



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



In the matter of:)
)
) ISCR Case No. 25-00607
)
)
Applicant for Security Clearance)

Appearances

For Government: Cynthia Ruckno, Esq., Department Counsel
For Applicant: *Pro se*

04/22/2026

Decision

Lokey Anderson, Darlene D., Administrative Judge:

Statement of the Case

On October 1, 2024, Applicant submitted a security clearance application (e-QIP). (Government Exhibit 1.) On July 29, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline G, Alcohol Consumption; and Guideline E, Personal Conduct. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines (AG) effective within the DoD after June 8, 2017.

Applicant answered the SOR on August 14, 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 issued a notice of hearing on January 12, 2026,

and the hearing was convened as scheduled on March 24, 2026. The Government offered seven exhibits, referred to as Government Exhibits 1 through 7, which were admitted without objection. Applicant offered five exhibits, referred to as Applicant's Exhibits A through E, which were admitted without objection. Applicant testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on April 6, 2026.

Findings of Fact

Applicant is 44 years old. He is not married. He has a high school diploma and about two years of college. He is employed by a defense contractor as a Instrumentation Technician Senior. He is seeking to obtain a security clearance in connection with his employment.

Guideline G: Alcohol Consumption

Applicant's history of alcohol abuse has resulted in a series of arrests, charges, and convictions and unnecessary encounters with law enforcement, which raise questions about his ability or willingness to comply with laws, rules, and regulations and raises questions about his judgment, reliability and trustworthiness.

Applicant began working for his current employer in September 2023. He applied for a security clearance on October 1, 2024. He stated that he consumed alcohol for the first time when he turned 21 year old, but he really did not start drinking until he was 29 or 30. (Tr. p. 22.) In a subject interview dated November 1, 2024, Applicant stated that from 2010 to about 2023, he would normally consume alcohol about once a week to excess. On those occasions he would drink beer or whiskey. (Government Exhibit 2.) At the hearing, he explained that when he consumes alcohol, he has a tendency to drink to excess. He described his excessive drinking as occurring either once or twice a week, and escalating when he moved to Colorado Springs in 2021 or 2022. In Colorado, he tried to restrict his excessive drinking to the weekends, on Fridays and Saturdays. On these weekends he would normally consume about a half bottle of whiskey or the equivalent in beer or wine; which he described as more than two six packs of beer, or more than two bottles of wine. Sometimes on Wednesdays he would drink, but not as much as on the weekend because he knew that he had to get up and go to work the next day. (Tr. p. 61)

Applicant's excessive drinking has been very problematic for him. In March 2016, Applicant was arrested and charged with Operating Vehicle Under the Influence, OUI (Alcohol). He was intoxicated at the time of the arrest. (Government Exhibit 4.) In December 2019, he was arrested and charged with Obstructing a Peace Officer. He was intoxicated at the time of the arrest. (Government Exhibit 6.) In November 2022, he was charged with Trespass, and was intoxicated at the time of the arrest. (Government Exhibit 5.) Applicant stated that he has satisfied all of the sentencing conditions imposed by the

court as a result of these arrests. He has continued to consume alcohol to excess despite these arrests.

Applicant testified that he last consumed alcohol the weekend before the hearing, and he drank a six pack of Guinness. (Tr. p. 68.) He stated that he does not believe that he is an alcoholic, because he thinks of an alcoholic as someone who drinks everyday, and he does not drink everyday. He does not understand why it is that when he consumes alcohol, he always drinks to excess. (Tr. pp. 97-98.)

Guideline E: Personal Conduct

2.a. Applicant completed a security clearance questionnaire dated October 1, 2024. In response to Question 22, concerning his police record, when discussing his December 2019 arrest for Obstructing Peace Officer, he was not entirely forthcoming about what actually happened that day. (Government Exhibit 1.) He stated that he found someone rifling through his mailbox and removed them from his property. Upon review of the police report, Applicant was heavily intoxicated when the police arrived at his house, and was witnessed tearing up mail out of his mailbox. He had confronted and shoved a female neighbor that he did not recognize. Applicant was not cooperative with the police, and he was bleeding from cuts on his chin and nose. Applicant refused to identify himself to the police, and claimed that he was Jesus Christ. After being handcuffed, he attempted to chest bump the police officer. As the police were transporting Applicant to a detoxification facility, he started slamming his head on the partition of the vehicle and kicking the windows. Applicant made vague threats toward the officer, stating, "just wait till these cuffs come off," and made at least one racist remark. The police transported Applicant to the county detention facility. Applicant was not cooperative at the jail and repeatedly kicked the door. After reviewing the police report, Applicant accepts the police version of the events. (Government Exhibit 6.)

2.b. The same questionnaire, in response to Question 22, concerning Applicant's police record, when discussing his November 2022 charge for Trespass, he was not entirely forthcoming about what actually happened that day. (Government Exhibit 1.) He stated that he was buying food for a couple of homeless folks and they were asked to leave the McDonald's where he had purchased the food. They ended up stealing his phone and leaving him to talk with the police about the incident. Applicant failed to discuss the fact that he was heavily intoxicated at the time of the arrest, and that he went back into the kitchen portion of the McDonald's restaurant that is restricted for employees only and would not leave. That is why he was charged with Trespass. (Government Exhibit 5.)

2.c. During an interview with an investigator dated November 1, 2024, when discussing his December 2019 arrest for Obstructing Peace Officer, Applicant was not entirely forthcoming about what actually happened that day. (Government Exhibit 2.) Applicant failed to state among other derogatory things that he was heavily intoxicated when the police arrived at his house. He was at times violent and rude, and made derogatory remarks to the police. Overall he was extremely uncooperative. (Government Exhibit 6.)

