



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



In the matter of:)
)
) ISCR Case No. 24-00247
)
Applicant for Security Clearance)

Appearances

For Government:
Aubrey De Angelis, Esquire, Department Counsel

For Applicant:
Sean Rogers, Esquire
National Security Law Firm

04/28/2026

Decision

ROSS, Wilford H., Administrative Judge:

Statement of the Case

On March 27, 2025, the Department of Defense (DOD) (now the Department of War) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines J (Criminal Conduct), I (Psychological Conditions), G (Alcohol Consumption), E (Personal Conduct), and D (Sexual Behavior). 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 responded to the SOR (Answer) with attachments, Applicant Appendix Exhibit A through Applicant Appendix Exhibit D, on May 31, 2025, and requested a hearing before an administrative judge. The case was assigned to me on August 4, 2025. The Defense Office of Hearings and Appeals (DOHA) issued an original Notice of Hearing on August 26, 2025, setting the case for October 30, 2025. A second Notice of hearing was issued on September 23, 2025. I convened the hearing as scheduled on December

9, 2025. The Government offered Government Exhibits 1 through 13, which were admitted without objection. Applicant offered Applicant Exhibits A through E, which were admitted without objection, as were Applicant Appendix Exhibits A through D. Applicant testified on his own behalf and called two additional witnesses. DOHA received the transcript of the hearing (Tr.) on December 19, 2025. The hearing and decision were delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a Federal government shutdown due to a lapse in federal funding.

Findings of Fact

Applicant is 42 years old, married for the second time, and has three children. He has a GED. He has been employed by a defense contractor since 2014, and his current position is mid-level manager for a major program. He is applying for national security eligibility in connection with his employment. Applicant has prior military service for which he received a General Discharge Under Honorable Conditions, further described under Paragraph 1, below. (Government Exhibit 1 at Sections 12, 13A, 15, 17, and 18; Applicant Exhibit E.)

Paragraph 1 (Guideline J, Criminal Conduct)

The Government alleges in this paragraph that Applicant is ineligible for clearance because he has engaged in criminal conduct that creates doubt about his judgment, reliability, and trustworthiness. In general, Applicant's criminal issues can be divided chronologically into two periods – the first between 2007 and 2011, the second between 2016 and 2024. The allegations will be addressed in chronological order for ease of discussion.

1.i. Applicant admitted being arrested in about May 2007 for driving under the influence (DUI) and driving with a suspended license. He plead guilty and was sentenced to two days in jail, ordered to attend an alcohol education class, pay fines, and his license was suspended for one year. He stated in his Answer, "It was a terrible decision during a very hard time in my life." (Answer at 7; Government Exhibit 4 at Section 22; Government Exhibit 5 at 34.)

1.n. Applicant admitted that he had been arrested in about July 2007 for driving with a suspended license. He stated in his Answer at page 8, "I don't actually recall any of the details around this incident. I can't remember how my license even came to be suspended or why I was driving without it. I can't dispute that it happened, I just don't recall any information." He stated in his 2012 questionnaire that he received a fine for this offense. (Government Exhibit 2 at Section 22; Government Exhibit 5 at 35; Government Exhibit 7.)

1.k. Applicant admitted that he was arrested for public intoxication in September 2007. He was detained for four hours and then released without charge. (Answer at 7; Government Exhibit 2 at Section 22.)

1.m. Applicant admitted that he used cocaine in about March 2008 while stationed in a foreign country with the Army. He received a field-grade Article 15 for this offense. Punishment included reduction in rank, extra duty, confinement, and loss of pay. Applicant was subsequently discharged from the Army in May 2008 with a General Discharge Under Honorable Conditions. Applicant stated that this was a one-time event. He has not used illegal drugs since this incident. (Government Exhibit 5 at 15, 33-34; Government Exhibit 8; Tr. 20-21.)

