DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 24-01302
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Brian L. Farrell, Esq., Department Counsel
For Applicant: *Pro se*

11/17/2025

Decision

HARVEY, Mark, Administrative Judge:

Security concerns arising under Guideline E (personal conduct) are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On March 30, 2023, Applicant completed and signed a security clearance application (SCA). (Government Exhibit (GE) 1) On October 2, 2024, the Defense Counterintelligence and Security Agency (DCSA) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 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* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DCSA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and her case was submitted to an administrative judge for a determination as to whether or not to grant, deny, or revoke her security clearance.

Specifically, the SOR set forth security concerns arising under Guideline E. (HE 2) On October 27, 2024, Applicant provided a response to the SOR and requested a hearing. (HE 3) On February 18, 2025, Department Counsel was ready to proceed.

On June 18, 2025, the case was assigned to me. On June 24, 2025, the Defense Office of Hearings and Appeals (DOHA) issued a notice scheduling Applicant's hearing for July 28, 2025. (HE 1) The hearing was held as scheduled.

Department Counsel offered three exhibits into evidence; Applicant offered four exhibits into evidence; there were no objections; and all proffered exhibits were admitted into evidence. (Tr. 18-23; GE 1-GE 3; Applicant Exhibit (AE) A-AE D) On August 8, 2025, DOHA received a transcript of the hearing. Applicant provided six post-hearing exhibits, which were received and admitted without objection. (AE E-AE J) The record closed on September 30, 2025. (Tr. 100, 106)

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

Findings of Fact

In Applicant's SOR response, she denied the SOR allegations in ¶¶ 1.a and 1.b. She also provided a copy of documentation relating to SOR ¶ 1.b. (AE A) Applicant's SOR response is admitted into evidence.

Applicant is 44 years old, and she is seeking employment as a background investigator for a DOD contractor. (Tr. 6, 8) She was a corrections officer employed by a county from 2014 to February 2023. (Tr. 25; GE 1) Since April 2023, she has worked in e-commerce on the Internet. (Tr. 8) In 1999, she graduated from high school. (Tr. 6) She has completed three and a half years of college towards her bachelor's degree with a major in psychology. (Tr. 7) She has never married, and she does not have any children. (Tr. 7)

Personal Conduct

SOR ¶ 1.a alleges that around February 7, 2023, Applicant received an "Amended Initial Notice of Conduct/Performance Related Disciplinary Action Recommendation" from her employer, a county-level government department, "that found [she] engaged in: Failure to Comply with Timeclock Procedures, Conduct Unbecoming of a Correctional Officer, and Dereliction of Duty (Unreported Misconduct)." The Sanction from this memorandum was a "recommendation that [she] be terminated [from] employment." (HE 1)

On September 20, 2022, Applicant was placed on administrative leaving pending possible termination. (AE H) On February 7, 2023, Applicant's employer issued and Applicant acknowledged receipt of a notification of termination based on five charges. (GE 2 at 14-17) She was advised of her right to request a hearing. The five charges were as follows:

CHARGE ONE: FAILURE TO COMPLY WITH TIMECLOCK PROCEDURES

The clock in and out policy is detailed on Appellant's charge sheet, and a memorandum dated August 15, 2014, states as follows:

As a reminder to all Departmental staff, it is your responsibility to sign/clock in at your designated work site when reporting for duty. Civilian staff and Operations staff at the rank of Sergeant and above MUST clock in at the clocks in the inner lobby or at their computers.

To wit*-Between the dates of August 2021 through June 2022, you failed to comply with the Departments Timeclock Procedures by clocking in and out approximately two hundred and thirty-one (231) times from unauthorized devices and IP Address.*

CHARGE TWO: CONDUCT UNBECOMING OF A CORRECTION OFFICER (FALSE STATEMENT/DISHONESTY)

To wit-*On May 25, 2022, you provided a false statement to your Supervisor [name omitted] that you clocked in at 0702 using the Timeclock at [location omitted]. Your actions on this day were unbecoming of a [name of employer omitted] correction officer.*[1]

CHARGE THREE: CONDUCT UNBECOMING OF A CORRECTIONAL OFFICER (DISHONESTY)

To wit*-On July 21, 2022, during an investigative interview you were dishonest when you indicated that you used the timeclock at the [location omitted] to clock in on May 25, 2022. You later admitted that your statement was falsified.*[2]

