



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



In the matter of: )  
)  
) ISCR Case No. 24-00886  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Troy Nussbaum, Esq., Department Counsel

For Applicant: *Pro se*

04/01/2026

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**Decision**

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ROSS, Wilford H., Administrative Judge:

Applicant did not mitigate the security concerns under Guidelines I (Psychological Conditions), E (Personal Conduct), and G (Alcohol Consumption). He mitigated the concerns under Guideline H (Drug Involvement and Substance Misuse). Eligibility for access to classified information is denied.

**Statement of the Case**

On December 17, 2024, the Department of Defense (DOD) (renamed Department of War (DoW) on September 25, 2025) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines I, H, E, and G. 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) implemented by the DOD on June 8, 2017.

Applicant answered the SOR in writing (Answer) on December 29, 2024, and requested a hearing before an administrative judge. Department Counsel was prepared to proceed on September 4, 2025. The case was assigned to me on September 15, 2025. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on September 18, 2025. I convened the hearing as scheduled on December 2, 2025. The Government submitted Government Exhibits 1 through 13, which were admitted without objection. The Government also asked that I take administrative notice of various sections of the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5) concerning the following conditions: Bipolar Disorder I (Administrative Notice (AN) I); Bipolar Disorder II (AN II); Major Depressive Disorder (AN III); and Alcohol Use Disorder (AN IV). Applicant had no objection and notice was taken of the sections. (Tr. 18-19.)

Applicant testified on his own behalf. He requested the record remain open for submission of additional documentation. Applicant submitted Applicant Exhibits A through J in a timely manner and they were admitted without objection. DOHA received the transcript of the hearing on December 11, 2025. The record closed on January 16, 2026.

### **Findings of Fact**

Applicant is 29 years old, divorced, and has two daughters. He is a high school graduate and has taken some college courses. Applicant was medically retired from the Marine Corps in 2021, as further discussed below. He has been employed by a defense contractor since approximately June 2025 as an aircraft mechanic. He seeks to obtain national security eligibility and a security clearance in connection with his employment. (Government Exhibit 1 at Sections 12, 13A, 15, 17, and 18; Applicant Exhibit B.)

It is noted that Applicant's written statements and testimony were often vague, incomplete, or contradictory. He admitted to a history of telling persons in authority only the information he felt they deserved to know. In addition, he was not an accurate reporter of his own history. (See *for example* Tr. 24-29, 95-96, 98.)

### **Paragraph 1 (Guideline I Psychological Conditions)**

The Government alleges in this paragraph that Applicant is ineligible for clearance because he has engaged in conduct that may show emotional, mental or personality conditions that can impair judgment, reliability, or trustworthiness.

Applicant has suffered from a bipolar disorder for many years. The condition manifested itself during his time in the Marine Corps. He served in the Marine Corps from July 2014 until June 2021. His bipolar disorder during that period was so severe that he

attended a Physical Evaluation Board in 2021 and was medically retired that year because of the condition. It is unclear from the available record when his conditions began and what specific actions led the Marine Corps to separate him. (Government Exhibit 5 at 3; Applicant Exhibit B at 2, 5, and 6.)

Applicant has continued to suffer from a bipolar disorder, as well as a major depressive disorder, and alcohol use disorder as discussed in his medical records. The allegations in this paragraph of the SOR concern his treatment and will be discussed in chronological order.

1.e. Applicant admitted without exception that he had been evaluated on February 4, 2022, as part of a Compensation and Pension (C&P) evaluation by the Department of Veterans Affairs (VA). He was diagnosed with Post-Traumatic Stress Disorder (PTSD), Bipolar 1 Disorder, and Alcohol Use Disorder. Applicant stated that he had ongoing issues with PTSD. In addition, his Bipolar Disorder included both manic and depressive phases. During manic phases he consumes more alcohol than normal and engages in risk-taking behaviors. (Government Exhibit 7; Tr. 52-56.)

