



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



Appearances

For Government: Aubrey De Angelis, Esq., Department Counsel
For Applicant: *Pro se*

12/11/2025

Decision

Lokey Anderson, Darlene D., Administrative Judge:

Statement of the Case

On October 10, 2022, Applicant submitted a security clearance application (e-QIP). (Government Exhibit 1.) On July 23, 2025, the Department of Defense Consolidated Adjudications Facility (DoD CAF) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline G, Alcohol Consumption. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines (AG) effective within the DoD after June 8, 2017.

Applicant answered the SOR on a date uncertain, and requested a hearing before an administrative judge. He also submitted a Supplemental Response to the SOR on August 20, 2025. The case was assigned to me on August 4, 2025. The Defense Office of Hearings and Appeals issued a notice of hearing on August 5, 2025, and the hearing was convened as scheduled on September 17, 2025. The Government offered four exhibits, referred to as Government Exhibits 1 through 4, which were admitted without objection. The Applicant testified on his own behalf and offered eight exhibits, which were admitted into evidence as Applicant's Exhibits A through H, without objection. He testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on September 29, 2025. This decision was delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in federal funding.

Findings of Fact

Applicant is 35 years old. He is married and has two sons, ages 11 and 13. He has worked as a DoD civilian employee for about seven years, and for a Federal contractor for about 3 and ½ years. He began working for his current employer, a defense contractor, as an IT Project Manager, about a year ago. Applicant has held a security clearance for ten years and is seeking to retain his security clearance in connection with his employment. In his answer, Applicant denies with explanations the two allegations set forth in the SOR.

Guideline G: Alcohol Consumption

The Government alleges that Applicant engages in excessive alcohol consumption that can lead to the exercise of questionable judgment or the failure to control impulses, and can raise questions about his reliability and trustworthiness.

Applicant has a history of alcohol consumption at times in excess and to the point of intoxication from about November 2018 until at least December 2024. He stated that he first started consuming alcohol, mainly beer, at the age of 20. He usually drank with friends at their homes. As time passed, the drinks varied between beer and liquor, and his alcohol intake increased. At some point, Applicant's excessive drinking became an addiction. His drinking has never presented any issues at work, because he has never been under the influence of alcohol at work.

Applicant has no history of alcohol-related arrests or any other legal issues due to his drinking, besides a charge for Minor in Possession of Alcohol in either 2010 or 2015. He explained that he was at a concert with friends and was charged with underaged

drinking. He received a fine for this violation. He also explained that in November 2018, after binge drinking at a bar with friends, he was waiting for a ride to pick him up when he passed out at a gas station. The police were called, but Applicant's "ride" showed up and took him home. Nothing became of this incident.

Applicant testified that his past drinking never impacted his ability to be productive at work. Although his drinking was never problematic for him at work, it did bring serious issues to him at home with his wife. He noticed that he was using alcohol to cope with marital problems that he did not believe were healthy. He also stated that he did not like the father that he was becoming. About a year before he decided to seek treatment in 2019, he was consuming alcohol several times a week, a lot heavier than usual. He also had to call in sick to work about 3 or 4 times because he had been drinking the night before, and he did not want to be "hung over" or sick at work. To properly address this problem, he sought out treatment for his alcohol abuse.

In October 2019, Applicant voluntarily self-admitted himself into a treatment center for medically supervised detoxification from alcohol. (Government Exhibit 4.) He believes that he may have also received treatment for his related depression and anxiety. He stated that he recognized that he needed to make lasting changes with his habitual drinking, not just for his well-being, but for his family and his future. During his four-day-stay at this treatment center he was diagnosed with Alcohol Dependence. The Government alleges that he failed to follow treatment recommendation to abstain from alcohol, and attend an intensive outpatient program or residential treatment facility.

During his treatment, Applicant underwent medically supervised detoxification, an alcohol assessment, daily therapeutic group sessions, and individual counseling. (Government Exhibit 4.) He testified that he was not sure if they recommended that he completely abstain from the use of alcohol, but he did completely abstain for a year or so following his treatment program. He does not believe that they recommended an intensive inpatient treatment program or residential program for him. Following his inpatient treatment, he remembers that when he returned to work, he was required to talk with a psychologist, attend Alcoholics Anonymous (AA) meetings, and seek professional counseling, which he did and continued. He initially started attending AA meetings, but stopped when he and his wife started marital counseling, since his problem with alcohol centered around his relationship with his wife and he wanted to work to keep their relationship together. He completed 18 therapy sessions from 2020 to 2021. (Applicant's Exhibit B.) During this treatment, he learned the trigger points in his life that caused him to drink alcohol excessively, and he now knows how to avoid them.

After abstaining from alcohol for about a year or so, Applicant started drinking occasionally by the end of 2020. He described this drinking as up to 4 drinks once a

month or once every two months. He stated that he is now very careful about his alcohol consumption. Most of the time he does not consume alcohol at all, and he does not feel the need to drink. The last time he consumed alcohol was on July 4, 2024, when he had 2 beers. He last drank to the point of intoxication at the end of 2024, and before that it did not happen since before he entered treatment. He has not experienced a blackout since sometime before he entered treatment. Applicant does admit that five drinks does not get him to the point of intoxication.