CHARGE FOUR: CONDUCT UNBECOMING OF A CORRECTIONAL OFFICER

To wit-*Between the period of August 2021 through June 2022 you failed to display unblemished conduct by punching in or out approximately two hundred and thirty-one (231) times from unauthorized devices and IP address, your actions reflected poorly on the employee, [and the employer].*

[1] At her hearing, Applicant said she told her supervisor that she was at the location where she was supposed to be; however, she used her phone to clock in. (Tr. 42-45)

[2] At her hearing, Applicant said she told the investigator that she used her phone to check in, and she denied that she told the investigator that she used the employer's timeclock to clock in. (Tr. 46-47) Applicant said she told the investigator she "clocked in from the [location of the] time clock," not that she used the timeclock to clock in. (Tr. 48) She described the investigator's claim of what she said as a miscommunication. (Tr. 48)

CHARGE FIVE: DERELICTION OF DUTY (UNREPORTED MISCONDUCT)

***To Wit**: Between the period of August 2021 through June 2022 you punched in or out approximately two hundred and thirty-one (231) times from unauthorized devices and IP Address that were not located within the facility during your scheduled working hours. As a [result], you were compensated for time that you were not in the facility or performing your assigned duties.* (GE 2 at 14-16 (emphasis in original)).

Applicant's March 30, 2023, SCA asked for the reason she left her corrections employment, and in the comments, she responded, "career/environment change." (Tr. 25; GE 1 at 10) She denied that she was fired, quit after being told she would be fired, left by mutual agreement following charges or allegations of misconduct, and left by mutual agreement following notice of unsatisfactory performance. (GE 1 at 10) Her SCA also asked, "For this employment, **in the last seven (7) years** have you received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as a violation of security policy?" Applicant responded, "No," and commented, "I had an open case at work, due to clocking in/out at the wrong timeclock." (GE 1 at 11)

Applicant said she received two or three letters of reprimand while she worked in corrections. (Tr. 69) One was for bringing in contraband (SOR ¶ 1.b) and the other one was for making offensive comments to a coworker (not alleged in the SOR). (Tr. 69-70) The offensive comments related to Applicant venting about a coworker failing to properly protect medical privacy of employees. (Tr. 73-74) In addition, she may have received a reprimand for her hair style. (Tr. 70)

In her SOR response, Applicant said, "I deny the charges. I was authorized to use other means to record my timesheet, other than the physical time clocks in the facility. I have paperwork supporting this." (HE 3) She did not provide paperwork to support her claim that she could use her cell phone or county government-issued computer to record her times on her timesheet. Her employer's September 1, 2021 policy states:

> A. Attendance Requirements:
> All Correctional Officers scheduled for duty on a given shift, from the rank of Lieutenant to Correctional Officer Private, will report to the designated roll call area 15 minutes prior to the beginning of their shift. Those officers who volunteer for overtime while on their regular days off will attend roll call.
>
> B. Electronic Time Clock:
> All correctional officers scheduled for duty on a given shift, from the rank of Master Corporal and below will punch in utilizing the Electronic Time Clock located in the Roll Call room. All correctional officers from the rank of Sergeant and above will punch in utilizing the Electronic Time Clock located at the inner lobby. Exceptions will be authorized by the Shift Commander. (GE 2 at 21)

At her hearing, Applicant said her continued employment in corrections, "wasn't conducive for me at this point because at the point of my hearing, I was -- they were changing too many things at that point with the hearing. They . . . weren't going to allow me to actually win the case and fight the case fairly." (Tr. 25) She believed she could win her case but she left "because they were just going to put a label on me." (Tr. 25) She also said, "But they changed my chairman on me. And they were trying to find ways just kind of to throw out the case for me. So I just told her, I said, I'm not even going to fight this anymore." (Tr. 26) She objected to the new chairman of her hearing because she had an argument with her before the hearing; however, her challenge of the chairman was denied. (Tr. 59) She provided an email she sent to her lawyer about challenging the chairman of the hearing. (AE D)

Applicant admitted at her hearing that she was fired for misconduct, and she had an option to appeal. (Tr. 27) She left by mutual agreement following charges or allegations of misconduct from her employment in February 2023. (Tr. 30) She asserted that her disclosure on her SCA of an "open case at work, due to clocking in/out at the wrong timeclock" provided notice to DCSA security officials that she had a problem at work. (Tr. 28)