1.d. Applicant admitted the fact that he had been seen by Dr. T, a licensed clinical psychologist, in approximately May 2022. He also stated in his Answer that he no longer had the same job as he did at the time of this evaluation. Dr. T diagnosed him with PTSD and Major Depressive Disorder. She stated:

[Applicant] suffers from severe mood alterations with periodic depressive features, impaired concentration, irritability, and impaired stress tolerance that trigger panic attacks. His diagnosis of Major Depression significantly affects his personal relationships, work life, sleeping and eating habits, and general health. (Government Exhibit 11 at 1.)

With regard to her PTSD diagnosis Dr. T found Applicant's current symptoms included weekly panic attacks, suspiciousness, chronic sleep impairment, difficulty adapting to stressful situations, impaired impulse control, and intermittent inability to perform acts of daily living, including maintenance of minimal hygiene. (Government Exhibit 11 at 1-2.)

Applicant testified, "It's not nearly as bad as it was." He explained that Dr. T was talking about Applicant's condition at a specific moment in time. (Tr. 56-60.)

1.c. Applicant received another C&P evaluation on or about July 7, 2022. The report of the evaluation is Government Exhibit 8. In that report the evaluator again found Applicant met the criteria for the diagnoses of PTSD, Bipolar Disorder 1, and Alcohol Use Disorder. Of note in this report is the statement that Applicant's Bipolar Disorder was worse because he was not taking his medication. The evaluator found that Applicant was experiencing occupational and social impairment with reduced reliability and productivity.

In his Answer Applicant stated, “I deny stating that my conditions were [sic] worsened from not taking the medication. I put my best foot forward to do as directed by medical branch as well as the VA to take prescribed medication but was very vocal about learning new ways to cope without the medication.”

Applicant testified that he found his medication was making him worse. He also discussed attending a support group for people like him suffering from bipolar disorder. He further discussed how his providers were constantly adjusting his medication and this also affected his mental state. (Tr. 60-67.)

The record includes statements made to the VA about Applicant by others in June and July 2022. (Government Exhibit 12.) One is from a close friend of Applicant, Mr. R. His letter describes what he believes to be the precipitating factor for Applicant’s PTSD and how it affected him. Applicant’s then-partner also submitted two statements. She discusses in detail the difficulties and deterioration of Applicant mentally and emotionally in that period.

1.b. Applicant had a routine follow-up appointment with the VA on January 9, 2023. The report is Government Exhibit 10. During that appointment Applicant stated that he was currently in a manic episode and had not slept meaningfully in one and half weeks. He also admitted being intermittently non-compliant with his medications. He felt he was having a nervous breakdown and began drinking more.

In his Answer Applicant admitted being intermittent with his medications. He reiterated that he was interested in removing medication from his life. “During that time I was introduced to help groups which promoted the use of techniques to mitigate my mood swings or better cope with them.” (Tr. 67-72, 85-88.)

1.a. Applicant admitted that he was seen by a licensed psychologist at the request of the DoW on October 28, 2023. The original report from the psychologist, Dr. B, is Government Exhibit 5. Dr. B also submitted a supplemental report identified as Government Exhibit 6 after receiving additional information from the Government.

Dr. B’s initial report (Government Exhibit 5) was based on incomplete information from the Applicant. Nevertheless, based on what he could glean at that time, Dr. B opined that Applicant’s condition was not being adequately treated, that Applicant lacked insight regarding his need for additional treatment, and that his condition created genuine questions and concerns regarding his judgment, reliability, or trustworthiness.

After receiving additional documentation from DOHA Dr. B issued a supplemental report in November 2024. (Government Exhibit 6.) After reviewing the additional documentation, including updated medical records, the psychologist opined that Applicant could be diagnosed with Bipolar II Disorder (versus Bipolar I Disorder), PTSD in partial remission, and Alcohol Use Disorder. He also found that Applicant met the

criteria for an Unspecified Personality Disorder and Borderline Personality Organization (BPO). Based on his diagnoses, the psychologist stated, “[Applicant] may only be as stable as his life circumstances and environment. It is worth noting that historically [Applicant’s] functioning deteriorated during a time of acute stress, resulting in his medical separation from the Marine Corps.”

