



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



In the matter of:)	
)	
)	ISCR Case No. 24-02246
)	
)	
Applicant for Security Clearance)	

Appearances

For Government: John Renehan, Esq., Department Counsel
For Applicant: Lea Trojanowski, Esq., Griffith Young Family Law Advocates

02/09/2026

Decision

Lokey Anderson, Darlene D., Administrative Judge:

Statement of the Case

On November 8, 2023, Applicant submitted a security clearance application (e-QIP). (Government Exhibit 1.) On February 13, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline G, Alcohol Consumption and Guideline J, Criminal Conduct. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense 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 April 21, 2025, and requested a hearing before an administrative judge. The case was assigned to me on August 4, 2025. The Defense

Office of Hearings and Appeals issued a notice of hearing on November 24, 2025, and the hearing was convened as scheduled on January 7, 2026. The Government offered nine exhibits, referred to as Government Exhibits 1 through 9, which were admitted without objection. The Applicant offered nine exhibits, referred to as Applicant's Exhibits A through I, which were admitted without objection. Applicant also testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on January 20, 2026.

Findings of Fact

Applicant is 64 years old. He is married and has no children. He has an Associate degree and military training. He is employed by a defense contractor as an Electrical Engineering Technician 5. He is seeking to obtain a security clearance in connection with his employment. 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.

Guideline G: Alcohol Consumption

The Government alleges that Applicant's history of excessive alcohol abuse leads to questionable judgment, and the failure to control impulses, which raises questions about his reliability and trustworthiness.

Guideline J: Criminal Conduct

The Government alleges that Applicant's history of criminal conduct creates doubt about his judgment, reliability, and trustworthiness. It also calls into question his ability or willingness to comply with laws, rules, and regulations.

Applicant served in the U.S. Navy from 1981 until 1987, and received an Honorable Discharge. He served four years on active duty, and then two years in the reserves. He was an Aviation Electronic Technician in the military and held a security clearance. (Applicant's Exhibit D.)

Applicant began working for his current employer in July 2023. (Government Exhibit 1.) He stated that he is performing well on the job and considers himself a valued employee. His supervisor and co-workers have expressed a desire to maintain him as an employee. (Tr. p. 30.)

Over the past thirty-five or so years, Applicant has been arrested and charged with five separate arrests and convictions for Driving Under the Influence and/or other related

drinking and driving violations. Applicant believes that his habit of going to bars triggers his drinking problem. After drinking, he would use bad judgment by driving home that caused him to get arrested. He explained that for many years, once or twice a week on the weekends, he would normally consume about four beers and become intoxicated. (Tr. p. 55.) He stated that he has never been diagnosed with alcohol use disorder or a related condition. (Tr. p. 38.) However, over time the culmination of his alcohol training has led him to believe that regular systematic drinking is a problem, and that he is a recovering alcoholic. (Tr. pp. 57 and 59.)

In 1989, Applicant was first arrested and charged with Driving Under the Influence of Alcohol. He pled guilty, was fined, and his license was suspended. Ten years later, in 1999, he was arrested again and charged with Driving Under the Influence of Alcohol. He pled guilty, was fined, and his license was suspended. (Tr. p. 37, and Applicant's answer to the SOR.)

In September 2012, Applicant was arrested a third time. His blood alcohol content (BAC) was recorded at .245. Applicant remembers that he had been drinking when he was involved in a traffic collision. He stated that he made a turn and misjudged the distance and hit a fire hydrant that was on the curb. He was only about 50 feet from his house so he made the decision to drive his car home. Applicant's vehicle front bumper had been pulled off as a result of the collision, and was left at the scene. The front bumper had the vehicle license plate attached. A Sheriff knocked on his door, smelled the strong odor of alcohol on Applicant's breath and about his person, formed the opinion that he was intoxicated, and that he had been driving the vehicle that was in the traffic collision, and took him to jail for three days. (Government Exhibit 4 and Tr. p. 33-34.) Applicant was charged with Hit and Run, Property Damage, and Driving Under the Influence. He pled guilty. There is uncertainty as to whether Applicant was sentenced or whether the charges were ultimately dropped. Applicant believes that the charges were dropped, after he served time in jail. (Government Exhibit 4.)

In December 2017, Applicant was arrested and charged with Driving Under the Influence with a blood alcohol content (BAC) level in excess of .20. Applicant explained that he had been drinking alcohol at a bar. A Sheriff observed Applicant during a traffic stop driving with headlights off during dark hours and driving erratically. (Government Exhibit 5.) Applicant explained that he was driving out of the parking lot when a Sheriff followed him and pulled him over. He pled guilty, was fined, required to attend a mandatory nine-month drunk driver's alcohol program, (which also consisted of attendance at a MADD class and AA meetings). His license was suspended, and he was placed on probation for five years. (Government Exhibit 5, and Tr. pp. 35-36.) Applicant stated that he completed all of the court ordered programs. (Government Exhibit 6.)

In October 2022, Applicant was arrested with a blood alcohol content (BAC) of .30, after colliding with two parked cars. He was charged with Driving Under the Influence (a second offense within 10 years of a prior). Applicant stated that he drove to a bar where he consumed four or five beers. Coming back home he hit a parked car causing front end damage to his truck. (Government Exhibit 7.) He scraped up his arm from the accident, but he did not hurt anyone else. (Tr. p. 34.) He pled guilty, was confined for twenty days, fined \$2,379, and required to attend a mandatory 18-month multiple-offender alcohol program. (Applicant has completed the DUI Victim Impact Panel dated January 6, 2023, Applicant's Exhibit C.) His license was suspended, he was required to install the ignition interlock system for one year, and he was placed on probation for five years. Applicant currently remains on probation for this offense. (Tr. p. 34-35 and Government Exhibits 7, 8, and 9.)

