



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



In the matter of:)
)
) ISCR Case No. 25-00711
)
Applicant for Security Clearance)

Appearances

For Government:
Karen Moreno-Sayles, Esquire, Department Counsel

For Applicant:
Sean D. Rogers, Esquire, Applicant's Counsel

03/18/2026

Decision

CEFOLA, Richard A., Administrative Judge:

Statement of the Case

On October 23, 2024, Applicant submitted a security clearance application (SCA). On July 29, 2025, in accordance with Department of Defense (DoD) Directive 5220.6, as amended (Directive), the DoD issued Applicant a Statement of Reasons (SOR) alleging facts that raise security concerns under Guidelines G and I. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the Department of War on June 8, 2017.

Applicant answered the SOR in writing (Answer) on August 29, 2025, and requested a hearing before an administrative judge. The case was assigned to me on December 8, 2025. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on December 11, 2025. I convened the hearing as scheduled on February 11,

2026. The Government offered Government Exhibits (GXs) 1 through 11, which were admitted without objection. Applicant testified on his own behalf, called four witnesses, and offered Applicant Exhibits (AppXs) A through E, which were admitted without objection. DOHA received the hearing transcript (TR) on March 10, 2026. The record was left open for the receipt of additional evidence. On March 13, 2026, AppX F was submitted and received without objection. The record was closed at that time.

Findings of Fact

Applicant admitted to the allegations in SOR ¶¶ 1.a, 1.b, 1.d, 1.e, and 1.g~1.i. He denied SOR allegations ¶¶ 1.c, 1.f, and 2.a. SOR allegation ¶ 1.f. was subsequently withdrawn. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is a 42-year-old employee of a defense contractor. He was on active duty with the U.S. Air Force for six years and was discharged with an Honorable Discharge in 2007. Applicant has been employed with different defense contractors since June of 2015. One supervisor and three co-workers testified on his behalf. Applicant has held a security clearance since June of 2015. Applicant is married and has one adult child. (TR at page 16 line 8 to page 17 line 7, at page 74 line 1 to page 89 line 5, GX 3 at pages 5, 9~12, 15, 17~18, 21 and 33~34, and AppX D.)

Guideline G - Alcohol Consumption & Guideline I - Psychological Conditions (the allegations will be discussed in chronological order)

1.i. Applicant admits that in about June of 2017, he was arrested for and charged with Driving Under the Influence of Alcohol (DUI). Applicant pled guilty and was ordered to take counseling classes, pay a fine, and to attend Alcoholics Anonymous (AA) meetings. (TR at page 20 line 20 to page 22 line 15.)

1.g. and 1.h. Applicant admits that in about November of 2020, a little more than three years after his 2017 DUI, he was arrested for Public Intoxication, at a hotel while he was on temporary duty (TDY). He was “taken to a drunk tank to sober up.” Applicant subsequently received a written reprimand from his employer in January 2021, because of this incident. (TR at page 22 line 16 to page 25 line 17, at page 49 lines 14~21, and GX 5 at page 12.)

1.f. This allegation was withdrawn by the Government.

1.e. Applicant admits that in about January of 2023, a little more than two years after his arrest for Public Intoxication, he was admitted to an emergency room after consuming about 15 alcoholic drinks over the course of the afternoon. (TR at page 29 line 11 to page 31 line 24, at page 53 line 8 to page 56 line 1, and GX 9 at pages 20~29 and 169~179.)

1.d. Applicant admits that in about February of 2024, about a year later, he entered an alcohol detox program. Applicant was self-medicating himself with alcohol, mourning the deaths of his mother, his brother and a couple of co-workers. (TR at page 32 line 1 to page 35 line 5, at page 57 line 15, and GX 10 at page 153.)

1.c. and 2.a. Applicant denies the results of an evaluation of a licensed psychologist conducted in about March of 2024, the month after 1.d. He was diagnosed as suffering from an Alcohol Use Disorder, moderate, in early remission. The psychologist opined: “there is evidence to suggest . . . [Applicant] is currently experiencing psychological symptoms that would impair his judgment, reliability, or ability to properly safeguard classified information. Specifically, his history of substance abuse and misuse, recent relapse . . .” I find this evaluation to be credible. (TR at page 36 line 10 to page 41 line 5, and GX 6 at page 4.)

1.b. Applicant admits that in about August of 2024, as the result of a random, on-base vehicle inspection, he was cited for having a Concealed Weapon. Security personnel found beer cans located under his seat and in the bed of his truck, which indicates that Applicant still consumed alcohol after his March 2024 diagnosis, noted above. I find this to be evidence of more recent alcohol relapses. (TR at page 35 line 6 to page 36 line 9, at page 42 line 17 to page 45 line 4, and at page 61 lines 6~22.)

1.a. Applicant admits that he still consumes alcohol. He consumed three beers in November of 2025 at Thanksgiving, about four months after the issuance of his SOR and about three weeks after the issuance of the Notice of Hearing. A month later, on December 30, 2025, Applicant signed a “Pledge to Abstain” from alcohol. (TR at page 61 line 23 to page 64 line 1, at page 71 lines 7~23, and AppX C.)

Policies

When evaluating an applicant’s suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines (AG) list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant’s national security eligibility.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied 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 applicable guidelines in the context 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. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14, requires the Government to 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 applying for national security eligibility seeks to enter into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants national security eligibility. 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 or sensitive information. Finally, as emphasized in Section 7 of Executive Order 10865, “[a]ny determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

Analysis

Guideline G: Alcohol Consumption

The security concern relating to the guideline 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 at AG ¶ 22 contains seven conditions that could raise a security concern and may be disqualifying. Five conditions may apply:

(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;

(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;

(e) the failure to follow treatment advice once diagnosed; and

(f) alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder.

Applicant has at least five alcohol-related incidents between 2017 and 2024. He has been diagnosed by a duly qualified mental health professional as suffering from an alcohol use disorder. Applicant has consumed alcohol after this diagnosis, as recently as two months prior to his hearing. These facts clearly establish prima facie support for the foregoing disqualifying conditions and shift the burden to Applicant to mitigate those concerns.

The guideline at AG ¶ 23 contains four conditions that could mitigate security concerns. Three conditions may apply:

(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.

None of the mitigating conditions apply. Alcohol Consumption is found against Applicant.

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 has been diagnosed as suffering from an Alcohol Use Disorder that may impair judgment, stability, reliability, or trustworthiness. He has been briefly hospitalized for this disorder. He has not followed a prescribed treatment plan. None of the mitigating conditions apply. Psychological Conditions is found against Applicant.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's national security eligibility 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.

According to AG ¶ 2(c), the ultimate determination of whether to grant national security eligibility must be an overall commonsense judgment based upon careful consideration of the applicable guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guidelines G and I in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment. Applicant is respected in the workplace as testified to by his witnesses. He performs well at his job. (TR at page 74 line 1 to page 92 line 25.) However, overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude Applicant failed to mitigate the Alcohol Consumption and Psychological Conditions security concerns.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ E3.1.25 of the Directive, are:

Paragraph 1, Guideline G:	AGAINST APPLICANT
Subparagraphs 1.a~1.e:	Against Applicant
Subparagraph 1.f:	Withdrawn
Subparagraphs 1.g~1.i:	Against Applicant
Paragraph , Guideline I:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant

Conclusion

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

Richard A. Cefola
Administrative Judge