



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



In the matter of:)
)
) ISCR Case No. 24-01158
)
Applicant for Security Clearance)

Appearances

For Government:
Brian L. Farrell, Esquire, Department Counsel

For Applicant:
Pro se

04/14/2026

Decision

CEFOLA, Richard A., Administrative Judge:

Statement of the Case

On September 12, 2024, 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 Guidelines E, J, and H. 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 December 11, 2024, and requested a hearing before an administrative judge. (Answer.) On November 21, 2025, the Department of Defense amended the SOR by alleging additional facts that raise security concerns under Guideline F. 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 9, 2026, scheduling the hearing for March 12, 2026. The hearing was convened as scheduled. The Government offered Exhibits (GXs) 1 through 7, which were admitted without

objection. Applicant testified on his own behalf and called four witnesses to testify. Applicant offered no documentation. DOHA received the transcript of the hearing (TR) on March 23, 2026.

Findings of Fact

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

Applicant is 46 years old. He is not married, but has an adult son, two minor daughters and an “adopted” minor daughter. Applicant has an associate degree. (TR at page 5 line 10 to page 6 line 13, at page 31 line 9 to page 36 line 25, and GX 1 at page 17.)

Guideline E - Personal Conduct, Guideline J - Criminal Conduct & Guideline H - Drug Involvement and Substance Misuse (The SOR allegations are discussed in chronological order.)

1.h. and 2.a. Applicant admits in October 1998, he was arrested for, and subsequently found guilty of, Simple Assault, Public Peace, Trespassing and Intimidation/Stalking. Applicant was sentenced to 12 months of probation.

1.g. and 2.a. Applicant admits in March 1999, five months later, he was arrested for, and subsequently pled guilty to, Possession of a Weapon by a Felon. Applicant was sentenced to 12 months of probation. (TR at page 75 line 23 to page 76 line 17.)

1.f, 2.a. and 3.b. Applicant admits in September 1999, six months later, he was arrested for, and subsequently pled guilty to, Unlawful Possession of Crack Cocaine with Intent to Distribute, a felony. He avers that he was sentenced to prison for four years. (TR at page 43 line 9 to page 49 line 4, at page 76 line 19 to page 77 line 3, and GX 2 at page 11.)

1.e, 2.a. and 3.b. Applicant admits in June 2008, he was cited for Possession of Marijuana.

1.d. and 2.a. Applicant admits in July 2008, one month later, he was arrested for, and subsequently found guilty of, Obstruction-Refusal to give True Name. (TR at page 74 line 13 to page 75 line 22.)

1.c, 2.a. and 3.b. Applicant admits in September 2009, he was arrested for, and subsequently found guilty of, Possession of Marijuana. Applicant was sentenced to 10 years of probation. (TR at page 68 lines 3~12, at page 71 line 3 to page 76 line 23, and at page 29 line 10 to page 80 line 15.)

1.b, 2.a. and 3.b. Applicant admits in January 2013, he was arrested for Possession of Marijuana for Sale and Money Laundering. Applicant subsequently pled guilty to money laundering and sentenced to probation. (GX 2 at page 14.)

1.a, 2.a. and 3.b. Applicant admits in October 2015, he was arrested for, and subsequently pled guilty to, Possession of 450 Grams of Heroin. He avers that he was sentenced to prison for five years. (TR at page 34 lines 7~10, at page 37 line 1 to page 43 line 8, at page 49 line 8 to page 53 line 13, at page 72 line 24 to page 73 line 10, and at page 80 line 16 to page 82 line 9.)

1.i. In his Answer to the SOR, Applicant admits that he falsified his August 2023 Electronic Questionnaire for Investigations Processing (e-QIP), when he only divulged his 2009 marijuana conviction, in “Section 22 – Police Record (EVER).” Applicant failed to disclose his March 1999 conviction for Possession of a Weapon by a Felon (1.g. above); his September 1999 conviction for Unlawful Possession of Crack Cocaine (1.f. above); his June 2008 citation for possession of marijuana (1.e. above); and his January 2013 charge of possession of marijuana for sale (1.b.). However, at his hearing, Applicant vacillated as to these prior admissions. I find his vacillations not to be believable, and that Applicant willfully falsified his e-QIP. (TR at page 88 line 11 to page 90 line 22, and GX 1 at pages 27~29.)

