



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



In the matter of:)
)
) ISCR Case No. 25-00746
)
Applicant for Security Clearance)

Appearances

For Government:
Aubrey De Angelis, Esquire, Department Counsel

For Applicant:
Ryan C. Nerney, Esquire, Applicant’s Counsel

04/20/2026

Decision

CEFOLA, Richard A., Administrative Judge:

Statement of the Case

On March 25, 2024, Applicant submitted a security clearance application (SCA). On August 19, 2025, in accordance with DoD Directive 5220.6, as amended (Directive), the Department of Defense issued Applicant a Statement of Reasons (SOR) alleging facts that raise security concerns under Guideline G. 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 Defense on June 8, 2017.

Applicant answered the SOR in writing (Answer) on September 9, 2025, and requested a hearing before an administrative judge. The case was assigned to me on January 13, 2026. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on January 21, 2026. I convened the hearing as scheduled on March 23, 2026. The Government offered Government Exhibits (GXs) 1 through 7, and three additional enclosures GXs I through III, which were admitted without objection. Applicant testified on his own behalf, called one witness, and offered Applicant Exhibits (AppXs) A through N, which were admitted without objection. DOHA received the transcript of the hearing (TR) on April 6, 2026. The record was left open for the receipt of additional evidence. On March 24, 2026, AppX O and one additional enclosure AppX IIII, was submitted, and received without objection. The record closed at that time.

Findings of Fact

Applicant admitted both the allegations of the SOR. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is a 55-year-old employee of a defense contractor. He has been employed with the defense contractor since 2005. Applicant served in the U.S. Army from 1997 to 2004 and achieved the rank of Sergeant E-5. Applicant has held a security clearance since 2005. He is married and has three adult children. (TR at page 6 lines 8~19, at page 21 line 18 to page 25 line 6, and GX 1 at page 37.)

Guideline G: Alcohol Consumption (The two allegations are discussed in chronological order.)

1.b. Applicant admits that on or about November 29, 2021, he was arrested and charged, in part, with an Extreme Driving Under the Influence of Alcohol (DUI) above 0.20. He was at a golf tournament, and consumed about 15 beers, “probably more,” prior to his arrest. (TR at page 26 line 4 to page 31 line 17, at page 50 line 1 to page 51 line 4, GXs 2~5, and AppXs I and J.)

1.a. Applicant admits he was evaluated by a licensed clinical psychologist on about March 18, 2025. She determined he met the diagnostic criteria for Alcohol Use Disorder, Severe. The psychologist opined that Applicant’s ongoing habitual and binge consumption of alcohol could pose a significant risk to his judgment, reliability, or trustworthiness concerning classified information.

Applicant has a history of heavy binge drinking. On weekends, he would consume about ten beers a day during a twelve-hour period. This consumption continued, unabated, after his November 2021 arrest. Receipt of the SOR, in August of 2025, did little to affect Applicant’s alcohol consumption. Only after receipt of the psych report, noted above, did Applicant decrease his alcohol consumption. He last consumed alcohol on or about January 26, 2026, a couple of months prior to his hearing. The next day, January 27, 2026, signed a written statement of “intent not to abuse or misuse alcohol in

the future.” At his hearing, Applicant avers that he is now seriously considering abstaining from alcohol, completely. (TR at page 33 line 8 to page 61 line 19, and AppX K.)

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 a serious problem with the consumption of alcohol, as evidenced by his November 2021 alcohol-related arrest and his March 2025 psych evaluation. These facts 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 are applicable. Applicant has been clean and sober since about the end of January, less than three months ago. Not enough time has passed, typically about a year, to say that his past, excessive binge drinking is not of present security significance. Alcohol Consumption 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 Guideline G in my whole-person analysis. Applicant is respected in the workplace as testified to by his manager. He performs well at his job. (TR at page 12 line 17 to page 20 line 14.)

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 Alcohol Consumption 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 the Directive, are:

Paragraph 1, Guideline G: AGAINST APPLICANT

Subparagraphs 1.a. and 1.b: 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