He stated in his Answer at pages 7 and 8:

This incident is without a doubt a pivotal moment in my life that changed my trajectory for several years. . . . This separation from my service left me in agony emotionally, and caused me to act out for several years until I learned to forgive myself, choose better relationships, and take accountability for my actions. It's been 17 years since this happened, and I've tried to use this incident every day to find my strength to be the best in my current job and aspirations.

1.j. Applicant admitted that he was arrested in September 2008 for aggravated domestic assault on his then girlfriend. He was held in the county jail for five days and the charges were eventually dismissed. He states the charges were dismissed because his girlfriend made false statements about the incident. (Answer at 6; Government Exhibit 4 at Section 22; Government Exhibit 5 at 15, 35.)

1.i. Applicant admitted that he was arrested in April 2010 for aggravated assault and possession of a weapon. According to Applicant the charges were dismissed by the district attorney after evidence showed he was acting in self-defense. (Government Exhibit 4 at Section 22; Government Exhibit 5 at 15, 35-36.)

1.h. Applicant admitted that he was arrested in July 2010 for DUI and speeding. According to Applicant he provided evidence that he was not over the legal limit, and the charges were dropped. (Answer at 5; Government Exhibit 2 at Section 22; Government Exhibit 5 at 36.)

1.g. Applicant admitted that he was arrested in November 2010 for driving while intoxicated (DWI). He pled guilty and his license was suspended for seven months. (Government Exhibit 2 at Section 22; Government Exhibit 5 at 36-37.)

He stated in his Answer at page 5:

At the time I was trying to use the information I received from my previous DUI convictions, but had not fully matured in my choices to realize I shouldn't have been drinking and driving at all after consuming alcohol. It was a stupid decision during a very dark period in my life and I regret it.

1.f. Applicant admitted that he was arrested in July 2011 for DWI. He believes that the actual alleged offense was violation of implied consent law. He stated that this incident occurred due to a miscommunication between him and a police officer. There is no evidence as to disposition of this case in the record. (Government Exhibit 4 at Section 22.)

1.e. Applicant admitted that he was arrested for public nuisance in August 2011. He pleaded guilty and paid a fine. (Government Exhibit 4 at Section 22; Government Exhibit 5 at 37.)

1.d. Applicant admitted that he was arrested for public drunkenness in December 2011. He states that he pleaded guilty to a misdemeanor and had to pay a fine. (Answer at 3-4; Government Exhibit 3 at Section 22; Government Exhibit 5 at 17.)

1.o. Applicant admitted that in September 2016 a warrant was issued for his arrest on a charge of making a false report. This situation involved his attempt to legally purchase a firearm. According to Applicant, the difficulty occurred because the laws of the state, where he attempted to purchase the firearm, were stricter than the Federal firearms laws. Applicant did not intend to submit a false report, and the case was eventually dismissed once his lawyer explained the situation to the authorities. (Answer at 8; Government Exhibit 5 at 23-24; Tr. 26-28, 52-54.)

1.c. Applicant admitted that he was arrested in August 2019 and charged with public intoxication and disorderly conduct. Applicant was briefly hospitalized because bystanders and police thought he was suicidal based on his statements at the time. Once he was stabilized, he was released. Applicant denies he was suicidal at that time but was upset due to the recent death of his brother. This incident is cross alleged under ¶ 2.b, below. (Answer at 3; Government Exhibit 4 at Section 22; Government Exhibit 5 at 6, 24-25; Government Exhibit 9; Tr. 28-32, 54-55.)

1.b. Applicant admitted that he was arrested in April 2021 and charged with domestic battery by strangulation. Applicant and his second wife were on vacation in Las Vegas. On this particular day they lost a lot of money gambling, and both had too much to drink. Applicant denied the specific allegations, admitting that he and his wife had a physical altercation. The police report stated that Applicant's wife showed physical signs of strangulation. She later recanted her allegations. The case was eventually dismissed. (Answer at 3-4; Government Exhibit 4 at Section 22; Government Exhibit 5 at 6; Government Exhibit 10; Tr. 34-36, 55-56.)

