



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



In the matter of:)	
)	
)	ISCR Case No. 24-01183
)	
Applicant for Security Clearance)	

Appearances

For Government:
Brian Farrell, Esquire, Department Counsel

For Applicant:
Pro se

03/02/2026

Decision

CEFOLA, Richard A., Administrative Judge:

On November 16, 2009, and on January 19, 2017, Applicant submitted his Electronic Questionnaires for Investigations Processing (e-QIPs). On March 4, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Service (DACS CAS) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guidelines I and E. The action was taken under Executive Order 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 effective June 8, 2017.

Applicant answered the SOR in writing on March 8, 2025, and requested a hearing before an administrative judge. The Defense Office of Hearings and Appeals (DOHA) received the request soon thereafter. I received the case assignment on July 29, 2025. DOHA issued a Notice of Hearing on July 30, 2025, setting this case for hearing on October 8, 2025. However, 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, this hearing was cancelled and rescheduled for January 13, 2026. I convened the hearing as rescheduled. The Government offered Exhibits (GXs) 1 through 8, which were received without objection. Applicant testified, called two witnesses to testify on his behalf, and submitted Exhibits (AppXs) A through L, which were received without objection. He also asked that the record be kept open until February 12, 2026, for the receipt of additional documentation. Applicant submitted nothing further, and the record was closed. DOHA received the transcript of the hearing (TR) on January 23, 2026. Based upon a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

Findings of Fact

In his Answer to the SOR Applicant admitted the factual allegations in Paragraphs 1.a~1.k, and 2.b~2.d. of the SOR, with explanations. He denied Paragraphs 1.l~1.n, and 2.a. of the SOR.

Applicant is 36 years old, unmarried and has no children. He has a bachelor's degree, and has worked for a defense contractor since 2016. (TR at page 8 line 4 to page 9 line 15, and GX 1 at pages 5, 11, 13~14 and 29.)

Guideline I - Psychological Conditions & Guideline E – Personal Conduct (The allegations will be discussed in chronological order.)

1.e. and 2.a. Applicant now believes that he “made up” the story between 2009~2010 that he hurt or killed 2~6 squirrels, when he was upset. (TR at page 85 lines 18~24.)

1.f. and 2.a. Applicant admits that, in the fall of 2010, he threw a knife at and killed a stray cat, after becoming angry. (TR at page 84 line 17 to page 85 line 17.)

1.g. and 2.a. Applicant admits that, in about December of 2010, he was told not to return to his university, based on his statement to a school counselor, because it was determined that he could be a harm to fellow students. At that time, Applicant had a permit to open carry a weapon. (TR at page 86 lines 7~16, and at page 106 line 6 to page 107 line 23.)

1.d. and 2.a. Applicant admits that, in about January of 2011, he told a licensed psychologist during a forensic evaluation that he experienced pleasure while he tortured an individual. Applicant further averred that when another individual tried to intervene, he killed that intervener. There is no evidence that this event actually occurred. Applicant in his Answer avers “that . . . [he] fabricated the story.” (TR at page 86 line 17 to page 88 line 5, and at page 94 line 12 to page 96 line 3.)

1.c, 1.h. and 2.a. Applicant admits that on January 25, 2011, he received a mental health evaluation by a certified family mediator in consultation with two licensed psychologists. Applicant met the profile for schizoid, anti-social personality, and paranoid schizophrenic traits. The family mediator opined that treatment would require a long-term commitment by Applicant, and the involvement of a licensed professional. Based on this evaluation, in April of 2011, Applicant was medically separated from a Navy Reserve Officer’s Training Corps (ROTC) program. (TR at page 78 line 25 to page 84 line 8, at page 92 line 20 to page 94 line 11, and GX 8.)

1.i. and 2.a. Applicant admits that later in April of 2011, he was detained, placed in psychiatric hold, and hospitalized for suicidal ideations. As a result, Applicant’s firearms were confiscated. (TR at page 96 line 24 to page 97 line 7.)

1.j. and 2.a. Applicant admits that in about January of 2013, he was told to resign from his employment, because he came to work with a concealed handgun. He also wrote management, what was considered, a threatening letter. Applicant in his Answer avers the letter was “misconstrued.” (TR at page 45 line 2 to page 57 line 19.)

1.b, 1.n. and 2.a. Applicant admits that on April 1, 2013, he received a mental health evaluation, by the same certified family mediator, noted above. The family mediator opined that Applicant had made significant progress, but should continue in his personal psychotherapy. However, Applicant ended all mental health treatment around July of 2015. (GX 7.)

1.k. and 2.a. Applicant admits that early in 2013, his college requested he leave said college by way of resignation, as they believed Applicant was probing into a school shooting and planning to do something at his college.

1.l and 2.a. Applicant denies that in August of 2013, he was required to relinquish all his firearms, before he was permitted to return to another university. He avers that he relinquished them voluntarily.

