



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



In the matter of:)
)
) ISCR Case No. 24-01399
)
Applicant for Security Clearance)

Appearances

For Government: Laura A. Shure, Esq., Department Counsel
For Applicant: Todd A. Hull, Esq.

02/03/2026

Decision

HALE, Charles C., Administrative Judge:

This case involves security concerns raised under Guidelines G (Alcohol Consumption), I (Psychological Conditions), and J (Criminal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on June 2, 2022. On September 6, 2024, the Department of Defense (DoD) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines G, I, and J. The DoD acted under Executive Order (Exec. Or.) 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 Security Executive Agent Directive 4, National Security Adjudicative Guidelines (AG) (December 10, 2016).

Applicant answered the SOR through his attorney on November 11, 2024, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on February 11, 2025, and the case was assigned to me on June 5, 2025. On

June 18, 2025, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for July 31, 2025. I convened the hearing as scheduled. Government Exhibits (GE) 1 through 10 were admitted in evidence without objection. Applicant testified and offered Applicant Exhibits (AE) A through G, which were admitted in evidence without objection. DOHA received the transcript (Tr.) on August 12, 2025. On September 9, 2025, Applicant's attorney submitted notice that he was leaving his firm and had been replaced by Mr. Adian Connor.

Findings of Fact

Applicant's admissions in his Answer are incorporated in my findings of fact. After a thorough and careful review of the pleadings, testimony, and exhibits submitted, I make the following additional findings of fact.

Applicant served in the United States Navy from June 2016 to June 2019. He served as an Operations Specialist in the Navy. He held a clearance while on active duty. He was administratively discharged for a pattern of misconduct due to two alcohol-related incidents, both of which resulted in him receiving nonjudicial punishment (NJP). He received a General Under Honorable Conditions discharge. (GE 1; AE A; AE C; AE D.)

After leaving the Navy, Applicant worked as a team supervisor for a Federal contractor from August 2019 to January 2022. He then took a contractor position as a data entry clerk for the military healthcare system from January 2022 to March 2023. Since April 2023, Applicant has worked for his sponsor as an administrative support specialist for the Navy. (GE 1; AE A.) In addition to a letter submitted on his behalf, his security manager, a naval officer, testified on his behalf. She described Applicant as professional and trustworthy. She was the one who submitted Applicant's "security recommendation" because she thought he was showing progress to recovery and had taken accountability. She stressed that they had reviewed his prior history before putting Applicant forward for a security clearance. (AE G; Tr. 28-35)

At the hearing and in his Answer, Applicant stressed he had significantly moderated his alcohol consumption. He emphasized that he only drinks occasionally during social events and he does not ever drink to the point of intoxication. He acknowledged February 2023 was the last time he was intoxicated. He has had no alcohol-related incidents February 2020. (Answer; Tr. 40-43.)

Guideline G

SOR ¶ 1.a: You have consumed alcohol, at times in excess and to the point of intoxication, since about age 21 to at least February 2024. In his Answer, Applicant admits that he has consumed alcohol at times from age 21 to at least February 2024. He denied drinking in excess at any point after February 2020. He states in his Answer that after his third DWI arrest in February 2020, he had committed himself to resolving his alcohol issues. He testified he drinks socially, at work gatherings, such as happy hours at the end of the month. He stated he does not attend all of them. When he does go out, he

estimated he had “two to three beers at a time.” He described his drinking pattern as “random.” Since February of 2023, he denied drinking to the point of slurring his words, impairing his ability to walking around, blacking out, or being unable remember anything. He explained he had started using ride-share apps or public transportation. He stated drinking and driving “really messed up my life and I lost a career.” (Tr. 40-43; Answer.)

SOR ¶¶ 1.b and 3.a: In about July 2018, you were arrested on base for violation of Article 92 of the Uniform Code of Military Justice (UCMJ), Failure to Obey Order or Regulation and State – Traffic Offenses – Driving Under Influence (DUI) Liquor. You received Non-Judicial Punishment (NJP) and given a reduction in rank, forfeiture of pay, 45 days of restriction, and 45 days of extra duty. You were also prosecuted in Federal court where you were convicted of the reduced charge of Reckless Driving and you were sentenced to 100 hours of community service, monthly supervised probation, and a fine. In his Answer Applicant admits that in July 2018, he was arrested on base for DUI, received NJP, and was separately convicted in Federal court for reckless driving. He was subject to a 12-month probation as part of his Federal conviction. After the incident in October of 2018, the Navy sent him to the Substance Abuse Rehabilitation Program (SARP). He successfully completed the 16 hours of treatment. He was found to have shown “adequate participation and appeared to have gained insight into the negative consequences of his alcohol issue.” His second DUI (SOR ¶¶ 1.c and 3.a) violated his probation. (Tr. 43-44, 70-71; Answer; AE E.)

