



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



In the matter of:)	
)	
)	ISCR Case No. 25-00637
)	
Applicant for Security Clearance)	

Appearances

For Government: George Hawkins, Esq., Department Counsel
For Applicant: Sean Rodgers, Esq.

04/30/2026

Decision

DORSEY, Benjamin R., Administrative Judge:

Applicant did not mitigate the alcohol consumption or personal conduct security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On June 27, 2025, the Department of War (DOW) issued a Statement of Reasons to Applicant detailing security concerns under Guideline G (alcohol consumption) and Guideline E (personal conduct). Applicant responded to the Statement of Reasons on August 11, 2025, and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On September 29, 2025, the Government amended the SOR (collectively the Statement of Reasons and the Amended Statement of Reasons will be referred to as the "SOR") and, on February 6, 2026, Applicant responded to the SOR Amendment (collectively the August 11, 2025 and February 6, 2026 responses will be referred to as the "Answer") The case was assigned to me on January 29, 2026.

The hearing was convened as scheduled on March 9, 2026, over the Microsoft Teams online network. Government Exhibits (GE) 1 through 6 and Applicant Exhibit (AE) A were admitted in evidence, without objection. DOHA received a transcript of the hearing (Tr.) on March 16, 2026.

Findings of Fact

Applicant is a 40-year-old employee of a government contractor for which he has worked since February 2024. He completed a security clearance application (SCA) that same month. Since February 2024, he has worked and resided overseas in Country G. With the exception of breaks between contracts and periods of unemployment after being terminated from several jobs, he has worked for defense contractors since about 2009. Nearly all of his duty stations while he worked for these contractors were overseas, including some in combat zones. He has never married and has no children. He earned a high school diploma in 2003 and has taken college courses but has not earned an undergraduate degree. He served on inactive reserve duty in the Army from December 2012 until May 2014, when he earned an honorable discharge. He served on inactive reserve duty with the Army National Guard from May 2008 until December 2012, when he earned a general discharge under honorable conditions, after failing to report for annual muster. Finally, he served on active duty in the Air Force from May 2006 until January 2007, when he received a general discharge under honorable conditions for misconduct. (Tr. 16-17, 21-22, 44-45; Answer; GE 1, 2, 6)

In the SOR, under Guideline G, the Government alleged that, since 2006, Applicant consumed alcohol excessively and to the point of intoxication, including consuming five beers and five shots of whiskey per occasion (SOR ¶ 1.a). It alleged that, in October 2021, while working for a government contractor in Country G, he was arrested and charged with driving while intoxicated (DWI), resulting in his being terminated from his employment. In the same subparagraph, it alleged that he left Country G while his criminal case was pending and then was served with an arrest warrant and had to pay a fine when he later reentered Country G. (SOR ¶ 1.b). The Government further averred that, in January 2024, while working as a government contractor on a U.S. naval base in Country C, he was arrested and charged with DWI and voluntarily left Country C in lieu of debarment, which resulted in the closure of his criminal case (SOR ¶ 1.c). Finally, under Guideline G, it alleged that, in June 2025, Applicant's employer issued a final written warning for the following: making misstatements and omissions on employment and security applications; allegedly smelling of and potentially being under the influence of alcohol in the workplace; not working for the full duration of his work shift; and for being argumentative, gruff, and uncooperative with his co-workers (SOR ¶ 1.d). Under Guideline E, the Government cross-alleged the facts it alleged under Guideline G (SOR ¶ 2.a).

In June 2025, Applicant's current employer gave him a "final written warning" after one of his colleagues, for whom Applicant had supervisory authority, reported to the program manager and the onsite government security team that he smelled alcohol on Applicant's breath on two occasions in March 2025. The co-worker also alleged that Applicant "has a disagreeable attitude, behaves aggressively, and micromanages his whereabouts." The employer's program manager acknowledged that this employee, and another who made similar allegations, had been reprimanded by Applicant for failing to work their required hours before they made their complaints. Applicant confirmed this information. After conducting an internal investigation, where multiple individuals, in

