



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



In the matter of:	)	
	)	
	)	ISCR Case No. 23-02828
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: William H. Miller, Esq., Department Counsel  
For Applicant: *Pro se*

01/05/2026

**Decision**

BENSON, Pamela C., Administrative Judge:

Although Applicant mitigated the Guideline I (psychological conditions) security concerns, he failed to mitigate the Guideline H (drug involvement and substance misuse), Guideline J (criminal conduct), Guideline G (alcohol consumption), and Guideline E (personal conduct) security concerns. National security eligibility for access to classified information is denied.

**Statement of the Case**

On December 27, 2023, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines H and J. The DCSA CAS acted under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines implemented by the DOD on June 8, 2017.

Applicant responded to the SOR on January 5, 2023, and he admitted SOR ¶¶ 1.a and 1.b. On March 21, 2024, Department Counsel amended the SOR by adding two

allegations under paragraph 2., Guideline J (criminal conduct), adding paragraph 3., Guideline G (alcohol consumption) and SOR ¶ 3.a, adding paragraph 4., Guideline E (personal conduct) and SOR ¶ 4.a, and by adding paragraph 5., Guideline I (psychological conditions) and SOR ¶ 5.a. Applicant provided a response to the amended SOR on April 14, 2024. He admitted all the amended SOR allegations. (SOR ¶¶ 2.a and 2.b, 3.a, 4.a, and 5.a.) He requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. I was assigned this case on June 5, 2025. DOHA issued a notice on August 4, 2025, scheduling the hearing for August 20, 2025. The hearing proceeded as scheduled via online video teleconferencing.

Department Counsel submitted Government Exhibits (GE) 1 through 4; Applicant testified but did not offer any documents. GE 1 through 4 were admitted into evidence without objection. I held the record open until September 20, 2025, in the event Applicant wanted to supplement the record. DOHA received the hearing transcript (Tr.) on August 27, 2025. No documents were submitted by Applicant and the record closed on September 20, 2025. (Tr. 51-52) 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.

### **Evidentiary Issue**

During the hearing Department Counsel made a motion to amend the SOR to conform to the information and testimony in the record. Namely, (SOR ¶ 1.a) "You used marijuana with varying frequency from about June 2014 until at least *June 2024*." In addition, Department Counsel requested the following sentence be added to the end of allegation ¶ 5.a; "*You were diagnosed with psychosis, PTSD, anxiety, and depression.*" Applicant did not object to the SOR amendments, and the motion was granted. (Tr. 53-55)

### **Findings of Fact**

Applicant is 26 years old. At the time of the hearing, he was currently enrolled in trade school completing the ninth month of a 10-month welding program. He is not married and has no children. He has been offered employment by a DOD contractor contingent on him obtaining a security clearance. After submitting a security clearance application (SCA) in July 2023, he was granted an interim security clearance, and he started working for the DOD contractor as a welder. In about December 2023, after the SOR was issued, his interim security clearance was withdrawn, and he was laid off by the DOD contractor. He is currently working in security for a non-government employer. Applicant is hoping his security clearance determination is favorable in this matter, which will allow him to return to work for the DOD contractor. (GE 1; Tr. 18-23)

### **Drug Involvement and Substance Misuse**

Applicant used marijuana, on almost a daily basis, from about June 2014 (high school) to June 2024. (SOR ¶ 1.a) He listed his marijuana use (up until March 2023) on the July 2023 SCA and disclosed that he had used marijuana for “sleep, depression, and anxiety.” He listed on the SCA that he did not intend to use marijuana in the future because he did “not want to ruin a big job opportunity over it.” He was interviewed by an authorized DOD investigator in August 2023. Applicant stated that he used marijuana from 2014 to March 2023. During his August 2023 background interview, he told the investigator that it was unlikely he would use or purchase marijuana in the future, and - he was aware that it was prohibited by federal law. He stated, “[I] stopped using and purchasing drugs completely and [I am] putting career opportunities first...” During the hearing he stated his last use of marijuana occurred in June 2024. He admitted he had resumed marijuana use on approximately four occasions since he completed the SCA in July 2023. (GE 1, 2; Tr. 23-29)

When Applicant was queried during the hearing as to why he would continue using marijuana after making assurances that he would not use it in the future, he stated:

Because I had trouble sleeping. And with the diagnosis of Post-Traumatic Stress Disorder (PTSD) given to me by the doctors, I don't want to be put on any medications that could possibly be detrimental when I'm using heavy machinery. (Tr. 27)