Of note is the following, further discussed under Guideline G, below:

During the initial evaluation [Applicant] denied any current or historical use of illegal/unprescribed drugs. At the time of the initial evaluation he stated that he did not use alcohol at all, but he acknowledged abusing alcohol in his early 20’s. This is not consistent with what was described in the reviewed C&P notes, with alcohol use being described within the last 2-3 years. (Government Exhibit 6 at 3.)

Applicant testified that he thought the interview was a “window into a small piece of time.” Furthermore, “[S]ome of that sounds accurate, and some of that seems like someone that was upset because of what was going on in the moment.” Applicant admitted not telling this interviewer all the truth because the evaluator was not his therapist. (Tr. 75, 97-98.)

In general, Applicant admits that he still suffers from bipolar disorder. He states, “The symptoms are the same. Just the remedial action for those symptoms have changed.” He attends meetings instead of using medication. While Applicant attended about twelve meetings, he does not currently attend them. He submitted a fact sheet from the National Alliance for Mental Illness, which appears to be the organization that sponsors what Applicant calls “bipolar anonymous” meetings. The record, however, is bereft of any evidence supporting his statements about attending such a group. (Applicant Exhibit H; Tr. 67, 108-112.)

Applicant stated that when he feels he needs help psychologically, he uses a friend of his mother’s. He believes this person to be a retired therapist. He has no knowledge of her professional credentials. (Tr. 80-84.)

Applicant testified that he had not seen a mental health provider for at least a year, if not more. He further stated that he did not feel he currently needed any mental health treatment. He believes he has been doing the work to control his bipolar disorder and PTSD. (Tr. 63-64, 77-78, 85-88, 112-115.)

## **Paragraph 2 (Guideline H – Drug Involvement and Substance Misuse)**

The Government alleges in this paragraph that Applicant is ineligible for clearance because he has used illegal drugs. Applicant admitted both allegations under this paragraph with explanations.

2.a and 2.b. Applicant used marijuana in the form of Tetro Hydro Cannabinol (THC) edibles in April 2023. At that time, he was working in a sensitive position and held a security clearance. Applicant testified that he actually used THC edibles a few times in that period to help him with back issues. He further stated that he “had no idea” that THC gummies were illegal Federally as opposed to smoking marijuana. He is not a “regular” illegal drug user and does not see using drugs in the future. (Government Exhibit 1 at Section 23; Government Exhibit 2; Tr. 88-96, 99, 115-116.)

With regard to his use of drugs Applicant discussed an incident that occurred on April 14, 2023. This was during the same period as his use of THC edibles. He stated that he had been involuntarily drugged at a tavern and had to go to the emergency room. Medical records concerning the incident are attached as Government Exhibit 9. During that visit Applicant admitted using an edible to the medical staff. He does not remember admitting that he used marijuana, which is what the medical records state. (Tr. 92-93.)

## **Paragraph 3 (Guideline E – Personal Conduct)**

The Government alleges in this paragraph that Applicant is ineligible for clearance because he has engaged in conduct that shows poor judgment, untrustworthiness or unreliability.

3.a. This subparagraph alleged that Applicant falsified material facts during his interview with Dr. B in October 2023 by not telling him about the use of THC edibles in April 2023. Applicant admitted having marijuana and other drugs in his system in April 2023. During questioning he stated that he did not tell Dr. B the truth about his THC use because “[H]e wasn’t my licensed therapist at the time or psychiatrist.” (Tr. 97.)

3.b. The Government alleges in this subparagraph that Applicant falsified material facts during his interview with Dr. B in October 2023 by telling him that he did not drink at all. In fact, Applicant admitted that he had a binge drinking issue until 2022. Applicant denied that he failed to provide an honest answer stating, “My interpretation of recent is within 45 days because at that time I was not habitually drinking.” He also reiterated his feeling that since the Government psychologist was not his therapist, “This isn’t someone that I was talking to and being completely honest. . . . So I didn’t add anything or take away anything. Whatever he had, whatever he chose to talk to me about, I gave him the answers to what he asked me and nothing more, nothing less.” (Tr. 97-98, 116-117.)