addition to the two individuals over whom he had supervisory authority, corroborated some of the initial allegations, the government contractor made the following findings: Applicant made misstatements and omissions on a “[s]ecurity [p]re-[s]creen and [e]mployment [a]pplication regarding [his] background”; he was observed on multiple occasions smelling of, and, potentially being under the influence of, alcohol in the workplace; he was not present and available for work during the full duration of his shift; he interacted with others in the workplace in a gruff and argumentative manner; and he demonstrated an unwillingness to work with a deputy program manager when the program manager was not present. The written warning conveyed that a failure to improve his performance and behavior may result in further disciplinary action, including termination. Despite clear language in the written warning disclosing that Applicant’s signature thereto did not mean that he agreed with the findings, merely that the warning was communicated to him, he refused to sign it. He testified that he did not sign it because he did not agree with the findings. The program manager who issued the written warning stated that he did not personally smell alcohol on Applicant’s breath and claimed that Applicant was a model employee. (Tr. 34-38; Answer; GE 4-6)

Applicant testified that he did not understand how someone could smell alcohol on his breath at work. He claimed that he never consumed alcohol within 10-12 hours of reporting to work, and that he never showed up to work hungover. He claimed that his relationship with the deputy program manager could be contentious, but it did not rise to the level described in his written warning. He noted that the deputy program manager is no longer with the company, he has a very good relationship with the program manager, and he was promoted about a month after he received the final written warning. During direct testimony, he was vague about the nature of the information that he did not provide on his pre-screening security form and employment application. He testified that they (his current employer) “were referring to how I came about getting this job and my last position.” He then denied there was information that he left out in his application for the job. He claimed that he assumed that his current employer knew about the DWI he received in Country C that resulted in his termination from a job the month before he started his current job. He testified that he did not “converse with the HR lady and tell her because she had just got on, so the DWI, they knew about it.” He claimed that he did not know that he could be gruff or disagreeable before the investigation, but, since he received the written warning, he has been more careful about what he says to co-workers. He claimed that he now gets along with two team members who filed complaints against him, and that they have all put the incident behind them. (Tr. 34-42, 63-70, 82-83; GE 4-6)

As a result of Applicant’s co-workers’ allegations, and with the knowledge that he had recently experienced the loss of a close family member, the Army conducted its own investigation, including determining whether Applicant met the criteria to be considered an insider threat. After its investigation, the Army issued a memorandum for the record (MFR) dated July 18, 2025, that outlined a timeline of its investigation and some of its findings. The MFR included numerous attachments, hundreds of pages of which were contracting documents setting forth the relationship between the Army and the government contractor. The documents reflect that the Army determined that the

information they had concerning Applicant presented a credible concern for workplace violence, and it recommended that a Prevention, Assistance, and Response (PAR) team assess and mitigate concerns associated with Applicant. It is unclear from the record whether the PAR team was engaged or utilized. A June 2, 2025 e-mail from the Army indicated that it was satisfied with the final written warning provided to Applicant by the government contractor. (Tr. 63-70, 82-83; Answer; GE 6)

In the SCA, during a May 2024 security interview with an authorized investigator (SI), and at hearing, Applicant volunteered information about his alcohol-related legal incidents and his alcohol consumption. Police reports from his two DWIs are also part of the record. He acknowledged that, in January 2024, he was arrested and charged with DWI while on a naval base in Country C. He consumed about six beers and six shots at a bar on base and decided to drive home. On his way to his quarters, he was stopped at a Navy Military Police (MP) checkpoint. He took two breathalyzer tests. MPs informed him that he tested over the legal limit both times. MPs arrested him and transported him to the MP station where he was administered a third breathalyzer test and tested over the legal limit again. He was eventually released to the program manager with the government contractor for which he worked at the time. He claimed that he gave his two-week notice prior to being terminated and forced to leave Country C but acknowledged that he would have been banned from working on the naval base in Country C because of the DWI. The government contractor for which he worked terminated his employment because of the DWI. He claimed that the DWI was closed because he voluntarily left Country C. Records confirm that he left the naval base in Country C voluntarily, in lieu of debarment, and that his court case was closed upon his departure. (Tr. 31-33, 62-63; Answer; GE 2, 3)