1.j. and 3.a. In his Answer to the SOR, Applicant admits that he falsified his August 2023 e-QIP, when he answered, “No,” to “Section 23 – Illegal Use of Drugs or Drug Activity In the last seven years, have you illegally used any drugs or controlled substance?” I find this to be a willful falsification. He used marijuana on average once or twice a week during that time frame. Applicant’s use of marijuana, in fact, spanned a period of about 20 years, from 1994 to 2023. He was also involved in the sale of marijuana. (TR at page 70 line 17 to page 74 line 18, at page 86 line 16 to page 87 line 17, and GX 1 at pages 29~30.)

Guideline F - Financial Considerations

4.a.~4.f. In his Answer to the amended SOR, Applicant admits six past-due debts totaling about \$11,000. These debts also appear as “past due” on the Government’s most recent November 2025 credit report. At his hearing, however, Applicant again vacillated as to some of these prior admissions. I find his vacillations not to be believable, and that Applicant owes these past-due debts. (TR at page 90 line 22 to page 97 line 18, and GX 6 at pages 1~2.)

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 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 must 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 (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 *a/so* 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. 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;

(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; and

(g) association with persons involved in criminal activity.

Applicant falsified his August 2023 e-QIP. He was also not candid about his previously admitted allegations at his hearing. Applicant was involved in criminal activity, ranging from felony possession of a weapon to illegal drug possession and distribution. The evidence is sufficient to raise these disqualifying conditions. I find no mitigating conditions that are applicable. Personal Conduct is found against Applicant.

Guideline J - Criminal Conduct

The security concern relating to the guideline for Criminal Conduct 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.

The guideline at AG ¶ 31 contains five disqualifying conditions that could raise a security concern and may be disqualifying. Two conditions apply, as discussed below:

(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.

Applicant has numerous convictions spanning a period of about 17 years, from October 1999 to October 2015. He spent a total of nine years in prison. Applicant was also involved in illegal drug activity spanning a period of about 30 years, from 1994 to 2023. This evidence clearly raises security concerns under these disqualifying conditions. Again, I find no mitigating conditions that are applicable. Criminal Conduct is found against Applicant.

Guideline H - Drug Involvement and Substance Misuse

The security concern relating to the guideline Drug Involvement and Substance Misuse is set forth at AG ¶ 24:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances

that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose 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. *Controlled substance* means any "controlled substance" as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

The guideline at AG ¶ 25 contains seven conditions that could raise a security concern and may be disqualifying. Two conditions are established:

- (a) any substance misuse (see above definition); and
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.

Appellant's drug involvement spanned a period of about 30 years, ending in 2023. He not only used illegal substances but was involved in their trafficking. I find no mitigating conditions that are applicable. Drug Involvement and Substance Misuse 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. Two are potentially applicable in this case:

- (a) inability to satisfy debts; and

(c) a history of not meeting financial obligations.

Applicant was alleged to be indebted on six debts totaling \$11,000. Those debts remain unresolved. 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 national security 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.

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, J, H, and F in my whole-person analysis. Applicant's mother and three friends testified on his behalf. (TR at page 12 line 24 to page 29 line 22.) However, he failed to mitigate the personal conduct, criminal conduct, drug involvement and substance misuse, 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.j:	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant

Paragraph 3, Guideline H:	AGAINST APPLICANT
Subparagraphs 3.a. and 3.b:	Against Applicant
Paragraph 4, Guideline F:	AGAINST APPLICANT
Subparagraphs 4.a~4.f:	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.

Richard A. Cefola
Administrative Judge