Applicant cited several weaknesses in the case her employer had against her concerning clocking in and out. She requested, but was unable to obtain documentation concerning the requirements for signing in and out at her employment. (Tr. 34-35) She said she had documentation showing her "clock ins and [her] clock outs and location." (Tr. 35) She conceded she did not have documentation showing she could clock in and out with her cell phone. (Tr. 36) She said her employer deliberately failed to release the clock in and out policy stating, "No, they didn't provide it because they were giving me pushback just like they provided you all with the two cases that were closed out and removed from my personnel file, but somehow they found their way in there." (Tr. 36)

Another weakness Applicant cited was the failure of her employer to provide her with any pictures of her "walking in and out of the jail every day. They did not do that. They couldn't provide that for [her]. They couldn't give [her] video of [her] walking in every day." (Tr. 76)

Applicant provided screen shots of her vehicle's log data, which she said showed on June 13, 2022, and July 4, 2022, she was at work. (Tr. 78-81; AE A; AE B) For example the screen shot for June 13, 2022, shows at 6:38 am she drove to work, and arrived at work at 6:56 am. (AE B) The file does not include the dates her employer alleged in the charges that she was not at work. It is unclear whether her employer alleged she was not at work on June 13, 2022, and on July 4, 2022.

For the time periods in issue with her employer, Applicant said she was on temporary duty (TDY), and she said she was not required to be at roll call. (Tr. 38, 49-52) She was a corporal. (Tr. 50) She said management told her she "was supposed to clock in and out in the roll call room. [However, she said she] was not in roll call, so [she] was not required to clock in and out in roll call." (Tr. 38, 92-93) She said her supervisor said:

> we can clock in from our county devices, which was my -- I had a laptop that I -- a laptop that I was issued, and I also used an iPad. And per the policy, the civilians did not clock in and out. They were not -- it was not mandatory to clock in and out at the time clock in roll call. (Tr. 37)

Applicant had her government-issued laptop at home or at work, and her personal cell phone, and she used them to clock in or out because it was more convenient. (Tr. 55) She said the investigation showed about 25 questionable locations based on the clock in software system she used to clock in. (Tr. 57) The software showed she was physically located in different localities at the times she was clocking in on 25 occasions. (Tr. 76) She insisted that she clocked in with her cell phone at work. (Tr. 58) She did not provide a copy of the investigative report which supported the five charges.

Applicant's employer wanted her to provide her personal cell phone location information to show whether she was at work during the duty day. Applicant said:

> The biggest issue that they kept pressing with me was the location. And I advised them that I couldn't get any paperwork but I did call [my cell phone carrier] during that timeframe and I asked them why I was pinging from different locations that were not close to me. They just advised me that it happens. And because they couldn't provide me with paperwork to prove that I might be one place and it's pinging from another place, the only thing I could really pull was when I did drive a specific car that I had. (Tr. 54)

SOR ¶ 1.b alleges around December 3, 2019, Applicant received an Initial Notice of Conduct-Related Disciplinary Action Recommendation from her employer, a county-level government department, "that found she engaged in: Violation of Personal Property Allowed in the Facility and Conduct Unbecoming of a Correctional Officer." The Sanction recommendation was one day of suspension without pay for each finding.

In April 2020, Applicant's suspension was reduced to a written reprimand, which contained the following information. (AE E) Her employer's policy prohibited her from bringing a cell phone or Smart watch into the employer's facility. On April 16, 2020, Applicant's employer said she committed the following offenses, "On July 31, 2019 and August 1, 2019, you were text messaging from a Smart watch or cellular telephone while on duty in [the employer's facility], and not during your personal break time. You were not given authorization to bring either item into the facility." (AE E)

The investigation included a non-SOR allegation. "On August 7, 2019, [Applicant] provided [a detainee] with specific information that [a specific former detainee] was transferred from [one correction facility to another correction facility]. This unprofessional conduct and unjustified behavior reflect poorly on you and [your employer]." (AE E)

In Applicant's SOR response, she said, "I deny the charges. The charges were not sustained and dismissed. I have been waiting for paperwork to support this from my former employer since 26 August 2024." (HE 3)