In October 2021, Applicant was arrested and charged with DWI in Country G, while he was working for a government contractor and stationed in that country. He had been in Country G for about 10-12 days when he was arrested. The day of his arrest, he consumed about five beers and three whiskeys in his hotel room and decided to drive somewhere to find something to eat. During the hearing, he testified that he did not believe he had consumed an excessive amount of alcohol before he drove. He was stopped by the civilian authorities in Country G, who gave him a breathalyzer test. He tested over the legal limit. He was arrested, charged with DUI, and eventually released from custody. He informed the program manager of the government contractor for which he worked, and he was terminated from his employment and returned to the U.S. He returned to Country G in January 2024 to begin working for his current employer, but he was denied entry at the airport until he paid a fine of about \$1,200 that he owed from the October 2021 DUI. He paid the fine, and Country G granted him entry. Country G police records indicate that he was served with an arrest warrant when he attempted to enter that country in January 2024. He testified that he was told that he would have been arrested if he did not pay the fine. (Tr. 27-31, 53-61, 81-82; Answer; GE 2, 4-6)

During the SI, Applicant told the investigator that he would often drink a beer and then a shot of whiskey and repeat that process over the course of an outing. He said that the most he ever consumed was eight beers and eight whiskeys, and that he would

consume this amount about three times per week. He told the investigator that he does not feel intoxicated after having about four beers and four shots in one sitting, but he knows he would be over the legal limit if he consumed that much alcohol. He claimed that he consumed less alcohol at the time of the SI because he was not drinking every weekend. He did not believe that he had a problem with alcohol and had not undergone any alcohol-related treatment. He acknowledged that, sometime in 2022, his brother told him that he should cut back on his drinking. (Tr. 46-47, 77-78; Answer; GE 2)

In May 2025, Applicant responded to DOHA interrogatories. He completed a chart created by Department Counsel that requested information about his alcohol consumption since 2006. The information requested appears to attempt to establish a timeline of the amount and frequency of his alcohol consumption since 2006. One interpretation of the chart and the information contained therein is the following: from an undisclosed date in 2006 until September 2006, he consumed five beers per weekend; from October 2006 until October 18, 2021, he consumed five beers per weekday; from October 19, 2021 until January 1, 2024, he consumed six whiskeys and six beers per weekend, and from January 2, 2024 until April 13, 2025, he consumed five whiskeys and five beers per weekend. He also answered that he was last intoxicated in May 2025, and that he last blacked out in April 2025. He wrote that he never consumed alcohol prior to going to work or while at work. (Tr. 80; GE 2)

Applicant testified that when filling out this chart, rather than creating timelines concerning his drinking habits, he was referencing specific events. For example, in September 2006, he was referencing a single event where he drank five beers. In October 2021, he was referencing the DWI in Country G. In January 2024, he was referencing the DWI in Country C. In April 2025, he was referencing an instance when he consumed alcohol as a coping mechanism near his late-mother's birthday. Applicant testified that he has not consistently consumed alcohol in excess since 2006. He noted that there were times when he was living and working overseas in locations where he was not permitted to consume alcohol, and during those times, he would only consume it when he traveled home or vacationed in places where alcohol consumption was permitted. He acknowledged that there were instances when he became intoxicated over the past 20 years, and that there have been times when he drank five beers and five shots of whiskey, but he could not recall how often he consumed that quantity. He maintained that he never consumed alcohol before or during work. He said that, because of his two DWIs and resulting job terminations, he no longer drives after consuming alcohol. Instead, he takes a taxicab, an Uber, or he walks. He testified that alcohol does not play a big role in his life, that he has never had an uncontrollable urge to consume alcohol, and that he has never been diagnosed with an alcohol use disorder or been required to seek alcohol-related treatment. He has not voluntarily sought alcohol-related treatment or attended any 12-step program meetings. (Tr. 17-27, 33, 42, 61-62; GE 2)

During cross-examination, Applicant testified that he began consuming alcohol in 2006, when he was 21 years old. He acknowledged that drinking eight shots and eight beers in one sitting was drinking to excess. He claimed that when he drank that much,

he became “buzzed” but not drunk because he did not slur his words, he was not dizzy, he was not confused, and he could remember what happened while he was drinking. He claimed that he has never felt he was impaired by alcohol even when he consumed eight shots and eight beers in one sitting. He struggled to define what it meant to be “intoxicated.” He acknowledged that, in addition to the two times he was arrested for DWI, there were other times that he drove after consuming alcohol, but he could not remember how many. He testified that the last time he drove after consuming alcohol was on January 1, 2024, when he received the DWI in Country C. He last drank alcohol on Saturday night before the Monday hearing, when he had six whiskeys and three beers. He testified that over the past six months, he has consumed alcohol on the weekends, but never to the point of what he considers being intoxicated. He sometimes only drinks three glasses of wine per sitting. He abstained from alcohol from 2019 until about 2021. His goal is to ultimately abstain from alcohol again in the future, but he has not taken any steps towards that goal. He believed that one of the times his co-workers reported that he smelled of alcohol was the Monday after a weekend where he consumed five beers and five whiskeys in one sitting. He testified that he used mouthwash before coming to work and hand sanitizer while at work and the smell of those products could cause people to believe that he smelled like alcohol. (Tr. 46-56, 70-80; Answer; GE 2)