Applicant admitted that his cohabitant girlfriend uses marijuana, and estimated her last use of it occurred in about June 2025. He purchased marijuana monthly from a dispensary until he stopped all use in June 2024. (SOR ¶ 1.b) He resides in a state that legalized the recreational use of marijuana in 2021. He admitted during his teenage years he had used LSD one time, psilocybin mushrooms, and abused prescription medications, Xanax and Percocet, without a valid prescription. He has not used these drugs since his teenage years. (GE. 2; Tr. 30-34)

## **Criminal Conduct**

SOR 2.a alleges Applicant was arrested in June 2018 for assault and battery on a family member due to an altercation with his father while Applicant was intoxicated. The charge was dismissed.

Applicant explained that he was drinking alcohol excessively with his father when his father insulted one of his friends. Applicant became angry and threw a punch at his father, which started a brawl, and his brother called the police. Applicant admitted that he had consumed a bottle of Captain Morgan rum at the time of his arrest. His father refused to cooperate with the prosecutor and the charge was subsequently dismissed. Applicant and his father both drank alcohol and would get into physical altercations on about a weekly basis, until Applicant moved out of the home. (GE 2, 3, 4; Tr. 34-37)

SOR 2.b alleges in about May 2021, Applicant experienced a mental breakdown following his consumption of approximately 12 vodka mixed drinks at a bar, during which he blacked out and proceeded to cause significant physical damage to the establishment. He was arrested and charged with criminal mischief, misdemeanor destruction of property, and drunk and disorderly. He was fined, order to attend therapy and counseling, and to serve one year of probation.

In about May 2021, Applicant explained that he and his sister went to a bar. There were no other customers, only the bartender and bar manager were present, when they arrived. They were served numerous shots of liquor to the point Applicant blacked out. Upon leaving the bar, he destroyed property for no particular reason, and he also noted that no one was hurt. When the police arrived, he admitted he had a mental breakdown and was transported to the psychiatric ward of a hospital for evaluation and treatment. At his court hearing he pleaded guilty and was required to pay approximately \$1,500 restitution to the bar owner, and he served one year of probation. (Tr. 37-40; GE 1, 2)

### **Alcohol Consumption, Personal Conduct, and Psychological Conditions**

Guideline G (paragraph 3 of the SOR) and Guideline E (paragraph 4) cross-alleged the information set forth in SOR ¶¶ 2.a and 2.b., cited above. (SOR ¶¶ 3.a and 4.a) Guideline I (paragraph 5) alleged, “As a result of the incident and charges set forth in subparagraph 2.b., above, you received court-ordered inpatient psychiatric treatment [at hospital] from approximately June 2021 to July 2021. You were diagnosed with psychosis, PTSD, anxiety and depression.” (SOR ¶ 5.a)

During the hearing, Applicant stated he used to drink alcohol before going to work on third shift. He disclosed in the 2023 SCA that **since June 2021 he has remained sober.** (emphasis added) He listed that his family, girlfriend, and friends held an intervention (no date provided) for him and asked him to abstain from drinking alcohol. His typical use of alcohol was drinking a six-pack of beer and taking multiple shots of liquor, as many as 12 shots, on a daily basis. During the hearing he admitted he had returned to drinking alcohol four months after he received the 2021 inpatient treatment. He acknowledged that the medical staff advised him to refrain from drinking alcohol, however; he thought he could manage his alcohol intake. He stated, “I would only [drink alcohol] on the weekends. And then [his consumption of alcohol] had quickly spiraled out into [drinking] every day again.” This information contradicts with the information he disclosed on the July 2023 SCA where he listed since June 2021, he has remained sober.

Applicant testified during the hearing that his last drink of alcohol occurred on September 24, 2023, after he had consumed alcohol for two-full days. He started the Alcoholics Anonymous (AA) program the next day following the advice of a neighbor. He stated that he is still active in the AA program two years after he joined. He attends AA meetings five days a week, and he also has a sponsor. (Tr. 40-50; GE 1)

Applicant testified during the hearing that his excessive use of alcohol triggered his mental breakdown, which led to his 2021 involuntary commitment in the psychiatric

ward of the hospital. After his discharge, he was court-ordered to receive ten weeks of intensive outpatient care. Other than this treatment, he has not been involved in any other mental health treatment, and he is not taking any prescribed medication for his diagnosed conditions. (GE 1, 2; Tr. 44-47, 50-51)

## **Policies**

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are 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, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), 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 access to classified information will be resolved in favor of 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 not drawn inferences grounded 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 applicant or proven by Department Counsel and has the ultimate burden of persuasion to obtain a favorable security 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 of 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 H: Drug Involvement and Substance Misuse**

AG ¶ 24 expresses the security concern for drug involvement:

The illegal use of controlled substances . . . can raise questions about an individual’s reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person’s ability or willingness to comply with laws, rules, and regulations.