1.a. Applicant admitted that in March 2024 he was charged with Assault and Destruction of Private Property. He was found guilty of Destruction of Private Property. The sentence included supervised probation for twelve months, a fine, attendance at a one-day alcohol class, and community service. He admits drinking that evening, but Applicant maintains that he was involuntarily drugged and not responsible for his conduct. Specifically, he states that he has no memory of this incident after the time he had a drink at a bar, until he woke up at the hospital. (Answer at 1-2; Applicant Appendix Exhibit D; Government Exhibit 11; Tr. 37-41.)

In general Applicant states:

I had significant years between 2007-2011 where I was being arrested several times a year. This was in large part due to my drinking and not taking my mental health seriously. Since decreasing, and ultimately stopping drinking, and understanding my PTSD [post-traumatic stress disorder] and borderline conditions better I've greatly decreased any negative involvement with law enforcement. Now that I'm fully sober I don't anticipate any further items such as DUIS since that would be impossible if not drinking. (Answer at 10.)

Applicant freely admitted in his testimony that he was an "angry young man" in his youth. He stated that he was able to make some changes in his character and life that helped him survive and thrive. (Tr. 71-77.)

Paragraph 2 (Guideline I, Psychological Conditions)

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

2.a. Applicant was evaluated by a psychologist acceptable to the US Government in August 2024. His report is Government Exhibit 12. After his evaluation, the evaluator diagnosed Applicant with Alcohol Use Disorder, Mild and Borderline Personality Disorder (BPD).

In his Summary and Diagnosis, the evaluator stated:

As a result of the . . . assessment, it is the undersigned clinician's opinion that [Applicant's] judgment, reliability, and trustworthiness are not appropriately intact, as evidenced by the clinical interview, self-report measures, current reported functioning, and record review. Based on a review of National Security Adjudicative Guidelines and DoD Personnel Security Policy, there is evidence to suggest [Applicant] is currently experiencing psychological symptoms that would impair his judgment, reliability or ability to properly safeguard classified national security

information. [Applicant] has a significant alcohol use and abuse history, and he reports ongoing alcohol use with limited insight into the negative impact of this use on his romantic and occupational functioning. Additionally, [Applicant] has a significant history of violence and poor insight into the negative impact of these patterns of behavior on his and others' functioning. [Applicant] displays a pattern of dismissing his behavior, lack of emotional regulation, and poor insight. He is not currently seeking mental health treatment despite ongoing difficulties in his life. He has shown inconsistencies within the occupational space evidenced by violating a number of work-related regulations while enlisted in the Army and receiving an Article 15. [Applicant] has a prior diagnosis of Borderline Personality Disorder, which appears to best encapsulate his chronic pattern of interpersonal difficulties, legal involvement, and substance use. (Government Exhibit 12 at 4.)

Applicant admitted that he was evaluated by the Government psychologist but felt that the evaluator had limitations. Specifically, he felt that the evaluator had limited experience with patients who suffered from PTSD and BPD. (Answer at 9; Government Exhibit 12.)

2.b. See ¶ 1.a, above.

2.c. Applicant admitted that he was hospitalized in February 2015 after making statements while intoxicated that were interpreted by his roommate as suicidal in nature. After he sobered up and was stabilized, Applicant was released. He stated, "It was a stupid comment said out of frustration and in no way a serious threat of self-harm." (Answer at 10; Government Exhibit 5 at 75-76.)

Applicant's VA medical records are found at pages 50 through 98 of Government Exhibit 5 and in Government Exhibit 13. He began taking his mental health seriously in about 2011. He was eventually diagnosed with BPD and PTSD. He states that diagnosis saved his life, and the treating psychiatrist gave him the tools to manage these disorders and grow in his career. (Tr. 23-25.)

