



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



In the matter of:)
)
) ISCR Case No. 25-00107
)
Applicant for Security Clearance)

Appearances

For Government:
Troy Nussbaum, Esquire, Department Counsel

For Applicant:
Pro se

04/07/2026

Decision

CEFOLA, Richard A., Administrative Judge:

Statement of the Case

On September 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 E and F. The SOR further informed Applicant that, based on information available to the government, DoD adjudicators could not make the preliminary affirmative finding it is clearly consistent with the national interest to grant or continue Applicant’s security clearance.

Applicant answered the SOR on November 15, 2025, and requested a hearing before an administrative judge. (Answer.) The case was assigned to me on December 18, 2025. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on January 7, 2026, scheduling the hearing for February 12, 2026. The hearing was convened as scheduled. The Government offered Exhibits (GXs) 1 through 8, which were admitted without objection. The Government also called one witness to testify, and amended the SOR, twice, during the hearing. (See Findings of Facts, below.) Applicant testified on his own behalf. The record was left open until March 12, 2026, for receipt of additional documentation. Applicant submitted a closing statement in a timely fashion. The record then closed. DOHA received the transcript of the hearing (TR) on February 23, 2026.

Findings of Fact

Applicant admitted all the allegations in SOR, except for the amended allegation ¶ 1.j. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is a 36-year-old employee of a defense contractor. He is married and has three minor children. (TR at page 6 line 12 to page 7 line 2, at page 37 lines 5~14, and at page 41 lines 4~21.)

Guideline E, Personal Conduct

1.a. Applicant admits that he was terminated by his prior employe, in August of 2023, for cause, as testified to at length by that employer’s “Talent Relations Manager . . . essentially. . . human resources.” That termination was the result of admitted allegations 1.b.~1.e. (Allegations 1.b.~1.d. were amended deleting the words “employment application,” substituting therefore his recent employer’s “Background Investigation.” (TR at page 8 line 14 to page 9 line 2, at page 24 line 21 to page 29 line 17, at page 66 line 15 to page 68 line 24, GX 3 at page 5, GX 4, and GXs 5a and b.)

1.b~1.d Applicant admits that, in September of 2021, he falsified his work history, his professional career start date, and his claimed, former “Full-Time” employment with other companies, in answer to a background investigation by his prior employer. (TR at page 18 line 9 to page 19 line 23, at page 21 line 11 to page 23 line 5, at page 45 line 12 to page 47 line 19, at page 89 line 21 to page 94 line 16, GX 4 at page 2, and GX 5.)

1.e. Applicant admits that, in August 2023, he falsified his work history, in answer to an investigation by his most recent employer. (TR at page 19 line 24 to page 20 line 8.)

1.f. Applicant admits that he falsified material facts in answer to “Section 13A – Employment Activities” on his February 28, 2024, Electronic Questionnaires for Investigations Processing (e-QIP) regarding his termination from his prior employer. (TR at page 43 lines 8~14, at page 69 line 1 to page 75 line 12, and GX 1 at pages 11~13.)

1.g. and 1.i. Applicant admits that, on August 8, 2025, and again on August 26, 2025, he falsified material facts in responses to interrogatories from DOHA, as to the reasons for his termination from his prior employer. (TR at page 43 lines 8~14, at page 69 line 1 to page 75 line 12, and GX 4.)

1.h. Applicant admits that he falsified his work history when Applicant submitted his resume to another prospective employer. (TR at page 59 lines 10~14, at page 60 line 6 to page 61 line 12, and at page 97 line 16 to page 100 line 24.)

1.j. Applicant denies that, on August 8, 2025, he falsified material facts in response to another interrogatory from DOHA, as to the reasons for his termination by his prior employer. I find that Applicant was informed of all the reasons for his termination. (TR at page 43 lines 8~14, at page 69 line 1 to page 75 line 12, and GX 4.)

1.k. and 1.l. Applicant admits that, on August 26, 2025, he falsified material facts in responses to interrogatories from DOHA, regarding date discrepancies, and regarding job position titles and descriptions on his resume. (TR at page 43 lines 8~14, at page 69 line 1 to page 75 line 12, at page 96 lines 8~21, and GX 4.)

Guideline F - Financial Considerations

2.a. Applicant admits that he has a past-due debt to Creditor A in the amount of about \$30,053. He has submitted nothing further in this regard. I find that this admitted debt has not been resolved. (TR at page 31 line 17 to page 34 line 7, and GX 7 at page 2.)

Policies

When evaluating an applicant's suitability for 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.

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 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 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 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. Two are clearly 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; and

(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.

Applicant's repeated falsifications spanned a period of about five years starting in September of 2021 and continuing until at least August of 2025. At his hearing, he also appeared less than candid in his testimony. No mitigating conditions apply. Personal Conduct is found against Applicant.

Guideline F - Financial Considerations

The security concern relating to the guideline 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. Three are potentially applicable in this case:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so; and
- (c) a history of not meeting financial obligations.

Applicant has a \$30,000 past-due debt that he has yet to address. I find no mitigating conditions that are applicable. Financial Considerations 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 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 common-sense 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 facts and circumstances surrounding this case. I have incorporated my comments under Guidelines E and F in my whole-person analysis. Despite having a month to do so, Applicant has submitted nothing on his behalf. 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 failed to mitigate the personal conduct, and financial considerations 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 E:	AGAINST APPLICANT
Subparagraphs 1.a~1.l:	Against Applicant
Paragraph 2, Guideline F:	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