I have considered the disqualifying conditions for drug involvement under AG ¶ 25 and the following are potentially applicable:

- (a) any substance misuse;
  
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and
  
- (g) ...failure to clearly and convincingly commit to discontinue such misuse.

Applicant admitted he used marijuana, with varying frequency, from about 2014 to June 2024. He also purchased marijuana, spending as much as \$30 to \$40 each month. He made assurances to the government in July and August 2023 that he would not use marijuana in the future, but he resumed marijuana use on at least four occasions until June 2024. The above disqualifying conditions apply.

I have considered the mitigating conditions under AG ¶ 26. The following are potentially applicable:

- (a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment; and
  
- (b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:

- (1) disassociation from drug-using associates and contacts;

(2) changing or avoiding the environment where drugs were used;  
and

(3) providing a signed a statement of intent to abstain from all drug involvement or substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility.

Applicant used marijuana for about a decade on an approximately daily basis. He also used it after completing his July 2023 SCA, and after he told the investigator during his August 2023 background interview that it was highly unlikely he would use marijuana in the future. Despite his assurances that he did not intend to use marijuana in the future, he resumed his use of marijuana until June 2024. “A person who broke a promise to abide by drug laws after being placed on notice that drug use is not compatible with access to classified information has not demonstrated the quantum of reliability expected of those with access to classified information.” ISCR Case No. 16-03460 at 4 (App. Bd. May 24, 2018)

Applicant admitted that he was aware marijuana use was prohibited by federal law. After he completed the July 2023 SCA for a security clearance, he acknowledged he used marijuana on approximately four other occasions until June 2024. He testified during the hearing that his cohabitant girlfriend uses marijuana in their home, but he then stated that her use of marijuana had tapered off in the last few months. Due to inconsistent statements provided by Applicant, I did not find him to be a credible witness.

Applicant’s almost daily use of marijuana over a long period of time requires a sufficient period of abstinence to show he is truly committed to remaining drug-free. I find that more time is needed to show his rehabilitation. Also, his return to using marijuana after completing the July 2023 SCA and telling the investigator that it was unlikely he would resume using marijuana demonstrates that he does not possess the good judgment and reliability required by individuals entrusted with protecting classified and sensitive information. None of the mitigating conditions apply. The drug involvement and substance misuse security concerns are not mitigated.

## **Guideline J: Criminal Conduct**

The security concern related to the criminal conduct guideline is set out in AG ¶ 30:

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 lists conditions that could raise a security concern and may be disqualifying. The following potentially apply:

(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; and

(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.

The record evidence establishes AG ¶¶ 31(a) and 31(b). Applicant was involved in a 2018 assault and battery arrest, and a 2021 arrest for criminal mischief, destruction of property, and drunk and disorderly.

AG ¶ 32 lists two conditions that could mitigate the security concerns:

(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.

It is clear from the record that both criminal offenses were committed while Applicant was impaired by alcohol. The discussion under alcohol consumption, Guideline G, below, applies equally here. I do not find sufficient evidence of successful rehabilitation from his excessive use of alcohol, which also contributed to his criminal actions. Since I found that he is not considered fully rehabilitated from his excessive alcohol use under Guideline G, he has not established that criminal conduct is unlikely to recur; and it continues to cast doubt on Applicant's reliability, trustworthiness, and good judgment. AG ¶¶ 32(a) and 32(d) are not applicable. Criminal conduct security concerns are not mitigated.

### **Guidelines G and E: Alcohol Consumption and Personal Conduct**

AG ¶ 21 describes the security concern about 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 ¶ 15 describes the security concern about personal conduct.

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 clearance investigative or adjudicative processes.

AG ¶ 22 provides conditions that could raise an alcohol consumption security concern and may be disqualifying in this case as follows:

(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;

(b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder; and

(c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.

AG ¶ 16 describes a condition that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

(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:

(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;

(2) any disruptive, violent, or other inappropriate behavior;

(3) a pattern of dishonesty or rule violations; and

(4) evidence of significant misuse of Government or other employer's time or resources.