Applicant's treating psychiatrist at the VA wrote a letter for Applicant on September 9, 2015, which states:

[Applicant] is currently under my psychiatric care. . . . He has been under my direct care since June 2013, at that time he struggled with significant symptoms of anxiety, mood oscillations, depression and self destructive behavior; however over the course of treatment he had accomplished and improved several aspects of his life, also with much better understanding of his symptoms and behavior, which led to significant improvement and on going stability. At this time he is stable from psychiatric perspective, doing

really well, and keeping his regular monthly appointments with psychiatry. (Government Exhibit 5 at 54.)

Applicant received two additional evaluations in 2025. The first evaluation was with a psychologist. (Applicant Appendix Exhibit B at 1-5.) The clinical history in this evaluation is consistent with both the VA and the DoD evaluator's records. The following are pertinent excerpts from the report:

Clinical & Diagnostic Impressions

[Applicant] reported that he was diagnosed in 2014 . . . with Borderline Personality Disorder (BPD) and Post-traumatic Stress Disorder (PTSD). He acknowledged that he was on a "bad path" during this period, having recently experienced the break-up of a romantic relationship and drinking heavily. He reported that he was diagnosed with BPD and PTSD by the local Veteran's Administration (VA), and he received individual and group therapy for BPD and alcohol education classes. [Applicant] reported that he found solace in both diagnoses, stating that the diagnoses helped him to understand, and therefore address constructively, patterns of behavior and elements of his upbringing that have troubled him in the past. He acknowledged the following BPD symptoms in his past: narcissism; a pattern of failed relationships; emotional reactivity and dysregulation; depressed mood; and fears of abandonment, connected to his experiences of childhood sexual abuse and neglect. He reported that his BPD diagnosis and treatment helped orient him toward constructively and substantively working on his emotions and behavior through Dialectical Behavior Therapy (DBT) – one of the few effective treatments for BPD supported by scientific research. He also described having, to a certain extent, matured (mellowed) out of his BPD as he moved into his 30's and 40's - - a pattern that is common in individuals with personality disorders. In short, the following comprise a portrait of an individual whose BPD is successfully and appropriately managed and contained:

- His successful course of DBT treatment
- His emotionally stable personal and professional relationships
- His commitment to his faith and to having empathy for others
- His ability to maintain steady employment
- His awareness of his diagnoses and the integration of these diagnoses into his identity
- His emotional maturing into his 40's

[Applicant] appears to possess several protective factors that would mitigate concerns about his future inappropriate behavior. First, he is socially and emotionally connected to people (family, friends, neighbors, coworkers) who trust him and support him emotionally. Second, he is invested in his personal advancement, consistent with his professional record since early adulthood, and he remains sincerely willing to maintain appropriate behavior, both in line with his moral compass and in order to further his career. Third, he is committed to honoring his various ethical, personal and professional responsibilities, and he has not engaged, by this assessment, in any illegal activities that would compromise these goals.

Under **Recommendations**, the evaluator stated:

2. [Applicant's] symptoms of BPD and PTSD appear very well-managed following appropriate treatment and concerted efforts on his part to manage his emotions and behavior appropriately. Based on his successful course of treatment and his commitment to self-reflection and appropriate behavior in relationships, [Applicant] appears at minimal risk of the emotional and behavioral instability that is traditionally associated with these diagnoses. (Applicant Appendix Exhibit B at 3-5.)

Applicant testified in depth about his mental health issues and how he obtained care through the VA. He described his continuing self-care in terms of creating a routine. He had recently moved as of the date of the hearing, so he had not had time to reset his VA health care. He stated that he had not had any individual therapy for probably two years. (Tr. 23-25, 41-43, 61.)

Paragraph 3 (Guideline G, Alcohol Consumption)

3.a and 3.b. The Government alleges in this paragraph that Applicant is ineligible for clearance because he consumes intoxicants to excess. Specifically, that the conduct set forth under subparagraphs 1.a through 1.h, 1.k, 1.l, 2.a, and 2.c is cognizable under this paragraph as well. The relevant facts are set forth under the noted subparagraphs.