Applicant in his Answer and testimony cited unique circumstances for the incident. He had been assigned to a watch that was tedious and isolated and away from his parent command on a different military installation. In his Answer he states, “he grew jealous and lonely as other sailors were assigned to more interesting duties with shorter and consistent shifts,” which led to “binge drinking off-duty to cope with these negative feelings.” (Tr. 43-44, 70, 75-76; Answer; GE 6.)

SOR ¶¶ 1.c and 3.a: In about January 2019 you were arrested in Virginia for Driving While Intoxicated (DWI). You received NJP and given a reduction in rank, suspended forfeitures, 45 days of restriction, 45 days of extra duties, and you were ordered to undergo alcohol treatment. You were also prosecuted in General District Court and convicted of DWI. You were found to have violated your probation and were sentenced to 30 days in jail, with 20 days suspended, and you were ordered to attend the Alcohol Safety Action Program (ASAP). You were administratively separated from the Navy in July 2019 due to a serious pattern of misconduct involving two (2) alcohol-related offenses in a span of six months and received a General Under Honorable Conditions discharge. Applicant admits that in January 2019 he was arrested for DWI, which violated his probation (SOR ¶¶ 1.b and 3.a) and resulted in his second NJP and jail time for the civilian conviction, as well as inpatient alcohol treatment. After this second incident he was administratively discharged from the Navy with a General Under Honorable Conditions discharge. He acknowledged after the first DUI the Navy had sent him to the SARP. After this incident he participated in the Alcohol Safety Action Program (ASAP) from July to August of 2019 (SOR ¶¶ 1.d and 2.a), which was a court ordered treatment program. He successfully completed both programs.

He received a diagnosis, alcohol use disorder, severe. (Tr. 45-47, 68, 71, 73-74; Answer; GE 4; GE 5; AE E.)

In his Answer, Applicant cites feeling being marginalized and isolated following his first NJP in July 2018 because of his restricted status and he sought other outlets for social interaction outside of his division—some of which involved alcohol. On January 1, 2019, he drove back to base from a New Year's party he had attended. Witnesses reported he drank about five to six shots in one hour. He had been driven home after the party but elected to go back and was pulled over and placed under arrest for DWI. (Tr. 71-73; Answer.)

Applicant testified that it was a “very hard time.” He explained he “was not coping well with that hard time” and things “just kept exploding out” through eating disorders and high-risk sexual activity. He explained that there is a lot of drinking in the gay community and the Navy community, “they just go hand in hand, they just kind of just pushed it.” (Tr. 74, 76; GE 4.)

SOR ¶¶ 1.d and 2.a: You received inpatient treatment at [a military treatment facility], from about April 2019 to about June 2019, for a condition diagnosed as Alcohol Use Disorder, Severe. In his Answer, Applicant partially admits and partially denies the Agency’s security concerns under Guideline I and states that significant mitigating factors apply. In April 2024, he informed the Government psychologist that this was a six-week residential program and was the only treatment he had gone to for alcohol treatment and that he “received diagnoses of “alcoholism,” “depression,” and “anxiety.”” He was administratively separated from the Navy approximately 10 days after completing this treatment. He acknowledged this was his first diagnosis of alcohol use disorder severe and that the treatment team recommended he continue to abstain from alcohol following completion of the treatment. (Tr. 47-48, 76; GE 2 at 3; GE 4 at 4; Answer.)

Applicant’s recovery environment was marked as “appeared unsupportive and/or not conducive to stable, consistent attendance” and noted:

Pt will be expected to stay in [city Y] area after SARP until legal issues are resolved; he is actively engaged in gay culture and alcohol use is common factor; he reports all of his gay friends actively consume alcohol; he plans to continue going to AA after SARP. (GE 4 at 9.)

