



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



In the matter of:)	
)	
)	ISCR Case No. 25-00174
)	
)	
Applicant for Security Clearance)	

Appearances

For Government: John Renehan, Department Counsel
For Applicant: *Pro se*

02/17/2026

Decision

LOKEY ANDERSON, Darlene D., Administrative Judge:

Statement of Case

On February 23, 2024, Applicant submitted a security clearance application (e-QIP). On May 20, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline F, Financial Considerations; Guideline G, Alcohol Consumption; and Guideline J, Criminal Conduct. The action was taken under Executive Order 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 for Determining Eligibility for Access to Classified Information*, effective within the DoD after June 8, 2017.

Applicant answered the SOR on June 4, 2025, and requested a hearing before an administrative judge. The case was assigned to me on August 27, 2025. The Defense Office of Hearings and Appeals issued a notice of hearing on November 19, 2025, and the hearing was convened as scheduled on January 21, 2026. The Government offered six exhibits, referred to as Government Exhibits 1 through 6, which were admitted without objection. The Applicant offered five exhibits, referred to as Applicant's Exhibits A through E, which were admitted without objection. Applicant testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on February 2, 2026. 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 60 years old. He is divorced with no children. He has a high school diploma and some college. He holds the position of Information Technology Consultant with a defense contractor. He is seeking to obtain a security clearance in connection with his employment. Applicant began working for his current employer in February 2024.

Guideline F - Financial Considerations

The Government alleged that Applicant is ineligible for a clearance because he made financial decisions that indicate poor self-control, lack of judgment or unwillingness to abide by rules and regulations, all of which raise questions about his reliability, trustworthiness and ability to protect classified information.

The SOR alleges that Applicant has one delinquent account in the amount of approximately \$20,574. Applicant admits the allegation listed in the SOR. Credit reports of the Applicant dated March 12, 2024, and December 3, 2024, confirm the indebtedness. (Government Exhibits 5 and 6.)

Applicant has worked in the field of information technology for the past thirty-five or more years. From 1983 to 1988, he served on active duty in the U.S. Army. He then joined the Army Reserves, where he served from 1988 to 1996, and received an honorable discharge. While in the military he worked in the field of Telecommunications, and he was also a Paratrooper. He held multiple security clearances during his military service. After leaving the military and joining the civilian world, he held a security clearance from 2011 until about 2017, when it was no longer needed. He is now applying for another security clearance. He stated that he takes his role to protect security very seriously.

Applicant was married in July 2003, and divorced in November 2018. He explained that during the divorce his wife and her attorney were under the misimpression that he was hiding money from his wife, and so her attorney filed continuous addendums and numerous discovery requests looking for money that did not exist. This “wild goose chase” was costly for the Applicant and increased the attorney fees he had to pay from \$10,000 to \$15,000. (Tr. p. 42, and Applicant’s Exhibit A.) At this time, he was also paying alimony of \$946 monthly. The divorce decree made him responsible for all of the joint debt during the marriage and for his wife’s vehicle. (Tr. p. 46.) This caused him to fall farther behind on his bills. Some of his creditors allowed him to make partial payments during this time. (Tr. p. 43.) In late 2018 or 2019, he took out a loan for \$18,000 from his 401k and brought all but one of his delinquent debts current. (Tr. p. 43, and Applicant’s Exhibit B.)

The one delinquent debt that Applicant was unable to pay is to a creditor in the approximate amount \$20,574 for the balance due on a Timeshare property that was repossessed. Applicant explained that he was unable to make the payments at that time due to the costs involved in his divorce. He stated that he purchased the Timeshare in August 2018. By November 2018, he could not afford to make payments on it because of the divorce expenses. He stated that he contacted the original creditor and informed them about his divorce, and told them that he did not have the money to pay them at the time, but they were not receptive. About six months later, in about February 2019, he found out that the property had been repossessed. With the intent to pay his debt, he contacted the property management company that that now controls the Timeshare properties, and they have no record of the debt, and they would not give him the name of their collection agency. Because he has had to move several times, he lost the paperwork he believes may have provided him with the name of the collection agency. Applicant stated that he tried to get the new company to send him a letter to verify that they have no record of his debt, but they said that they do not do that. Applicant believes that the debt is now uncollectable since it has fallen off of his credit report. (Tr. pp. 34-40.) He has paid all of his other delinquent debts, and has improved his credit rating. (Applicant’s Exhibit C.) He also has sufficient monies available in his bank account to resolve the debt if he knew who to pay. (Applicant’s Exhibit D.)

Guideline G – Alcohol Consumption

The Government alleged that Applicant is ineligible for a clearance because he has engaged in excessive alcohol consumption that often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about a person’s reliability and trustworthiness.