Applicant admits that he had a long, adverse history with alcohol. Before 2011 he would use alcohol as a way to self-medicate rather than deal with BPD and PTSD. Beginning in 2011 he began tapering off but still drank on occasion. As stated, Applicant has abstained from alcohol completely since the incident in March 2024. (Applicant Appendix Exhibit B at 3, 6-7; Tr, 33-34, 64, 74-75.)

Applicant had an Alcohol and Substance Use evaluation done in March 2024 with a different evaluator than the psychologist who prepared the report discussed under Paragraph 2, above. Her report on his clinical history is consistent with other reports,

albeit brief. Of note is Applicant's statement to her that he has not consumed alcohol since March 2024 and plans on staying sober indefinitely. "[Applicant] described all the things he has going for him and is unwilling to lose it all over alcohol." (Applicant Appendix Exhibit B at 6-7.)

The evaluator found, "After much consideration and evaluation, it is this therapist's professional belief [Applicant] does not meet the criteria of certain Mood and/or Personality Disorders, and are therefore ruled out at this time." (Applicant Appendix Exhibit B at 7.)

She also stated, "He [Applicant] does report in 2014 he was diagnosed with BPD, although this therapist did not observe any signs, symptoms, or traits to confirm said diagnosis." (Applicant Appendix Exhibit B at 7.)

She concludes, "It is this therapist's professional recommendation [Applicant] continue to remain sober, so as to never allow alcohol to interfere with his goals in life. There are no other recommendations at this time."

Paragraph 4 (Guideline E, Personal Conduct)

The Government alleged in this paragraph of the SOR that Applicant is ineligible for clearance because he has engaged in actions that involve questionable judgment, lack of candor, dishonesty, and unwillingness to comply with rules and regulations.

4.a. Applicant admitted that the conduct set forth under Guideline E, which incorporated ¶ 1 of the SOR in its entirety, is cognizable under this paragraph as well.

4.b. Applicant admitted that in January 2015 he made the statement during treatment that he had casual sex with various people and estimated that he had sex with more than 300 women. He also reported that he spent more than \$1,000 on prostitutes. (Government Exhibit 5 at 91.)

Applicant maintains that his statements were an exaggeration to get attention from his mental-health caregivers and were not truthful. There is no corroborating evidence as to his statements. (Answer at 11; Tr. 58-60.)

Paragraph 5 (Guideline D, Sexual Behavior)

The Government alleges in this paragraph that Applicant is ineligible for clearance because he has engaged in sexual behavior that reflects a lack of judgment or discretion, or may subject him to undue influence of coercion, exploitation, or duress. Applicant admitted the sole allegation under this paragraph, which incorporated subparagraph 4.a, above.

Mitigation

Applicant's resume shows that he began to move up into leadership positions beginning in 2012. This was the time he was receiving therapy from the VA for BPD and PTSD. He is very proud of what he has accomplished as someone with a GED. (Applicant Exhibit D; Tr. 25, 67-68, 75-76.)

Applicant is a highly respected mid-level manager at his job. His annual performance reviews for the period from 2020 through 2024 are uniformly outstanding. (Applicant Exhibit A.) His manager for several years made the following comments: 2021 Evaluation - "You demonstrated the ability to lead a complex organization and achieve results and have shown you are most capable of making independent judgments and decisions required to run a complex organization." 2022 Evaluation – "[Applicant] is one of the finest managers and logisticians within [the Company]. He is a hard charging professional who performed superbly this rating period." 2023 Evaluation – "As a leader, he [Applicant] has built a cohesive team of dedicated professionals that has excelled in every aspect of their jobs. . . . He is a selfless winner worthy [of] more responsibility and a definite candidate for senior manager." 2024 Evaluation – "His [Applicant's] leadership and implementation of an agile mindset have fostered a collaborative and results-driven culture with his [team]"

Letters of recommendation from other senior managers of his employer were also submitted by Applicant. They all have worked with him for years and found him an outstanding fellow employee. The letters set forth in detail how Applicant successfully works in and creates collaborative environments. (Applicant Appendix Exhibit A.)