Following his four-day treatment program for Alcohol Dependence, Applicant has continued to receive ongoing treatment, counseling, and therapy, from his primary care physician and his psychiatrist for various diagnoses. Applicant has been treated for conditions involves marital counseling, Attention Deficit Hyperactivity Disorder (ADHD) and Bi-Polar Disorder, Depression, and Anxiety, that all seem to overlap or incorporate his alcohol problem of the past. (Applicant's Exhibits A, B, and C.) Information from his treating psychiatrist confirms that since December 2022 he has maintained full adherence to his treatment program and his medications for his medical conditions, with stable judgment, attention and functioning. There have been no episodes of alcohol intoxication or behavioral concerns during his care. (Applicant's Exhibit A.)

During his employment as a civilian for the DoD, Applicant received outstanding performance ratings. (Applicant's Exhibit C.) In 2022 and 2023, he received "Top Dog" awards for exceptional contributions to the company and excellence in work performance. (Applicant's Exhibit D.) His performance reviews for the periods from January 1, 2023, to December 31, 2023, and January 1, 2024, to December 31, 2024, reflect "outstanding" and "good performance" ratings, that highlight his integrity, leadership, and dedication to national security projects. (Applicant's Exhibits E and F.)

Applicant testified that he has other obligations and priorities in his life now, and alcohol is not one of them. He is a football coach for both of his boys who are in sports all year round. He has no time to be "hung over" or sick from alcohol. He stated that he is committed to ensuring that he never reverts back to the situation in the past with alcohol. He has built a strong support system around him and it does not involve drinking. Since his treatment in 2019, and the steps he has taken to progress, he feels that he is in total control of his life. During the hearing Applicant realized that alcohol plays no role in his life, and testified that he is done with alcohol, and will not drink again because he has a bright future ahead of him. (Tr. pp. 64-65). He has fought hard for his education, and has made a commitment to himself and others around him, and he does not ever want to lose it. He stated that the most important thing to him is to continue progression and growth in his career to provide for his family, and to set an example for his children. (Tr. pp. 58-59.)

A letter from a former colleague describes Applicant as a person of exceptional character, integrity, and discretion, who can be trusted with sensitive information. (Applicant's Exhibit G.)

A letter from his mother-in-law, who has known Applicant for the past fifteen years because he is married to her daughter, is aware of the fact that he has struggled with alcohol abuse in the past. She has carefully watched his progress through recovery. She saw him check himself into a treatment program. After his initial stay, she saw him follow up with individual counseling and marital counseling to strengthen his relationship with her daughter, and to improve himself as a husband and a father. She saw that he even enrolled in on-line course work in order to increase his skills to obtain a better job for his family. She has watched him rebuild with integrity, humility, and maturity. She stated that he has taken ownership for his past and has remained consistent in working towards improvement. She believes that he is very responsible and trustworthy, and that his experiences have only deepened his resilience and strengthened his sense of responsibility. (Applicant's Exhibit H.)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Directive ¶ E3.1.14, requires the Government to present evidence that establishes controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the “applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.”

A person who applies for access to classified information seeks to enter into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See also EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline G: Alcohol Consumption

AG ¶ 21 expresses the security concern pertaining to 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 describes conditions that could raise a security concern and may be disqualifying. The disqualifying conditions raised by the evidence are:

(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;

- (b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder;
- (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual was diagnosed with alcohol use disorder.
- (d) diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder; and
- (e) the failure to follow treatment advice once diagnosed.

Applicant's history of excessive alcohol consumption at one time posed a serious security problem. These incidents raise serious security concerns under AG ¶¶ 22(c), 22(d), and 22(e).

AG ¶ 23 provides conditions that could mitigate alcohol consumption security concerns:

- (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 good 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 or 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.

Clearly, Applicant was at one time a problem drinker. Since 2019, he has taken his drinking problem seriously. He has used the tools he has learned from his treatment program and his counseling sessions and applied them to improve his life. He no longer drinks excessively and no longer has problems at home with his wife because of his drinking.

Admittedly, there are some inconsistencies in the record, but the main issue here is not the small details but the uncontested facts that the Applicant who was addicted to alcohol, has self-admitted himself into treatment, received treatment and counseling, abstained from drinking, curtailed his drinking, and now stopped his drinking. He is an excellent employee in the defense industry with no criminal record and his future success depends on him.

As previously stated, and in summary, Applicant consumed alcohol at times to excess and to the point of intoxication from about 2018 until December 2024. In 2019, he self-referred into an alcohol treatment program and since then has shown tremendous progress. Following his treatment, he completely abstained from alcohol for about one year. He then started drinking alcohol once a month or once every two months if at all. He has no real history of any alcohol-related arrests. He has now decided to stop drinking altogether, recognizing that his family, children, and career, are his most important values in life. He has continued to seek and receive professional counseling and treatment for his related conditions. He has an excellent work history and favorable evaluations. Under the circumstances, Applicant has been credible and has demonstrated sufficient good judgment and reliability necessary to access classified information.

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 relevant 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), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guideline F in my whole-person analysis. Based upon the facts and analysis set forth above, Applicant has provided sufficient evidence to demonstrate that he meets the qualifications for a security clearance.

Overall, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has mitigated the Alcohol Consumption security concerns.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ E3.1.25 of the Directive, are:

Paragraph 1, Guideline F: **FOR APPLICANT**

Subparagraphs 1.a. and 1.b. For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant national security eligibility for a security clearance. Eligibility for access to classified information is granted.

Darlene Lokey Anderson
Administrative Judge