2.d. During an interview with an investigator dated November 1, 2024, when discussing his November 2022 Trespass charge, Applicant was not entirely forthcoming about what actually happened that day. (Government Exhibit 2.) Applicant failed to state that he was heavily intoxicated at the time, and that he trespassed into the kitchen portion of the McDonald's restaurant that is restricted for employees only, and he would not leave. That is why he was charged with Trespass. (Government Exhibit 5.)

2.e. In response to interrogatories from the Defense Counterintelligence and Security Agency, Adjudication and Vetting Services dated April 7, 2025, when discussing his December 2019 arrest for Obstructing Peace Officer, Applicant was not entirely forthcoming about what actually happened that day. (Government Exhibit 4.) Applicant failed to state among other derogatory things that he was heavily intoxicated when the police arrived at his house. He was at times violent and rude, and made derogatory remarks to the police. Overall he was extremely uncooperative. (Government Exhibit 6.)

2.f. In response to interrogatories from the Defense Counterintelligence and Security Agency, Adjudication and Vetting Services dated April 7, 2025, when discussing his November 2022 Trespass charge, Applicant was not entirely forthcoming about what really happened that day. (Government Exhibit 4.) Applicant failed to state that he was heavily intoxicated at the time, and that he trespassed into the kitchen portion of the McDonald's restaurant that is restricted for employees only, and he would not leave. That is why he was charged with Trespass. (Government Exhibit 5.)

2.g. Applicant was terminated from his job in about December 2022 for "Inappropriate Speaking to a Third Party Vendor." Applicant reported having consumed alcohol the night before and not sleeping well. He took a Lyft to work that day and the Lyft driver became concerned with something about Applicant's behavior, causing him to call the police. (Government Exhibit 3.) The police arrived and interviewed the Applicant at work, and Applicant was sent home for the day. It was apparent to the Lyft driver that Applicant was obviously under the influence of alcohol or something else. Applicant was either intoxicated or in an impaired condition from alcohol when he arrived at work. He was subsequently terminated from his job for this misconduct. (Tr. p. 91.)

Letters of recommendation from a Manufacturing Manager; Applicant's Direct Supervisor; a Production Supervisor; and other professional colleagues, indicate that Applicant is reliable, trustworthy, and professional in all aspects of his job. He exercises sound judgment and demonstrates integrity in handling his responsibilities. He is dependable and highly ethical. He is recommended for a security clearance. (Applicant's Exhibit A.)

Applicant submitted a copy of his Executive Health Panel showing a commitment to health and well-being. (Applicant's Exhibit B.) He also submitted an Exercise Attendance Record. (Applicant's Exhibit E.)

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 to be 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, 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.

Directive ¶ E3.1.14, requires the Government to present evidence that establishes controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the "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 applies for access to classified information 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 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 EO 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 G: Alcohol Consumption

AG ¶ 21 expresses the security concern pertaining to 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 ¶ 22 describes conditions that could raise a security concern and may be disqualifying. The disqualifying conditions raised by the evidence are:

(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 was diagnosed with alcohol use disorder.

Applicant's history of excessive alcohol abuse has been problematic for the Applicant resulting in three arrests and continued abusive drinking. This conduct raises serious security concerns under AG ¶¶ 22(a), 22(b), and 22(c).

AG ¶ 23 provides 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 good 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 or 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.

Applicant's excessive alcohol consumption has not stopped. He still does not recognize the seriousness of his alcohol problem and has not tried to abstain or even significantly reduce his drinking. The weekend before the hearing, he consumed a six pack of beer. Before that, he drank on St. Patrick's Day. Considering his alcohol-related arrest history, including a job termination, which were all caused by his heavy and excessive drinking, he has not responded reasonably or responsibly, nor has he demonstrated the level of good judgment, reliability and trustworthiness necessary to access classified information. ¶ 23 does not provide mitigation. Accordingly, Guideline G is found against Applicant.

Guideline E - Personal Conduct

The security concern 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 guideline notes several conditions that could raise security concerns under AG ¶ 16. Three 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 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 while-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.

The guideline at AG ¶ 17 contains conditions that could mitigate security concerns. None of the conditions are applicable:

(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;

(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; and

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Applicant was not forthcoming in discussing his alcohol-related arrests and charges on his security clearance questionnaire; in response to interrogatories; or during his subject interview. When he described these encounters with law enforcement, he was careful not to disclose things that were derogatory about him. He was not open, honest, candid, or truthful, in providing his responses. Bits and pieces of his descriptions

of the events have some accuracy, but the derogatory portions about him have been omitted. Applicant deliberately omitted and concealed relevant material facts from the Government about his arrests and charges to make himself look better. He was deceptive and cannot be trusted to tell the whole truth, and accordingly, he is not qualified to protect the national secrets. Under the circumstances, Guideline E 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 commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

Considered in totality, Applicant's overall conduct precludes a finding of good judgment, reliability, and/or the ability to abide by rules and regulations. To be entrusted with the privilege of holding a security clearance, applicants are expected to abide by all laws, regulations and policies that apply to them. Applicant has a pattern of alcohol abuse and dishonesty. He has not stopped his alcohol abuse, and he was deliberately not truthful in his responses to the Government. This shows poor judgment, unreliability, and untrustworthiness.

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 E, in my whole-person analysis. Based upon the facts and analysis set forth above, Applicant has failed to provide sufficient evidence to demonstrate that he meets the qualifications for a security clearance.

Overall, the record evidence leaves me with many 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, and Personal Conduct 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. through 1.d.	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a. through 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.

Darlene Lokey Anderson
Administrative Judge