Applicant interpreted the downgrade from a suspension from work to a reprimand to be a dismissal of the charges. (Tr. 60-61) She did not consider the disciplinary action to be a reprimand because she did not receive any additional penalties such as a suspension or a fine, and it was supposed to be removed from her file after one year. (Tr. 61-62) Applicant said an allegation of stealing from an inmate in 2019 (not alleged in the SOR) was removed from her personnel file because a video showed she did not steal, and the allegation from 2019 did not need to be disclosed on her SCA. (Tr. 63)

Character Evidence

While working in corrections Applicant received some excellent performance evaluations, promotions, and time-off. (AE F; AE G) The clear trend in her evaluations was improved performance. She was employee of the month three times at her current employment. (Tr. 94) On September 12, 2025, a high-level supervisor of Applicant in corrections wrote:

> [Applicant] worked in [areas] requiring precision, discretion, and the ability to navigate highly sensitive and complex matters. Her dedication to this role was unwavering, and she approached every task with professionalism, thoroughness, and a genuine passion for ensuring that our agency met and exceeded all regulatory standards.
>
> Beyond her technical expertise, [Applicant] was a strong advocate for the workforce during a period when our staff faced extraordinary demands due to staffing shortages. She not only recognized the challenges employees were facing but also proactively presented a thoughtful proposal to the administration that balanced the needs of both the workforce and management. Her recommendation, which ultimately led to additional time off for employees mandated to work extra hours, demonstrated her commitment to fairness, employee well-being, and operational effectiveness.
>
> [Applicant's] ability to take the initiative outside of her scope set her apart as a leader and problem solver as her contributions had a significant impact on the work life balance of her colleagues.
>
> I have no doubt that [Applicant] will bring the same dedication, insight, and professionalism to any future endeavor she undertakes. She has my highest recommendation. (AE J)

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 applicants 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, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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, this decision should not be construed to suggest that it is based 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 Director of National Intelligence 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 guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. *See* ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

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

Personal Conduct

AG ¶ 15 explains why personal conduct is a security concern stating:

> Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. . . .

AG ¶ 16 lists two personal conduct disqualifying conditions that are potentially relevant in this case as follows:

> (d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:
>
> (1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;
>
> (2) any disruptive, violent, or other inappropriate behavior;
>
> (3) a pattern of dishonesty or rule violations; and
>
> (4) evidence of significant misuse of Government or other employer's time or resources; and
>
> (e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes: (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing."

The record establishes AG ¶¶ 16(d)(2) (inappropriate behavior), 16(d)(3) (rule violations) and 16(e)(1) (vulnerability to exploitation). Further details will be discussed in the mitigation analysis, *infra*. AG ¶ 17 lists personal conduct mitigating conditions which are potentially applicable:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

(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;

(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;

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress; and

(f) the information was unsubstantiated or from a source of questionable reliability.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

> Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. *See Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. *See* Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan*, *supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2, [App. A] ¶ 2(b).

SOR ¶ 1.b alleges that "On July 31, 2019 and August 1, 2019, [Applicant was] text messaging from a Smart watch or cellular telephone while on duty in [the employer's facility], and not during [her] personal break time. [She was] not given authorization to bring either item into the facility." (AE E)

The evidence established that Applicant engaged in the conduct in SOR ¶ 1.b. However, SOR ¶ 1.b is mitigated under AG ¶¶ 17(c) and 17(e). The offense was relatively minor; it resulted in a letter of reprimand rather than more significant disciplinary action; it occurred more than five years ago; and it has not recurred. Applicant disclosed the conduct to security officials during her hearing, and I do not believe she could be coerced by this information.