Applicant testified that in the past, he has tried to completely abstain from drinking, but he has not been successful. He could usually make it through the week, but when the weekend came, he would start drinking again. Following his recent arrest for Driving Under the Influence in 2022, he decided to take the matter more seriously and again completely abstain from alcohol. He stated that he has not consumed alcohol since May 2025. He has been sober for eight months. He stated that this is the longest period that he has been sober for the last 35 years. (Tr. p. 75.) He realizes the trouble that his drinking has caused him. He is also concerned about his health because of his age. He discussed his drinking pattern with his doctor who told him to reserve his drinking to special occasions and/or occasional drinking. (Tr. pp. 63-64.)

Applicant stated that he is not drinking and no longer goes to bars. He is not participating in any support groups or therapy to abstain from his drinking. He stated that his drinking has not directly affected his work because he does not go to work drunk. (Tr. p. 62.) Applicant stated that he has not discussed his prior alcohol use or criminal record with his supervisor.

Applicant acknowledges that he was careless and used bad judgment in the past. He does not want to be careless in the future. (Tr. p. 42.) He believes that his judgment has improved. (Tr. p. 74.)

Applicant's performance review for 2024 indicates that he is on track in the people leadership category. Applicant was the primary technician for an important project. He quickly got himself up to speed in the design and worked with the team to get the project completed on time. (Applicant's Exhibit B.) Applicant has also received a number of awards, recognitions and accolades from his employer. (Applicant's Exhibit E.)

Applicant submitted an alcohol and drug evaluation dated October 2, 2025. The report stated that Applicant reported that the evaluation was required for his employer/security clearance due to having a DUI case in 2022. The report makes no mention or consideration of Applicant's four previous DUI cases. The evaluation is based on inaccurate evidence. (Applicant's Exhibit I.)

Applicant submitted a Chemical Dependency Assessment dated April 6, 2023. The counselor's comments indicate that they were based on Applicant's second DUI. The counselor recommended that Applicant consider abstaining from alcohol to avoid further alcohol related consequences, and also to consult a physician about treatment options if his current attempts to control and moderate his alcohol use prove to be difficult. The counselor does not indicate any awareness of or consideration of the fact that Applicant has five DUI arrests. Thus, the counselor's assessment and recommendation was based on inaccurate evidence. (Applicant's Exhibit A.)

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; and

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

Applicant's history of excessive alcohol abuse includes five arrests for Driving Under the Influence of Alcohol. He most recent arrest for DUI occurred in 2022, over three years ago. Applicant currently remains on probation for this violation. This conduct raises serious security concerns under AG ¶¶ 22(a) and 22(c).

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.

Applicant has failed to demonstrate sufficient evidence of rehabilitation. It is noted that he has not been formally diagnosed, but the record is clear that alcohol has been very problematic for him. He admits that he is a recovering alcoholic. Although he has tried in the past to stop drinking, he has not been successful. He has recently decided to completely abstain from alcohol again, and has been sober since May 2025. With eight months of sobriety he is commended for his efforts and encouraged to continue with this path. However, given his long pattern of unhealthy and irresponsible behavior with alcohol consumption, and other relapses after abstaining, more time in sobriety is needed to convince the Government that this time, he can and will remain sober. He has not made any efforts to seek out rehabilitative support in this area, such as alcohol treatment

courses, counseling, or alcohol awareness classes, that he may find helpful. Applicant has only completed the alcohol classes and related requirements the court has asked him to do, and nothing more. He has made no effort on his own to attend any independent alcohol rehabilitation. Trying to stop drinking on his own, with little or no rehabilitative support can be very difficult, and may be impossible. Under the circumstances, Applicant has not demonstrated sufficient good judgment and reliability necessary to access classified information. AG ¶ 23 does not provide mitigation.

Guideline J: Criminal Conduct

The security concern relating to the guideline for Criminal Conduct is set out in AG ¶ 30:

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. The following are potentially applicable:

- (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 judgement, 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.

The guideline at AG ¶ 32 contains conditions that could mitigate security concerns. Neither of the conditions set forth below are applicable:

- (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; and
- (b) 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 drank to intoxication regularly, and drove his vehicle while drunk many times, resulting in five arrests, charges, and convictions for Driving Under the Influence, and related offenses. His most recent arrest occurred in 2022, just over three years ago. As a result of this arrest, Applicant was placed on probation for five years. He currently remains on probation. Following this arrest, Applicant continued to consume alcohol until May 2025, just eight months ago. Applicant's history of criminal conduct demonstrates poor judgment, unreliability, and untrustworthiness.

Under the circumstances, Applicant's excessive drinking can raise its ugly head at any time. Applicant is very vulnerable to alcohol abuse and its consequences, and he has not established that he is sufficiently reliable and trustworthy to access classified information. His pattern of criminal conduct and excessive alcohol abuse give rise to serious concerns about his judgment, reliability and trustworthiness, both because of the nature of the offenses, and the circumstances surrounding the offenses. The before-mentioned disqualifying conditions have been established and 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 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 Guidelines G and J in my whole-person analysis. Based upon the facts and analysis set forth above, Applicant has failed to provide sufficient evidence to demonstrate that he meets the qualifications for a security clearance.

Overall, the record evidence leaves me with many questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the 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 ¶ E3.1.25 of the Directive, are:

Paragraph 1, Guideline G:	AGAINST APPLICANT
Subparagraphs 1.a. through 1.f.	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a.	Against Applicant

Conclusion

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

Darlene Lokey Anderson
Administrative Judge