3.c. The Government alleges in this subparagraph that Applicant's history of drug use while in a sensitive position, as set forth under Paragraph 2, above, is also cognizable under Guideline E.

#### **Paragraph 4 (Guideline G – Alcohol Consumption)**

The Government alleges in this paragraph that Applicant is ineligible for clearance because he consumes intoxicants to excess. Applicant admitted the basic factual allegations of the two subparagraphs under this paragraph.

On February 24, 2022, and July 7, 2022, Applicant had C&P evaluations, as discussed under subparagraphs 1.b. and 1.c, above. As part of these evaluations, Applicant stated that he was occasionally a binge drinker. (Government Exhibits 7 and 8.)

During Applicant's July 2022 evaluation the writer states:

Since this writer's [sic] last C&P exam, dated FEB 24, 2022, he [Applicant] will binge drink and he will drink an entire bottle of Jack Daniels, 750 ml. He states that typically [he] drinks a bottle every 2 days. No DUI. He states that this past month, he has drink [sic] 750 ml every 2 days. He states that he drinks 8-9 bottles over the past 2 weeks. (Government Exhibit 8 at 2.)

During an outpatient interview on January 9, 2023, Applicant stated to writer, "Last EtOH [alcohol] 4-5 days ago. Prior to that, was drinking 2 bottles of bourbon in 4-5 days. [Denies] w/d [withdrawal] sx [symptoms] in last few days." Government Exhibit 10 at 2; Tr. 102-105.)

Applicant admitted to the binge drinking described above. He further stated that he still drinks, but not to excess. He has not engaged in binge drinking since before June 2024. (Tr. 46-47, 100-105, 117-118.)

Applicant attended a couple of Alcoholics Anonymous (AA) meetings, but did not find them helpful. He also engages in self-help with friends. (Tr. 105-108.)

#### **Mitigation**

Applicant submitted documentation showing that he was successful at his former employment. (Applicant Exhibits B at 3-4, C, and F.)

Applicant stated that he has resolved issues he had in his past with his family and with his children. This statement is supported by photographs, text messages with his daughters, and a statement by his mother. Applicant stated that additional evidence he is

improving is shown by his recent purchase of a house in the city where he is currently employed. (Applicant Exhibits A, D, G, I and J; Tr. 23, 36-42, 48-51.)

A friend for two years submitted a statement attesting to Applicant's current status. (Applicant Exhibit E.)

## **Policies**

When evaluating an applicant's national security eligibility for a security clearance, 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, "Any 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, "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 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 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, "Any 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**

### **Paragraph 1 (Guideline I - Psychological Conditions)**

The security concern relating to the guideline for Psychological Conditions is set out in AG ¶ 27:

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.

The guideline at AG ¶ 28 contains five conditions that could raise a security concern and may be disqualifying. Three conditions are established in this case:

- (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; 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 medications or failure to attend required counseling sessions.

Applicant has suffered from a bipolar disorder for many years. His condition was so severe that he was medically retired from the Marine Corps because of it. He also has been diagnosed with depression, PTSD, and alcohol use disorder. He no longer takes any medication and is not currently in treatment. Evidence is sparse as to how he is currently managing his mental health issues. A DoW consultant indicated that there were continuing areas of concern. The disqualifying conditions apply to the facts of this case, thereby transferring the burden to Applicant to overcome them.

