



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 24-02204

Appearances

For Government:

Tara Karoian, Esquire, Department Counsel

For Applicant:

Pro se

01/29/2026

Decision

ROSS, Wilford H., Administrative Judge:

Statement of the Case

On February 12, 2025, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant 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) implemented by the DOD on June 8, 2017.

Applicant responded to the SOR (Answer) on February 20, 2025, and requested a hearing before an administrative judge. An email from her sister, a registered nurse, was attached to the Answer (Attachment). Department Counsel was prepared to proceed on April 7, 2025. The case was assigned to me on June 2, 2025. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on June 13, 2025. I convened the hearing as scheduled on July 15, 2025. The Government offered Government Exhibits 1 through 3, which were admitted without objection. Applicant testified on her own behalf. She asked that the record remain open for the submission of additional exhibits. She submitted documents that are collectively identified as Applicant Exhibit A and admitted without objection. DOHA received the transcript of the hearing (Tr.) on July 28, 2025. The record closed on August 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 51 years old and married. She has a high school diploma and about three years of college. She currently works for a health-care company as Admissions Director. She has a prospective offer of employment with a defense contractor, and is being sponsored for national security eligibility by that company. This is her first application for national security eligibility. (Government Exhibit 1 at Sections 12, 13A, 17, and 25; Tr. 4-6.)

Paragraph 1 (Guideline G, Alcohol Consumption)

The Government alleges in this paragraph that Applicant is ineligible for clearance because she consumes intoxicants to excess. Applicant admitted both allegations under this paragraph with explanations.

1.a. Applicant admitted that she used alcohol to excess from approximately 2004 to August 23, 2023, when she stopped. She admitted drinking about a bottle of wine daily for about ten years. She has no history of alcohol-related incidents of any type. Starting in approximately 2017 her husband indicated some concern with her drinking. Beginning in 2022 she began feeling that it was time to stop drinking and that she might have a problem. In approximately June 2023 she began attending Alcoholics Anonymous (AA) meetings, as confirmed by an email from one of the facilitators of a group Applicant attends. She submitted photographs of the chips she has received for time without drinking. She recently received a chip showing that she is two years sober. She continues to attend AA meetings regularly on an estimated monthly basis. (Government Exhibit 2; Applicant Exhibit A; Tr. at 31-33, 40, 43-44, 51-68.)

1.b. Applicant admitted that, of her own volition and at the recommendation of her therapist, she was interviewed two times by a medical provider (a licensed professional clinical counselor) specializing in addiction. This was in September 2023, about a month after she stopped drinking. Based on the very limited interaction the provider had with her, Applicant was diagnosed with Alcohol Dependence (Uncomplicated Severe) and Alcohol Use Disorder (Moderate). Applicant had issues with the therapist and decided not to continue treatment with her. (Government Exhibit 3; Applicant Exhibit A at 2-8, 12; Tr. 33-35, 43, 45-50.)

Mitigation

A friend and former co-worker of Applicant testified. She worked with Applicant for about two years, 2024 and 2025. This was after she had stopped drinking. The witness said that Applicant was open about her drinking and why she made the decision on her own to stop. She also discussed occasions when Applicant used her own experiences to help others. The witness recommended Applicant for a position of trust. (Tr. 18-30.)

Applicant saw a therapist for help with anxiety from February 2020 to August 2023. This therapist recommended Applicant get the therapy discussed under allegation 1.b, above. Applicant has continuing contact with this therapist. (Applicant Exhibit A; Tr. 33-34, 41-43, 50.)

Applicant's husband and her sister submitted letters on her behalf. They describe Applicant's journey to sobriety from a family perspective. (Attachment; Applicant Exhibit A at 9.)

Policies

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied 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. The entire process is a conscientious scrutiny of applicable guidelines in the context 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, "Any 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. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14, requires the Government to present evidence to establish 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 seeks access to classified information enters 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 national security eligibility. 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 or sensitive information. Finally, as emphasized in Section 7 of Executive Order 10865, "Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See also Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

Analysis

Paragraph 1 (Guideline G, Alcohol Consumption)

The security concerns relating to the guideline for alcohol consumption are set out in AG ¶ 21, which states:

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 two conditions that could raise security concerns and may be disqualifying in this case:

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

The guideline includes three conditions in AG ¶ 23 that could potentially mitigate the security concerns arising from Applicant's alcohol consumption:

- (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; and
- (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.

Applicant admitted that she was a problem drinker in the past. Starting in 2019 she steadily grew tired of having alcohol in her life. Finally, on August 23, 2023, she stopped drinking alcohol altogether. She has now been clean and sober for two years as of the date the record closed, as shown by the two-year AA chip she provided in Applicant Exhibit A. She has been consistently attending AA since before her sobriety date with no slips. I have considered the report of the therapist found at Government Exhibit 3, and particularly considered the brief therapeutic relationship of that particular therapist and Applicant. Based on the totality of the circumstances, I find that mitigating conditions ¶ 23(a), (b), and (c) apply. Paragraph 1 is found for Applicant.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for national security eligibility 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 national security 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 pertinent facts and circumstances surrounding this case. Viewing the evidence as a whole, Applicant has mitigated the security concerns of her prior alcohol use.

Formal Findings

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

Paragraph 1, Guideline H: 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 or continue Applicant's national security eligibility for a security clearance. Eligibility for access to classified information is granted.

WILFORD H. ROSS
Administrative Judge