Applicant’ aftercare plan included “abstinence from the consumption of alcohol and drugs” and to participate in at least two or three AA/NA self-help group meetings a week. He acknowledged he was not able to maintain the AA part of the plan and stated, “I really dropped the ball on that one.” (GE 4 at 24; Tr. 78.)

SOR ¶¶ 1.e and 3.a: In about February 2020, you were arrested in [a state] and charged with DWI: 2nd Offense Within 5 Years and DWI: Refusal of Breath Test, 2nd Offense. You were convicted of Reckless Driving and sentenced to 10 weeks of alcohol treatment, 6 weeks of ASAP, one year of probation, a fine, and 6 months

of suspended driving privileges. In his Answer, Applicant admits that in February 2020, he was arrested for DWI, convicted of the reduced charge of reckless driving, and received several penalties including court-ordered alcohol treatment at a treatment facility from November 2020 to February 2021. (GE 9.) He acknowledged responsibility for this serious mistake but blamed a volatile/toxic relationship for the incident. (Answer; Tr. 78-79.)

Applicant on the night in question went out to a bar to watch the Superbowl. He drove home and got into a physical fight with his boyfriend. The police determined based on the evidence he had driven home. Applicant denied driving when asked by police on scene but acknowledged at the hearing that was a lie. He did not disclose that he had been driving that night until October 2024, when he admitted this fact to the psychologist conducting a psychological assessment he had initiated. (Tr. 48-49; 78-81; Answer; AE F; GE 8; GE 9.) Applicant was convicted of the reduced charge of reckless driving and, in addition to several fines and penalties, he was ordered to attend individual alcohol treatment. (Tr. 49-50; GE 9; GE 10 at 3-4.)

SOR ¶ 1.f: You received court-ordered individual alcohol treatment at [treatment facility] from about November 2020 to about February 2021. In his Answer, Applicant admits the allegation, that in February 2020, after his DWI arrest one of the several penalties included court-ordered alcohol treatment at treatment facility from November 2020 to February 2021. Applicant cited this treatment in his October 2024 psychological screening assessment, where he was quoted as saying, “went to [treatment facility], a six-week treatment program after that DWI. Enjoyed talking to people at the rehabilitation program. Learned a lot, let a lot go. Stopped heavy drinking.” (Tr. 49-50; Answer; AE F.)

Regarding this treatment he testified:

I really liked this treatment because I was more one-on-one with the therapist or the substance abuse counselor. And we went more into, like, the background of, like, what -- why I was drinking and, like, what is, like, more homeopathic, like, ways to deal with my stress and pressures and general, just mental wellbeing. (Tr. 50.)

SOR ¶¶ 1.g and 2.a: You were evaluated by a licensed clinical psychologist on April 3, 2024. The psychologist diagnosed you with Alcohol Use Disorder, Severe. He noted a lack of candor regarding your third alcohol-related arrest in February 2020 and that your alcohol use has resulted in disconcerting emotional and behavioral states indicating significant immaturity or underlying problematic personality traits that will continue to result in poor decision-making. He noted these traits are also evident during other nonalcohol-related incidents. The psychologist opined that your reliability, judgment, and trustworthiness are affected by your current psychiatric state and that your low tolerance threshold for arguably innocuous and fundamental hiring procedures indicates that subsequent and significant stressors will not bode well with your personality traits and thus

calls your judgment, reliability, and trustworthiness into question. In his Answer Applicant partially admits and partially denies the security concerns under Guideline I. In his Answer he admits that a licensed government psychologist diagnosed him with Alcohol Use Disorder, Severe, but denies that this evaluation properly reflects his current diagnosis or his current reliability, judgment, and trustworthiness, citing an October 28, 2024 psychological screening assessment. (AE F; GE 2; GE 3.)

Applicant took two tests to assess the reliability of his answers, and the results did not suggest he was actively attempting to be outwardly and purposely deceitful. His scores on another test did not reflect “elevations in anxiety and depression, for which he reported being rated by the VA; however, he denied treatment for either condition.” The doctor opined, “it is possible his diagnoses were better attributed to the situation at the time and have resolved or improved since.” (GE 2 at 4; AE B.) The Government psychologist noted Applicant’s efforts to identify an AA community worth joining were “at face value this appeared noble, it emerged like more of an afterthought, and it was perhaps an attempt to appear to be doing the right thing.” (GE 2 at 5.)