The guideline at AG ¶ 29 contains five conditions that could mitigate security concerns:

(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 shows indications of emotional instability; and

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

The evidence is clear that Applicant has had serious emotional and mental health issues for many years that resulted in deep depression, serious bouts of alcohol consumption, and other evidence of a bipolar disorder. Applicant has decided to forego any current medical treatment, does not attend self-help groups on a consistent basis. He also did not submit any recent opinion by a mental health professional that his condition is under control or in remission, and has a low probability of recurrence or exacerbation. Based on the current evidence, I cannot find that he has successfully overcome the adverse inferences of his situation. The Psychological Conditions guideline is found against Applicant.

## Paragraph 2 (Guideline H – Drug Involvement and Substance Misuse)

The security concern relating to Drug Involvement and Substance Misuse is set forth in 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.

I have examined the disqualifying conditions under AG ¶ 25 and especially considered the following:

- (a) any substance misuse (see above definition);
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution, or possession of drug paraphernalia; and
- (f) any illegal drug use while granted access to classified information or holding a sensitive position.

Applicant used marijuana in the form of THC edibles for a back problem in early 2023 while being granted access to classified information and holding a sensitive position. All of the stated disqualifying conditions apply.

The following mitigating conditions under AG ¶ 26 have also been considered:

- (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 statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility.

I have also considered the Memorandum from the Director of National Intelligence dated December 21, 2021, entitled, "Security Executive Agent Clarifying Guidance Concerning Marijuana for Agencies Conducting Adjudications of Persons Proposed for Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position." (Applicant Exhibit E.)

Applicant used marijuana in the form of THC edibles in approximately April 2023, while holding a sensitive position and saying he did not know they were illegal. His statements and testimony about this issue were vague and contradictory. While it can be argued that this use might be viewed as minor the fact remains based on the available evidence we cannot decide what the true facts are. The adverse inference is not overcome. Paragraph 2 is found against Applicant.

### **Paragraph 3 (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:

(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 in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, 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; and

(e) personal conduct or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:

(1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

Applicant admitted that he did not tell the DoW interviewer the truth about his use of drugs and alcohol. He did this with the intent of concealing that conduct. He also used illegal drugs during the period he was employed in a sensitive position and using his security clearance. The cited disqualifying conditions apply.

I have considered the following potentially mitigating conditions under AG ¶ 17:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(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.

None of the mitigating conditions apply in this case. Applicant's conduct in falsifying answers regarding relevant facts in an interview with a DoW consultant was knowing and intentional. The Personal Conduct guideline is found against Applicant.

#### **Paragraph 4 (Guideline G – Alcohol Consumption)**

The security concerns relating to the guideline for alcohol consumption are set out in AG ¶ 21, which states:

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 four conditions that could raise security concerns and may be disqualifying in this case:

(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; and

(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.

AG ¶ 23 describes four conditions that might mitigate the security concerns brought about by Applicant's admitted alcohol use:

(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.

The evidence in the record is sufficient to support the cited disqualifying conditions. There is a history of binge drinking to the point of impaired judgment. Applicant states that he still drinks, but no longer binge drinks. However, given his history, it is simply too soon to find that alcohol use is no longer part of his life. None of the mitigating conditions provide full mitigation. Paragraph 4 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 national security 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 pertinent facts and circumstances surrounding this case. I have also considered his honorable military service. Applicant has mitigated his minor drug use. However, he did not mitigate the security concerns of his continuing psychological issues, his alcohol use, or his personal conduct. Overall, the record evidence does create substantial doubt as to Applicant's present suitability for national security eligibility and a security clearance.

### **Formal Findings**

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

Paragraph 1, Guideline I:	AGAINST APPLICANT
Subparagraphs 1.a through 1.d:	Against Applicant
Paragraph 2, Guideline H:	AGAINST APPLICANT
Subparagraphs 2.a and 2.b:	Against Applicant
Paragraph 3, Guideline E:	AGAINST APPLICANT
Subparagraphs 3.a through 3.c:	Against Applicant
Paragraph 4, Guideline G:	AGAINST APPLICANT
Subparagraphs 4.a and 4.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 or continue Applicant's national security eligibility for a security clearance. Eligibility for access to classified information is denied.

WILFORD H. ROSS  
Administrative Judge