



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



In the matter of:)
)
) ISCR Case No. 24-02232
)
Applicant for Security Clearance)

Appearances

For Government: Alison P. O’Connell, Esq., Department Counsel
For Applicant: *Pro se*

02/06/2026

Decision

HALE, Charles C., Administrative Judge:

This case involves security concerns raised under Guideline G (Alcohol Consumption). Eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted a security clearance application (SCA) on June 27, 2022. On February 19, 2025, the Department of Defense (DoD) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline G. 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 adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, National Security Adjudicative Guidelines (December 10, 2016).

On March 18, 2025, Applicant answered the SOR and admitted all allegations. He requested a decision based on the administrative (written) record in lieu of a hearing. On May 30, 2025, Department Counsel prepared a File of Relevant Material (FORM), setting forth the Government’s arguments against Applicant’s security clearance worthiness. The

FORM contains eight attachments, identified as Item 1 through Item 8. Applicant's enclosures (AE) included with his Answer will be referenced as AE 1 and AE 2.

Applicant received a copy of the FORM on September 12, 2025. He was given 30 days to file a response to file objections and submit material to refute, extenuate, or mitigate the security concerns. He did not file a response. The case was assigned to me on January 8, 2026. FORM Item 1 (SOR) and Item 2 (Answer) are pleadings in the case. Item 3 through Item 8 and AE 1 and AE 2 are admitted without objection.

Findings of Fact

Applicant is a 40-year-old employee of a defense contractor. He works as airframe and powerplant mechanic. He has worked for his current employer since February 2015. He has worked overseas, including assignments in Southwest Asia. He has been on unpaid leave since his last alcohol-related incident. There is no evidence of any alcohol-related incidents at work. He served honorably on active duty in the U.S. Air Force from April 2004 to April 2008 and then in the active reserves from April 2008 to January 2010, after which he received an Honorable Discharge. He held a security clearance while in the Air Force. He graduated high school and has received various vocational certifications, as well as attending some college. He was married from September 2006 until June 2016. He has two children ages 16 and 9. He remarried in May 2018 and this marriage ended in divorce in July 2024. (Item 3 at 11-13; 22-23, 39; Item 4 at 4 Item 7 at 24; Item 8.)

Applicant admitted SOR ¶¶ 1.a-1.b, in approximately October 2021 and September 2023 he was charged with domestic battery and domestic battery and felony child abuse without great bodily harm respectively, both arrests were caused by alcohol consumption. His wife at the time ultimately dropped the charges for the matter in October 2021. The September 2023 incident was *Nolle Prosequi* in December 2023 by the State. (Item 3 at 36; Items 5-6.)

Applicant admitted SOR ¶ 1.c, which alleged he was diagnosed with alcohol use disorder severe. (Item 7.) Consistent with his response to Government interrogatories December 2024, he said that his family was his basis for remaining sober and that he had voluntarily imposed a loss of custody provision if he should resume drinking, his Answer reflected his commitment to being sober. (Item 4 at 7, 9.) He stated:

I understand that the concern here is my use of alcohol. I also, need to say that before September 2023, I was sober for about a year, and I have been sober since. I am committed to maintaining my sobriety, and I know that I will never take a sip of alcohol ever again. In addition, to my commitment to being sober, I also added into my child sharing agreement with my ex-wife that I will never consume alcohol again. It doesn't matter if the children are in my custody or not. It is written in the agreement, that she will receive 100% custody of my children if I have any alcohol. There is no way that I will ever risk losing my kids. Being a father is my highest priority, and it was

easy to have that added to our agreement. I also agreed to use Sober Link. Sober Link is a Bluetooth breathalyzer that gives instant test results to myself and my ex-wife. I was able to receive another chance to keep my kids, and I know this is my last one. I am hoping that it will be the same regarding my security clearance.

Applicant's prognosis at discharge from alcohol treatment in October 2023 was considered favorable contingent upon his compliance with maintaining his mental health and appropriate lifestyle changes to support his overall health and his compliance with his discharge recommendations and necessary medical follow up to support his recovery process. (Answer; Item 7 at 1.) The treatment reports reflect his desire to learn coping skills, identify triggers, and learn how not use alcohol again. (Item 7 at 20.)

Applicant's commitment to sobriety is evidenced by his modified custody agreement, where he will lose custody if he consumes alcohol again. He clearly states his reason for stopping alcohol consumption is the risk of losing his kids, job, friends, and family. (Answer; Item 4 at 9.) In his interrogatory response he lists the lifestyle changes he has made since his discharge from alcohol treatment, which include attending "AA meetings" 3-4 times a week; renewal of his faith; improvement of his personal health through a new workout plan; and continuation of the meditation techniques he learned "while in rehab." He also noted he found new hobbies he and his son could do together, "like fishing." (Item 4 at 12.)

Applicant submitted two character letters. His manager described him as demonstrating "the highest level of integrity, loyalty, and dedication to his work." His team found him to be a "trustworthy person that [they] depend on daily for his commitment to mission." (AE A; AE B.)

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.

Applicant’s admissions regarding his alcohol consumption and actions inconsistent

with his treatment recommendations raise security concerns under AG ¶ 22. The following are 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; 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.

Conditions that could mitigate alcohol consumption security concerns are provided under AG ¶ 23. The following are 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 acknowledges his alcohol consumption has caused him problems. He completed the prescribed treatment program. He has abstained from alcohol just over two years. His modified child custody agreement arguably imposes a more severe consequence upon him if he should ever have another alcohol-related incident. Applicant realizes the consequences if he returns to drinking not only to his professional life but to his role as a father to his children. He is committed to sobriety and has made the necessary lifestyle changes to sustain his abstinence and sobriety. I find that Applicant established a pattern of abstinence and that his past alcohol consumption no longer casts doubt on his current reliability, trustworthiness, and good judgment. AG ¶¶ 23(a), 23(b), and 23(d) are applicable.

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.

I have incorporated my comments under Guideline G in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). I considered Applicant's admissions and explanations, the terms he has imposed on himself to maintain child custody arrangement, Applicant's responses in his SCA, his security interview, Government interrogatories, his prior honorable military service, and the character letters reflecting the trust he has established with his leadership through his high level of integrity, loyalty, and dedication to his work. After weighing the disqualifying and mitigating conditions under Guideline G and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns raised by his drug involvement.

Overall, the record evidence leaves me without questions or doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant mitigated the alcohol consumption security concerns.

Formal Findings

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

- Paragraph 1, Guideline G: FOR APPLICANT
- Subparagraphs 1.a-1.c: For Applicant

Conclusion

It is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Charles C. Hale
Administrative Judge