The Government’s psychologist on April 4, 2024, concluded:

To briefly sum up, the subject's self-report was at best a combination of truthfulness with a lack of insight and an attempt to put his best foot forward, the latter two of which could create future problematic behaviors in highly stressful situations. I recommend he initiate psychotherapy to address problem-solving, coping skills, and stress management. It is my professional opinion, within reasonable certainty, that the subject's *reliability, judgment, stability, and trustworthiness are not affected by his current* psychiatric state, and he would benefit from the treatment elements described. (GE 2 at 4.)

Seven days later the Government’s psychologist acknowledged “an error on [his] part” and issued an addendum to his April 4, 2024 report. He now states:

Conclusions: I have reconsidered my opinion upon further deliberation of the records made available for this evaluation. It is my professional opinion, within reasonable certainty, that the reliability, judgment, and trustworthiness are affected by his current psychiatric state, and he would benefit from the treatment elements described in my initial report.

Rationale: The subject was not truthful about his third alcohol-related arrest on 3 Feb 2020. The arresting officer at the time noted, Since [Applicant] admitted to driving while intoxicated during the course of our investigation, we conducted SFSTs and determined he was in fact intoxicated. He was arrested for DUI 2nd and refusal. This record contradicts his self-report to me during our meeting on 4 Apr 2024, in which he maintained that he had not been driving despite the police officer seemingly possessing probable cause to arrest him. No additional information substantiates a different

perspective. The latter sentence was an error on my part, as the record indicates an additional and substantiated scenario. The subject's continued alcohol use is at the very least indicative of poor insight and judgment. His separation from the Navy was primarily due to alcohol-related incidents. On 15 Sep 2022, he told the investigator he had decided to stop drinking altogether, yet he drank approximately two months before he met with me. This could be due to a change in attitude, or a decision to drink responsibly, but given how alcohol use has resulted in disconcerting emotional and behavioral states, this indicates significant immaturity or underlying problematic personality traits that will continue to result in poor decision-making. His problematic traits are also evident during other non-alcohol-related incidents. These are made evident in his self-report of an off-the-cuff and sarcastic allusion to suicide when speaking to an investigator about his weekend plans; requesting that the interview with the investigator occur on a Monday, to not ruin his weekend; and suggesting he should settle for working at McDonald's and decline the follow-up interview. His low tolerance threshold for arguably innocuous and fundamental hiring procedures indicates that subsequent and significant stressors will not bode well with his personality traits and thus calls his judgment, reliability, and trustworthiness into question. (GE 3.)

Regarding the 2020 incident, SOR ¶¶ 1.e and 3.a, Applicant repeatedly denied driving that night:

1. To police on night in question (2020). (Tr. 80-81.)
2. During his security clearance interview (2022). (GE 10 at 3-4.)
3. During his assessment with the Government's psychologist (April 2024). (GE 2.)

During the October 28, 2024 psychological screening assessment, which Applicant initiated he disclosed:

In February 2020 was in a stressful relationship. We ended up fighting and arguing. Went to a club, I drove, got drunk, got into argument, was still arguing in the car. Got home. The police were called, and they figured out I was driving. Got my third DWI. Lost my license. (AE F.)

At the hearing Applicant acknowledged driving on the night in question in 2020. (Tr. 81.)

SOR ¶ 1.h: You continue to consume alcohol, notwithstanding your treatment for a condition diagnosed as Alcohol Use Disorder, Severe as set forth in subparagraphs 1.d. and 1.g., above. In his Answer, Applicant admits that he continues to consume alcohol in moderation but denies that this is indicative of any ongoing alcohol problem. Consistent with his Answer, he testified he only consumes alcohol a few times per month in social settings, limiting himself to two or three drinks;

that he uses ride-share apps or public transportation once he has consumed any amount of alcohol; and his October 2024 psychological evaluation found his continued moderate drinking does not qualify as an alcohol use disorder. He acknowledged as recently as February of 2023 he had drunk to intoxication. (Answer AE F; GE 2; GE 3; GE 4; Tr. 40, 42-43, 53, 98.)

In addition to Applicant's security manager's testimony, he submitted multiple other character letters, which further attested to his reliability, professionalism, and dedication. (AE G; Tr. 28-35.) Outside of work he spends his free time collecting toys. He explained:

Well, I'm a very big avid collector of toys of -- like, of, like, vintage toys and, like, my pride of my collection is collecting, like, first edition Barbies or just collecting books.