Two witnesses testified on Applicant's behalf. Both are friends and coworkers of Applicant and have knowledge of the allegations in the SOR. They confirmed that Applicant has completely abstained from alcohol since the 2024 incident. They have not seen any adverse conduct by Applicant on or off the job. Both recommend him for a position of trust. (Tr. 80-101.)

Applicant has created a scholarship between an American university and a foreign country. (Applicant Exhibit C; Tr. 69-71.)

Applicant states, "I'm incredibly proud to have gotten to where I am: happily married, I own two homes, I have relationships with my children, I have great neighbors and friends, I have a fantastic reputation at work, and goals that I can achieve finally." (Answer at 14.)

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 J, Criminal Conduct)

The security concerns relating to the guideline for criminal conduct are set out in AG ¶ 30, which states:

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.

AG ¶ 31 describes two conditions that could raise security concerns and may be disqualifying in this case:

- (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 had a series of arrests between 2007 and 2011. He had other contacts with law enforcement in 2016, 2019, 2021, and 2024. Both disqualifying conditions apply.

The guideline includes four conditions in AG ¶ 32 that could mitigate the security concerns arising from Applicant's alleged criminal conduct. Two have possible application to the facts of this case:

- (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and
- (d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

By his own admission, Applicant was an "angry young man" between 2007 and 2011. He had repeated alcohol-related arrests during that period. In addition, he was discharged from the Army due to a drug offense. However, starting in 2011, he began receiving treatment from the VA. Once he was diagnosed with BPD and PTSD, he worked hard to achieve stability. These incidents can be mitigated by time and his conduct since then.

We now turn to the later incidents. The 2016 charge for making a false statement was a paperwork mistake. The 2019 arrest was during a period he was distraught over

his brother's death and singular in nature. The 2021 incident with his wife involved alcohol, again singular in nature, and was eventually dismissed. Finally, the March 2024 incident, which is somewhat strange, precipitated Applicant to abstain from alcohol completely. This statement of his as to abstention is confirmed by his two witnesses, who have been coworkers for years and see him socially as well as at work.

There is considerable evidence of rehabilitation, including an outstanding employment record and his constructive community involvement. Applicant shows a knowledge of the impact of his conduct on his clearance. Sufficient mitigation is shown. Paragraph 1 is found for Applicant.

Paragraph 2 (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 strongly 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
- (c) voluntary or involuntary inpatient hospitalization.

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.

Applicant freely admits that he suffers from BPD and PTSD. There are medical records from four providers or entities in the record – the VA, the government evaluator, Applicant's psychologist, and the alcohol evaluator. Only the government evaluator found Applicant to have a continuing problem.

It is noted that the government evaluator did not discuss at all Applicant's conduct in the last decade, during his rise up the corporate ladder. Frankly speaking, his findings do not comport with the facts. Applicant has been in a high profile, demanding job for over ten years. His outstanding reviews, the laudatory letters in the record, and the testimony of his coworkers, show that there is no indication of a current problem. In his job there is no way that a personality disorder would not show itself over the years. The last time there may have been an issue was 2019, and that was a combination of excessive alcohol use and extreme grief over the death of his brother. His conduct then was situational in nature. The evidence shows clearly that Applicant has taken control of his mental health and worked extremely hard over a decade to keep it under control. There is absolutely no evidence of a current issue. Mitigating conditions ¶¶ 29(d) and (e) clearly apply. Guideline I is found for Applicant.

Paragraph 3 (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 three 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) or alcohol use disorder.

The guideline includes two conditions in AG ¶ 23 that could potentially mitigate the security concerns arising from Applicant's alcohol consumption:

(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; and

(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.

Applicant admits to having a long and problematic involvement with alcohol, which is described under Paragraph 1. Alcohol led to a series of arrests and contacts with law enforcement from 2007 to 2011. It also caused other issues in 2019, 2021, and 2024. However, Applicant began taking control of his drinking in 2021 and has abstained since March 2024. It is telling that the alcohol evaluator specifically stated that, other than continued sobriety, "There are no other recommendations at this time." (Applicant Appendix Exhibit B at 7.) Mitigating conditions ¶ 23 (a) and (b) apply. Paragraph 3 is found for Applicant.