Applicant provided five character-reference letters as part of his evidence. The writers noted that Applicant is honest, reliable, dependable, empathetic, and shows integrity. They wrote that he treats everyone with respect and compassion and demonstrates exceptional character. They wrote that he is good at his job, is professional, and takes time to help others. None of the writers indicated they reviewed the SOR, or that they were aware of the allegations therein. Given his voluntary disclosure of potentially disqualifying and derogatory information, including regarding his alcohol consumption and alcohol-related legal problems on the SCA and during the SI, and after observing him testify, I found him to be credible. (GE 1, 2; AE A)

In addition to being terminated from his employment as a result of the 2024 and 2021 DWIs, Applicant was terminated by two other employers. He was fired by a government contractor in March 2023 (after a dispute with his employer regarding his responsibility for an automobile accident) and in September 2022 (after a disagreement with his supervisor). (GE 1, 2)

Policies

This case is adjudicated 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), which became effective on June 8, 2017.

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief

introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), 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."

Under Directive ¶ E3.1.14, the Government must 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." The applicant has the ultimate burden of persuasion to obtain a favorable security 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 safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline G, Alcohol Consumption

The security concern for alcohol consumption is set out in AG ¶ 21:

Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

The guideline notes several conditions that could raise security concerns under AG ¶ 22. The following are potentially applicable 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;
- (b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder; and
- (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.

Applicant was arrested and charged with DWI in 2021 and 2024 after consuming too much alcohol and driving. While there is insufficient evidence to show that he consumed five beers and five shots of whiskey per occasion since the year 2006, given the evidence of his drinking habits as relayed during the SI and at the hearing, there is sufficient evidence that he habitually or binge consumed alcohol to the point of impaired judgment. Both of his DWIs are evidence of this premise. Also, regardless of whether he acknowledged feeling as though his judgment was impaired after drinking between three beers and six shots of whiskey and eight beers and eight shots of whiskey in one sitting, I'm not convinced it is possible for an individual to consume that much alcohol without suffering from impaired judgment. AG ¶¶ 22(a) and 22(c) are established and the burden shifts to Applicant to provide evidence in mitigation.

AG ¶ 22(b) is not established. There were multiple, independent reports of Applicant smelling of alcohol while at work, which *may* indicate that he reported to work in an intoxicated or impaired condition or that he was drinking on the job. However, there is no additional evidence that he was intoxicated or impaired while at work (such as allegations that he was acting impaired), or additional evidence that he consumed alcohol while at work. Instead, he denied ever consuming alcohol within 10-12 hours of reporting to work or while at work. Given the significant amount of alcohol he often consumed, including on at least one of the weekends prior to allegedly smelling of alcohol at work, I find it plausible that he could still be emitting the odor of alcohol well after last consuming it.

I note that in SOR ¶ 1.d, under Guideline G, the Government alleges some workplace behavior, such as not working for the full duration of his work shift and for being argumentative, gruff, and uncooperative with his co-workers, that is not related to Applicant's alcohol consumption. While I understand those non-alcohol related allegations were included for purposes of cross-alleging them under Guideline E, those particular allegations do not fit under Guideline G, and I find for Applicant with respect to those Guideline G allegations in in SOR ¶ 1.d.

Conditions that could mitigate alcohol consumption security concerns are provided under AG ¶ 23. The following are potentially applicable:

(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.

It has been a little over two years since Applicant was charged with DWI. He testified that he no longer drives after consuming alcohol, and I commend him for that decision. However, as recently as the Saturday evening/night before his Monday hearing, he consumed six shots of whiskey and three beers in one sitting, which I find to be binge consumption of alcohol sufficient to impair his judgment. I acknowledge that he sometimes drinks less or not at all. However, the evidence of how often he drinks a lesser amount or no alcohol as opposed to binge drinking a combination of shots of whiskey and beer is equivocal and ambiguous. For these reasons, he has not met his burden to show that his behavior relative to alcohol is unlikely to recur or that it does not cast doubt on his reliability, trustworthiness, and judgment. AG ¶ 23(a) does not apply.