... I spend about -- it's actually pretty much all of my time, because I just have so many that I have to be, like, reorganizing them, dusting them, because it gets dusty in my house. So it's a majority of the time, like, reviewing -- like, reviews for collecting dolls, and trying to find the newest, coolest one at, like, pawn shops. (Tr. 97-98.)

Policies

"[N]o 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 § 2.

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, an administrative judge applies these guidelines 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 and 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 that 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 made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense 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. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531.

Analysis

Guideline G, Alcohol Consumption

The security concern for alcohol consumption is set out in AG ¶ 21:

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.

The guideline notes several conditions that could raise security concerns under AG ¶ 22. The following are potentially applicable in this case:

- (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;
- (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.

Applicant was arrested for alcohol-related driving offenses in 2018, 2019, and 2020 and was diagnosed by a qualified medical or mental health professional. AG ¶¶ 22(a), 22(c) and 22(d) are applicable. Historically, he has engaged in binge-levels of alcohol consumption and became intoxicated.

Conditions that could mitigate alcohol consumption security concerns are provided under AG ¶ 23. The following are potentially applicable:

(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

(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 multiple DUI/DWI arrests and convictions. Although his last DUI arrest was in 2020, he did not acknowledge his improper alcohol use in 2020 until late in the security clearance application process. As recently as February 2023, he drank to intoxication. I have limited confidence in his testimony that he has modified his alcohol use and that his security concerning conduct is unlikely to recur. Applicant failed to carry his burden to establish the mitigating conditions sufficient to overcome concerns about his alcohol use, reliability, trustworthiness, and judgment.

Guideline I, Psychological Conditions

AG ¶ 27 articulates the security concern for psychological conditions:

Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or

acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.

I have considered the disqualifying conditions for psychological conditions under AG ¶ 28 and the following are potentially applicable in this case:

(a) behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors; and

(b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness.

The record establishes the concern that Applicant's behavior and diagnosed conditions could impair his judgment, stability, reliability, and trustworthiness. AG ¶¶ 28(a), and (b) apply.

I have considered the mitigating conditions under AG ¶ 29:

(a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;

(b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;

(c) recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;

(d) the past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability; and

(e) there is no indication of a current problem.

AG ¶¶ 29(a), (b), (c), (d), and (e) do not apply. Applicant did not provide sufficient evidence to show that his condition is under control or in remission, or that he is now stable. While he does have a recent opinion by a duly qualified mental health professional stating he is in remission, the record indicates credibility issues. Applicant testified that he last drank to intoxication in February 2023. He was not candid with the U.S. Government psychologist. The prognosis by U.S. Government psychologist was that Applicant's condition met the criteria for alcohol use disorder, severe. Considering the evidence as a whole, I find that none of the above mitigating conditions are established. There is sufficient evidence to find that a mental-health concern still exists. Applicant failed to mitigate the psychological conditions security concerns.

Guideline J: Criminal Conduct

AG ¶ 30 expresses the security concern for 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.

The following disqualifying conditions under AG ¶ 31 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 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

(d) violation or revocation of parole or probation, or failure to complete a court-mandated rehabilitation program.

Based on Applicant's admissions and the evidence in the record, the above disqualifying conditions apply.

The following mitigating conditions under AG ¶ 32 are potentially 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

(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.

AG ¶ 32(a) and (d) apply. Applicant has not had DUI or DWI in almost five years. He established evidence of successful rehabilitation through the passage of time without recurrence of criminal activity. His employment record reflects his maturity. He has found other outlets for his time with his vintage doll collection. The criminal conduct security concerns are mitigated.

Whole-Person Concept

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. In applying the whole-person concept, an 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. An 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. His security manager, testified credibly concerning Applicant's rehabilitation, changes he has made in his life, and the likelihood of reoccurrence. He has the strong support of his colleagues. I considered his military service. I have incorporated my comments under Guidelines G, I, and J in my whole-person analysis.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant did not mitigate the Guideline G or I security concerns, while mitigating the Guideline J security concern.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1: Guideline G:

AGAINST APPLICANT

Subparagraphs 1.a-1.g	Against Applicant
Paragraph 2: Guideline I:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Paragraph 3: Guideline J:	FOR APPLICANT
Subparagraph 3.a:	For Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

Charles C. Hale
Administrative Judge