Paragraph 4 (Guideline E, Personal Conduct)

The security concern under this guideline 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. Two are potentially applicable in this case:

(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, would affect the person's personal, professional, or community standing.

4.a. The Government alleges in this paragraph that the facts found under Paragraph 1, above are cognizable under this guideline as well. Based on the above factual findings, I find that the quoted disqualifying conditions apply.

4.b. This allegation will be discussed under Paragraph 5, below. Based on that discussion, this allegation is found for Applicant.

I considered the following mitigating conditions under ¶ 17 and they apply to the facts of this case:

(c) the offense was 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;

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

(f) the information was unsubstantiated or from a source of questionable reliability.

Applicant has shown that the mitigating conditions apply to his conduct for all the reasons stated under Paragraphs 1 and 3. This guideline is found for Applicant.

Paragraph 5 (Guideline D, Sexual Behavior)

The security concern relating to the guideline for Sexual Behavior is set out in AG ¶ 12:

Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion, or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission.

The guideline notes several conditions that could raise security concerns under AG ¶ 13. Three are potentially applicable in this case:

(b) pattern of compulsive, self-destructive, or high-risk sexual behavior that the individual is unable to stop;

(c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and

(d) sexual behavior of a public nature or that reflects lack of discretion or judgment.

Applicant admits that in 2015 he stated to the VA that he had sex with 300 women and paid \$1,000 for prostitutes. The above disqualifying conditions apply, thereby shifting the burden to Applicant to mitigate the allegation.

The following mitigating conditions are possibly applicable under AG ¶ 14:

(b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or judgment;

(c) the behavior no longer serves as a basis for coercion, exploitation, or duress; and

(d) the sexual behavior is strictly private, consensual, and discreet.

Other than Applicant's statement to the VA in 2015, there is virtually no corroborating evidence of this alleged conduct. Applicant admits the statement but vehemently denies its truth. Applicant's written statements and testimony during this case were overwhelmingly honest, heart-felt and soul-searching. He has freely admitted many difficult and criminal things in his past, and spoken of his past with passion and acceptance. Given his overall credibility, his denial of the facts of this allegation, along with the absence of any corroboration, this allegation is unproven. He admits it was a stupid statement, but not one that has security significance in this case. Guideline D is found for Applicant.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for 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.

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.

Applicant is a self-made man. He is a highly successful mid-level manager on multi-million-dollar contracts with nothing more than a GED degree. As described above,

he has mitigated all of the security concerns of his past. He is able, talented and clearly understands his job. He is extremely knowledgeable about his security responsibilities. He testified at great length about his management responsibilities and how he fulfills them. He fully understands and appreciates the impact of his conduct on his security worthiness. (Tr. 67-69.)

Department Counsel expressed concern that the Applicant was understating some of the facts in this case. I have examined all the available evidence, including Applicant's credible testimony, and find that his version of the facts, to the extent they differ from other evidence in the record, do not understate the severity of the alleged conduct.

I considered the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. Viewing the evidence as a whole, Applicant has mitigated the security concerns of his prior criminal conduct, psychological conditions, alcohol consumption, personal conduct, and sexual behavior.

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 J:	FOR APPLICANT
Subparagraphs 1.a through 1.f:	For Applicant
Paragraph 2, Guideline I:	FOR APPLICANT
Subparagraphs 2.a and 2.b:	For Applicant
Paragraph 3, Guideline G:	FOR APPLICANT
Subparagraphs 3.a and 3.b:	For Applicant
Paragraph 4, Guideline E:	FOR APPLICANT
Subparagraphs 4.a and 4.b:	For Applicant
Paragraph 5, Guideline D:	FOR APPLICANT
Subparagraph 5.a:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is 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 granted.

WILFORD H. ROSS
Administrative Judge