concerns including:

(a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;

(b) the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;

(c) the individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and

(d) the individual has successfully completed a treatment program along with any required aftercare and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Applicant's breathalyzer result from his 2017 DUI was .13 percent, and his breathalyzer result from his 2021 DUI was .18 percent. These levels of blood-alcohol content (BAC) are sufficient to establish binge alcohol consumption.

The *DSM-5* criteria for diagnosis of alcohol-use disorder for mild (presence of 2-3 symptoms), moderate (presence of 4-5 symptoms), and severe (presence of 6 or more symptoms) are as follows:

A. A problematic pattern of alcohol use leading to clinically significant impairment or distress as manifested by at least two of the following, occurring within a 12-month period:

1. Alcohol is often taken in larger amounts or over a longer period than was intended.
2. There is a persistent desire or unsuccessful efforts to cut down or control alcohol use.
3. A great deal of time is spent in activities necessary to obtain alcohol, use alcohol, or recover from its effects.
4. Craving, or a strong desire or urge to use alcohol.
5. Recurrent alcohol use resulting in a failure to fulfill major role obligations at work, school, or home.
6. Continued alcohol use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol.
7. Important social, occupational, or recreational activities are given up or reduced because of alcohol use.
8. Recurrent alcohol use in situations in which it is physically hazardous.
9. Alcohol use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by alcohol.
10. Tolerance, as defined by either of the following:
 - a. A need for markedly increased amounts of alcohol to achieve intoxication or desired effect.
 - b. A markedly diminished effect with continued use of the same amount of alcohol.
11. Withdrawal, as manifested by either of the following:
 - a. The characteristic withdrawal syndrome for alcohol (refer to Criteria A and B of the criteria set for alcohol withdrawal, pp. 499-500).

b. Alcohol (or a closely related substance, such as a benzodiazepine) is taken to relieve or avoid withdrawal symptoms

DSM 5 at 490-491; HE 5.

Specify if: In early remission: After full criteria for alcohol use disorder were previously met, none of the criteria for alcohol use disorder have been met for at least 3 months but for less than 12 months (with the exception that Criterion A4, "Craving, or a strong desire or urge to use alcohol," may be met). In sustained remission: After full criteria for alcohol use disorder were previously met, none of the criteria for alcohol use disorder have been met at any time during a period of 12 months or longer (with the exception that Criterion A4, "Craving, or a strong desire or urge to use alcohol," may be met). Specify if: In a controlled environment: This additional specifier is used if the individual is in an environment where access to alcohol is restricted. Specify if: 305.00 (F10.10) Mild: Presence of 2-3 symptoms
303.90 (F10.20) Moderate: Presence of 4-5 symptoms
303.90 (F10.20) Severe: Presence of 6 or more symptoms

A LCSW found symptoms 1, 8, and 10, and diagnosed him with Alcohol Use Disorder Mild. He completed all recommended alcohol-education and treatment. He has not consumed any alcohol after January 1, 2023. He promised that he would not consume alcohol in the future, and he would inform his security manager if he consumed alcohol in the future. His alcohol use disorder is in sustained remission as none of the criteria for alcohol use disorder have been met for at least 12 months. Based on Applicant's sincere and credible statement about his abstinence from alcohol consumption since January 1, 2023, and his promise not to consume alcohol in the future, similar alcohol-related incidents such as a DUI are unlikely to recur and do not cast doubt on Applicant's current reliability, trustworthiness, or judgment. AG ¶¶ 23(a), 23(b), and 23(d) are established. Guideline G security concerns are mitigated.

Criminal Conduct

AG ¶ 30 describes the security concern about criminal conduct, "Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations."

AG ¶ 31 describes conditions that could raise a security concern and may be disqualifying in this case:

(a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness;

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted; and

(c) individual is currently on parole or probation.

AG ¶¶ 31(a), 31(b), and 31(c) are established. Discussion of the disqualifying conditions is in the mitigating section *infra*.

AG ¶ 32 lists conditions that could mitigate security concerns:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) no reliable evidence to support that the individual committed the offense; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Applicant was convicted of DUIs in 2017 and 2021. His BACs were .13 and .18 percent respectively. He received one year of unsupervised probation after the conviction following his second DUI arrest. He completed the probation.

Applicant took reasonable and responsible actions to mitigate alcohol consumption security concerns as discussed *infra*. He has an excellent employment record. AG ¶¶ 32(a) and 32(d) are established. Because of his credible commitment to refrain from future alcohol consumption, his DUIs "happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on [his] reliability, trustworthiness, or good judgment." Criminal conduct security concerns are mitigated.

Whole-Person Analysis

In all adjudications, the protection of our national security is the paramount concern. A careful weighing of a number of variables in considering the whole-person concept is required, including the totality of his or her acts, omissions, and motivations. Each case is decided on its own merits, taking into consideration all relevant circumstances and applying sound judgment, mature thinking, and careful analysis. Under

the whole-person concept, the administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall commonsense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments under Guidelines G and J are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is a 30-year-old software engineer, and he has worked for a government contractor since 2018. In 2016, he received a bachelor's degree with a major in computer science. There is no evidence of security violations, improper disclosure of classified information, or that Applicant compromised national security. See ISCR Case No. 18-02581 at 4 (App. Bd. Jan. 14, 2020) (noting admissibility of "good security record," and commenting that security concerns may nevertheless not be mitigated).

Applicant was convicted of DUIs in 2017 and 2021. His BACs were .13 and .18 percent respectively. A LCSW diagnosed him using DSM 5 criteria with alcohol use disorder, mild. Applicant's alcohol-related criminal offenses raised serious security concerns.

Applicant's performance evaluations indicate he is an excellent employee. Six friends and/or coworkers made statements at Applicant's hearing, and Applicant's supervisor and seven friends and/or coworkers provided written statements on his behalf. The general sense of Applicant's character evidence is that he is professional, diligent, responsible, intelligent, honest, and conscientious. He is remorseful about the two DUIs. The character evidence supports his continued access to classified information.

Applicant received alcohol education and counseling. After January 1, 2023, he abstained from alcohol consumption. He promised to not drink alcohol in the future. I am confident he will comply with laws, rules, and regulations. His alcohol-related arrests happened under such unusual circumstances that they are unlikely to recur and do not cast doubt on his current reliability, trustworthiness, or judgment.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. "[A] favorable clearance decision means that the record

discloses no basis for doubt about an applicant's eligibility for access to classified information." ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No. 12-00270 at 3 (App. Bd. Jan. 17, 2014)).

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence to the facts and circumstances in the context of the whole person. Applicant mitigated alcohol consumption and criminal conduct security concerns.

Formal Findings

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline G: Subparagraphs 1.a and 1.b:	FOR APPLICANT For Applicant
Paragraph 2, Guideline J: Subparagraph 2.a:	FOR APPLICANT For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the interests of national security to grant or continue Applicant's eligibility for access to classified information. Eligibility for access to classified information is granted.

Mark Harvey
Administrative Judge