Guideline J – Criminal Conduct

The Government alleged that Applicant is ineligible for a clearance because he has engaged in criminal activity that 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.

Applicant stated that he is a social or casual drinker. He was arrested in about January 2024, and was charged with Driving Under the Influence (DUI, 1st offense). (Government Exhibits 3 and 4.) He explained that he was not feeling well and was under the weather when he went to a friend's party. At the party, he consumed 2 to 4 beers, and watched the football game. He was also taking medicine while drinking alcohol, and began to feel intoxicated. He drank water and then slept for about three hours. When he woke up, he drove home. On his way home he was pulled over for speeding. (Tr. p. 59.) He pled guilty, was fined and sentenced to 6 months suspended license, 8 days Sheriff's Work-Release Program, and 3 years informal probation. He was also ordered to attend a DUI First Offender class. Applicant has completed all of the court ordered sentencing requirements, except the probationary period. (Applicant's Exhibit E, and Government Exhibit 4.)

Applicant stated that he usually does not drink as much as he did on that occasion, and he usually does not go out if he is not feeling well on a night when he has to work the next morning. However, he admits that there have been a few times in the past; where he has consumed 2 to 4 beers, and has driven when he should not have. (Tr. pp. 65-66.)

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. 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. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the government must 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.” The applicant has the ultimate burden of persuasion to obtain 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 access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to 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 F - Financial Considerations

The security concern for Financial Considerations is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. Two are potentially applicable in this case:

- (a) inability or unwillingness to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant incurred excessive delinquent debt that he did pay due to a costly divorce. The evidence is sufficient to raise the above disqualifying conditions.

The following mitigating conditions under the Financial Considerations guideline are potentially applicable under AG ¶ 20:

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g. loss of employment, a business downturn, unexpected medical emergency, or a death, divorce, or separation), and the individual acted responsibly under the circumstances; and
- (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

Applicant's costly divorce contributed to his financial problems. He has resolved all of his other delinquent debts incurred during the divorce, except the timeshare property debt. Unique to this situation is the fact that he only had the property three months before he could not afford to pay for it because his divorce took priority. Six months after he had purchased it, he borrowed money from his 401k to pay for it and it had already been repossessed. He was told that there was no record of the debt. Applicant was not sure who to pay, and now it is no longer reflecting as owing on his most recent credit report. Under the circumstances, he did everything possible that he could think of to pay the debt. He has made a good-faith effort to resolve his debt, and his conduct shows good judgment, reliability, and trustworthiness. He has provided sufficient evidence in mitigation. Accordingly, this guideline is found for Applicant.

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 condition raised by the evidence is:

(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 whether the individual is diagnosed with alcohol use disorder.

In January 2024, a little over a year ago, Applicant consumed alcohol to the point of intoxication. He was arrested, charged, and convicted of DUI. He has satisfied all of the court's sentencing requirements, except probation. This conduct raises security concerns under AG ¶ 22(a) set forth above.

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 alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser);

Applicant is a casual or social drinker, who should not have gone out to a party to drink alcohol, when he was sick and on medication. He was ultimately arrested, charged, and convicted of DUI. Applicant realizes his mistake. He normally does not drink and drive. He promises that it will never happen again. This is an isolated incident that will not recur, as it happened under unusual circumstances that are unlikely to recur. Applicant has mitigated the Alcohol Consumption security concern.

Guideline J - Criminal Conduct

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

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:

(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 ¶ 31 contains conditions that could mitigate security concerns. Two of the conditions 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

(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.

As discussed above, Applicant was arrested, charged, and convicted of DUI in January 2024. His criminal conduct is inexcusable, but it was an isolated incident that has never happened before, nor is it likely to happen again. He pled guilty to the charge, and he has satisfied all of the court's sentencing requirements, except the probationary period. He understands the importance of maintaining sobriety. He has no prior criminal record of any sort. He is remorseful and realizes his mistake. Under the circumstances, his conduct demonstrates that he has learned from this one-time experience. Based upon the totality of the evidence, Applicant has established that he is sufficiently reliable and trustworthy to access classified information. His behavior demonstrates his serious concerns about his past indiscretions and that the possibility of recurrence is nil. He has mitigated the criminal conduct security concern.

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 relevant facts and circumstances surrounding this case. I conclude Applicant has mitigated the Financial Considerations security concern; the Alcohol Consumption security concern; and the Criminal Conduct security concern.

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 F:	FOR APPLICANT
Subparagraph 1.a.	For Applicant
Paragraph 2, Guideline G:	FOR APPLICANT
Subparagraph 2.a.	For Applicant
Paragraph 3, Guideline J:	FOR APPLICANT
Subparagraph 3.a.	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.

Darlene Lokey Anderson
Administrative Judge