I also acknowledge that Applicant indicated that he eventually wants to stop consuming alcohol entirely. However, there is ample evidence that he does not believe that he has a problem with alcohol, such as his belief that he can consume the quantities of alcohol he often consumes yet does not consider himself impaired or intoxicated. He therefore has not met his burden of showing that he acknowledged his pattern of maladaptive alcohol use; nor has he demonstrated a clear and established pattern of modified consumption. AG ¶ 23(b) does not apply.

Guideline E, Personal Conduct

The security concern for personal conduct is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

The guideline notes several conditions that could raise security concerns under AG ¶ 16. The following 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 government official;

(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

(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.

As I have discussed herein, the Government's allegations pertaining to Applicant's alcohol consumption are sufficient for an adverse determination under

Guideline G. AG ¶¶ 16(c) and 16(d) are not established with respect to any cross-alleged allegations related to his alcohol consumption, including his alleged excessive consumption of alcohol to the point of intoxication since 2006, his DWIs and the resultant punishment, and his allegedly smelling of and potentially being under the influence of alcohol while at work.

The evidence of the exact nature of Applicant's misstatements and omissions from his security pre-screen and employment application is unclear. It is clear that, after an investigation, his current employer found that he had engaged in this behavior. However, to find AG ¶ 16(b) applicable, there must be substantial evidence that these misstatements and omissions were deliberate. Given the lack of context surrounding these misstatements, combined with his willingness to volunteer derogatory information, including his alcohol consumption and alcohol-related legal problems on the SCA and during the SI, I find there is insufficient evidence to conclude that his misstatements and omissions were deliberate. AG ¶ 16(b) is not established.

In June 2025, after conducting an internal investigation, Applicant's current employer found that he was not working the full duration of his work shift, that he interacted with others in a gruff and argumentative manner, creating a barrier to effective collaboration on work-related matters, and he demonstrated an unwillingness to work with a co-worker who, at times, had supervisory duties over Applicant as a deputy program manager. These findings establish the disqualifying conditions described in AG ¶ 16(d) and shift the burden to Applicant to provide significant evidence of mitigation.

AG ¶ 17 provides conditions that could mitigate personal conduct security concerns. The following mitigating conditions potentially apply in Applicant's case:

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and

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

The information that Applicant's employer developed as part of its investigation was substantiated. Its findings were based on interviews with multiple individuals who averred that Applicant engaged in the behavior it listed in Applicant's final written warning. AG ¶ 17(f) is not applicable.

Failing to work required hours, being argumentative and gruff to the point of disrupting effective collaboration, and refusing to concede that a properly appointed individual has supervisory authority are not minor workplace infractions. Instead, this behavior shows an unwillingness to abide by established workplace rules. Following established rules is critical for protecting classified information. I note that this is not the first time Applicant has had issues with following rules at work as he was terminated from his employment in 2022 after a disagreement with a supervisor and received two general discharges under honorable conditions for failing to report for muster and for misconduct. Moreover, it has only been about one year since Applicant engaged in this inappropriate workplace conduct. I considered that Applicant was promoted about one month after he received the final written warning, that he claimed that he gets along with two of the employees who complained about him, and that he takes more time to think before he speaks. However, I find that this information is not significant enough to outweigh the aforementioned factors and to prove that this behavior is unlikely to recur. AG ¶¶ 17(c) and 17(d) are not fully applicable.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

- (1) The nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I have incorporated my comments under Guidelines G and E in my whole-person analysis. I have considered his positive character references and his military service. Overall, however, his consistent and recent binge drinking, two DWIs, and his issues in the workplace that resulted in four terminations and one final written warning in the last five years leave me with questions and doubts about his judgment and reliability.

Formal Findings

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

Paragraph 1, Guideline G:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant (except that he has not consumed five beers and five shots of whiskey per occasion since 2006)
Subparagraphs 1.b-1.c:	Against Applicant
Subparagraph 1.d:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant (but only with respect to allegations NOT involving alcohol and NOT involving intentional misrepresentation or omission)

Conclusion

It is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Benjamin R. Dorsey
Administrative Judge