Applicant's admissions and the record evidence support application of AG ¶¶ 22(a), 22(c), and 16(d). Discussion of the disqualifying conditions is in the mitigating section, *infra*.

AG ¶ 23 lists four 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 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;

(c) the individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; 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.

AG ¶ 17 provides conditions that could mitigate personal conduct security concerns. The following are potentially applicable:

(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.

Applicant is not a credible witness. As such, his testimony, standing alone, that he "stopped drinking alcohol in September 2023" is not sufficient to demonstrate a pattern of abstinence. He listed on the July 2023 SCA that he had remained sober since June 2021.

During the hearing, he provided contradicting testimony that he resumed drinking alcohol four months after his 2021 treatment, notwithstanding advice from the medical staff to abstain from using alcohol. "I would only [drink alcohol] on the weekends. And then [my consumption of alcohol] had quickly spiraled out into [drinking] every day again." Applicant did not provide any supporting documentation of recent alcohol-related treatment, attendance at his alcohol support group, or even a letter of recommendation from his sponsor while the record was held open for one month. He did not provide corroboration of his claim that he was attending AA meetings five days a week.

There is insufficient evidence in the record to show that Applicant is fully rehabilitated from his excessive use of alcohol. A longer period of sobriety and supporting evidence of his abstinence is needed in this instance. At this time, I find alcohol-related misconduct is likely to recur, and it continues to cast doubt on Applicant's reliability, trustworthiness, and good judgment. The above mitigating conditions are not applicable. Applicant failed to mitigate Guideline G and Guideline E security concerns.

### **Guideline I: Psychological Conditions**

AG ¶ 27 expresses 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.

Psychological Conditions Disqualifying Conditions under AG ¶ 28, that could raise a security concern:

(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 treatment; 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.

Testimony and Applicant's admissions support the application of AG ¶¶ 28(a) and 28(c).

I considered the following 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 has indications of emotional instability; and

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

Although Applicant admitted that he was involuntarily committed in June 2021 for conditions diagnosed as psychosis, PTSD, anxiety and depression, there were no treatment documents in the record. AG ¶ 27 states that a formal diagnosis of a disorder is not required for there to be a concern under this guideline. However, AG ¶ 27 also states 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. That important step was not made in this case.

Without information in the record from a duly qualified mental health professional, the government is unable to show that Applicant still suffers from a psychological condition this is not under control and potentially impairs his ability to protect classified information. There is no medical treatment, opinion, or prognosis in the record. Without this information, I am unable to find the government has met their burden of proof to raise legitimate psychological conditions security concerns that are relevant to Applicant. As such, I find Guideline I in favor of 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 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 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. I have incorporated my comments under Guidelines H, J, G, E, and I and the AG ¶ 2(d) factors in this whole-person analysis.

The Federal government must have a high degree of trust and confidence in persons granted access to classified information. In deciding whether to grant or continue access to classified information, the Federal government can take into account facts and circumstances of an applicant's personal life that shed light on the person's judgment, reliability, and trustworthiness. Furthermore, security clearance decisions are not limited to consideration of an applicant's conduct during work or duty hours. Even if an applicant has a good work record, his off-duty conduct or circumstances can have security significance and may be considered in evaluating the applicant's national security eligibility.

Applicant promised the government on more than one occasion that he would not use illegal drugs in the future; however, he failed to keep those promises. He has a long history of illegal drug use and excessive consumption of alcohol. His use of alcohol contributed to his criminal actions. I am not convinced that his poor actions will not resurface when the pressure of retaining his security clearance is removed. He was not a credible witness, and he did not provide sufficient information to meet his burden of mitigation. Accordingly, I find it is not clearly consistent with the interests of national security of the United States to grant him eligibility for access to classified information.

## **Formal Findings**

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline H:	AGAINST APPLICANT
Subparagraphs 1.a and 1.b:	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraphs 2.a and 2.b:	Against Applicant
Paragraph 3, Guideline G:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Paragraph 4, Guideline E:	AGAINST APPLICANT
Subparagraph 4.a:	Against Applicant
Paragraph 5, Guideline I:	FOR APPLICANT
Subparagraph 5.a:	For Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, I conclude that it is not clearly consistent with national security to grant or continue Applicant's national security eligibility. Eligibility for access to classified information is denied.

Pamela C. Benson  
Administrative Judge