SOR ¶ 1.a alleges, in the period of August of 2021 to June of 2022, Applicant used her cell phone or government-issued computer to clock in and out of work. This violated her employer's policy, which required her to clock in after roll call in and out in the vicinity of roll call at her employer's facility using the employer's electronic timeclock. Her use of her cell phone and government-issued computer to clock in and out enabled her to create a false or unreliable record that she was at work when she could have been outside the employer's facility engaged in personal matters. In Charge Five, her employer concluded she "punched in or out approximately two hundred and thirty-one (231) times from unauthorized devices and IP Address that were not located within the facility during [her] scheduled working hours. As a result, [she was] compensated for time that [she was] not in the facility or performing [her] assigned duties." (GE 2)

In Charge Two, Applicant's employer concluded, "On May 25, 2022, [Applicant] provided a false statement to [her] Supervisor [name omitted] that [she] clocked in at 0702 using the Timeclock at [location omitted]." (GE 2) In Charge Three, Applicant's employer concluded "On July 21, 2022, during an investigative interview [she was] dishonest when [she] indicated that [she] used the timeclock at the [location omitted] to clock in on May 25, 2022. [Applicant] later admitted that [her] statement was falsified." (GE 2)

Applicant claimed her supervisor authorized her to use her cell phone and government-issued computer to clock in and out; however, there is no corroboration of this claim. The employer's findings that she violated clock in and out policies and lied about how she clocked in on May 25, 2022, to her supervisor and later to an investigator "are entitled to considerable deference." ISCR Case No. 20-02990 at 4 (App. Bd. Jan. 19, 2022) (citing ISCR Case No. 15-08385 at 4 (App. Bd. May 23, 2018)). There is substantial evidence that she committed the five charges her employer made against her.

In her SOR response, Applicant said, "I deny the charges. I was authorized to use other means to record my timesheet, other than the physical time locks in the facility. I have paperwork supporting this." (HE 3) I do not believe Applicant was truthful in her claim that her supervisor authorized her to violate her employer's policies. She did not provide the supporting paperwork that she claimed to have. Applicant has significant experience in corrections and worked in compliance. She should have known of the policy, which is designed to ensure employees are actually at work, and she should have complied with it.

Applicant did not provide accurate information in her March 30, 2023 SCA. As to receipt of reprimands in the previous seven years, she denied that she had any. As to the end of her employment in corrections, she should have disclosed that she left by mutual agreement following charges or allegations of misconduct. In her SOR response, she said

she "was authorized to use other means to record my timesheet, other than the physical time locks in the facility. I have paperwork supporting this." (HE 3) The falsification of her SCA and SOR response were not alleged in the SOR. In ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006), the Appeal Board listed five circumstances in which conduct not alleged in an SOR may be considered stating:

> (a) to assess an applicant's credibility; (b) to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole person analysis under Directive Section 6.3.

Id. (citing ISCR Case No. 02-07218 at 3 (App. Bd. Mar. 15, 2004); ISCR Case No. 00-0633 at 3 (App. Bd. Oct. 24, 2003)). *See also* ISCR Case No. 12-09719 at 3 (App. Bd. Apr. 6, 2016) (citing ISCR Case No. 14-00151 at 3, n. 1 (App. Bd. Sept. 12, 2014); ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006)). These non-SOR allegations (false or misleading information on her SCA; false SOR response to SOR ¶ 1.a) will be considered in the credibility assessment and under the whole-person concept. They will not be considered for disqualification purposes.

Applicant's employer concluded she improperly punched in or out approximately 231 times, and she lied during her employer's investigation of her timecards. She did not submit an accurate SCA. False statements show a lack of credibility and rehabilitation. None of the mitigating conditions apply to SOR ¶ 1.a, and personal conduct security concerns are not mitigated.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the circumstances. 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 Guideline E are

incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is 44 years old, and she is seeking employment as a background investigator for a DOD contractor. She was a corrections officer employed by a county from 2014 to February 2023. She has completed three and a half years of college towards her bachelor's degree with a major in psychology.

While working in corrections Applicant received some excellent performance evaluations. The clear trend in her evaluations was improved performance. She was employee of the month three times at her current employment. On September 12, 2025, a high-level supervisor of Applicant in corrections praised her dedication, insight, professionalism, thoroughness, and genuine passion for ensuring that her agency met and exceeded all regulatory standards. She was committed to fairness, employee well-being, and operational effectiveness. She showed initiative and leadership, solved problems, and had a significant positive impact on the work life balance of her colleagues.

The disqualifying and mitigating information is discussed in the personal conduct analysis section, *supra*. The reasons for denial of Applicant's access to classified information are more persuasive at this time.

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 failed to mitigate personal 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 E:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	For Applicant

Conclusion

Considering all of the circumstances presented by the record in this case, it is not clearly consistent with the interests of national security to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is denied.

_____
Mark Harvey
Administrative Judge