1.m. and 2.a. Applicant denies what is stated in his July 2019 subject interview. It avers that he stated, “he sometimes has a brief emotional reaction of anger and wishes a person would just die,” before rational thought “kicks in.” (GX 3 at page 27.)

1.a. and 2.a. Applicant admits that on or about February 22, 2023, he was evaluated by a licensed clinical psychologist. He was diagnosed as suffering from a Depressive Disorder, moderate, recurrent, which would likely impact his judgment, reliability, and trustworthiness. She further opined that without further mental health treatment, his depression and negative self-image may persist, which could predispose Applicant to future mental health issues and behaviors of concern. (TR at page 70 line 22 to page 76 line 22, at page 88 line 6 to page 90 line 16, and GX 6 at pages 9~10.)

Guideline E - Personal Conduct

2.a. [Already discussed, above, in conjunction with Applicant’s denials of 1.l~1.n.]

2.b. Applicant admits that he falsified his January 19, 2017, e-QIP, in response to “Section 13A – Employment Activities . . . Reason for Leaving” his employment, noted above in 1.j. He answered, “Decided to explore other opportunities;” when in fact, it was because he came to work with a concealed handgun. He denies he lied, but I find this to be a willful falsification. (TR at page 37 line 4 to page 57 line 19, and GX 1 at pages 19~20.)

2.c. Applicant admits that he falsified his January 19, 2017, e-QIP, in response to “Section 21 – Psychological and Emotional Health . . . In the last seven (7) years, have you consulted with another healthcare professional regarding an emotional or mental health condition or were you hospitalized for another such condition?” Applicant answered “No,” when in fact he was hospitalized in April of 2011, received mental health counseling in 2010 and again in 2011, and received two forensic mental health evaluations in 2011 and again in 2013, as noted above in 1.b., 1.c., and 1.i.. I find this to be a willful falsification. (TR at page 57 line 20 to page 62 line 21, and GX 1 at page 36.)

2.d. Applicant admits that he falsified material facts during a June 25, 2018, interview with an authorized DoD investigator, when he stated he had never been hospitalized for an emotional or mental health condition. In fact he was hospitalized in April of 2011, as noted above in 1.i.. I find this to be a willful falsification. (TR at page 62 line 22 to page 66 line 19, and GX 3 at page 6.)

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 useful 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. 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, an "applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision."

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants 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 Executive Order 10865 provides that 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 I – Psychological Conditions

The security concern relating to the guideline for Psychological Conditions is set forth at AG ¶ 27:

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.

The guideline at AG ¶ 28 contains five conditions that could raise a security concern and may be disqualifying. Four conditions are established:

- (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;
- (b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness;
- (c) voluntary or involuntary inpatient hospitalization; and
- (d) failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability,

reliability, or trustworthiness, including, but not limited to, failure to take prescribed medication or failure to attend required counseling sessions.

Appellant was hospitalized in April of 2011, received mental health counseling in 2010 and again in 2011, and received two forensic mental health evaluations in 2011, 2013 and again in 2023. He ended all mental treatment around July of 2015, against professional advice. Therefore, AG ¶ 28 is established.

The guideline at AG ¶ 29 contains five conditions that could mitigate security concerns. Five conditions may be applicable:

- (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.

None of these apply. Appellant continues to have mental health issues, despite his averments to the contrary. He has not followed the advice of mental health professionals. Therefore, AG ¶ 29 is not established. Psychological Conditions is found against Applicant.

Guideline E - Personal Conduct

The security concern relating to the guideline for Personal Conduct is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

- (a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and
- (b) refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

The guideline notes several conditions that could raise security concerns under AG ¶ 16. Four are potentially applicable in this case:

- (a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;
- (b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative;

- (c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information; and
- (d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:
 - (2) any disruptive, violent, or other inappropriate behavior; and
 - (3) a pattern of dishonesty or rule violations.

Applicant admittedly falsified his January 2017, e-QIP, and was not truthful during his June 2018, subject interview. He also evidenced a pattern of disruptive and inappropriate behavior. The evidence is sufficient to raise these disqualifying conditions.

AG ¶ 17 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 17 including:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

None of these apply. Applicant only admitted his 2017 and 2018 falsehoods when he answered the SOR in 2025, more than six years later. Applicant also has not received counseling regarding his obvious disruptive behavior. Personal Conduct is found against Applicant.

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 an applicant's conduct and all the 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.

AG ¶ 2(b) requires each case must be judged on its own merits. 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 the facts and circumstances surrounding this case. Applicant is respected in the workplace, as noted by his two witnesses, eight written character statements, and awards he has received at work. (TR at page 20 line 15 to page 34 line 15, and AppXs C~L.)

However, overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has not mitigated the security concerns arising from his Psychological Conditions and Personal Conduct.

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 I:	AGAINST APPLICANT
Subparagraphs 1.a~1.n:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a~2.d:	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.

Richard A. Cefola
Administrative Judge