



**DEFENSE LEGAL SERVICES AGENCY  
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of: )  
)  
) ISCR Case No. 24-02403  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Erin Thompson, Esq., Department Counsel  
For Applicant: *Pro se*

05/18/2026

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**Decision**

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HYAMS, Ross D., Administrative Judge:

Applicant failed to mitigate the alcohol consumption, drug involvement and substance misuse, financial considerations, and personal conduct security concerns. Eligibility for access to classified information is denied.

**Statement of the Case**

On March 18, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines G (alcohol consumption), H (drug involvement and substance misuse), F (financial considerations), and E (personal conduct). Applicant answered the SOR on June 23, 2025, and requested a hearing before an administrative judge.

The case was assigned to me on January 5, 2026. The hearing was convened on March 5, 2026. Department Counsel submitted Government Exhibits (GE) 1-14, which were admitted in evidence without objection. Applicant did not provide any documentation for consideration. After the hearing concluded, I held the record open for two weeks to allow Applicant to submit documentation, and none was provided.

**Findings of Fact**

Applicant denied SOR ¶¶ 4.b-4.d and admitted the rest of the SOR allegations with explanation. Based on my review of the pleadings, evidence submitted, and testimony, I make the following findings of fact.

Applicant is 47 years old. He graduated high school in 1996 and attended some college. He married in 2017 and separated in 2022, but they are not divorced. He has three children, one who is still a minor. Since 2016, he has worked for a government contractor and currently serves in a security role. He obtained his first security clearance in 2019. (Tr.13-15; GE 1)

Applicant stated most of his alcohol-related arrests happened in his 20's. He stated he was young and reckless, and hung out with the wrong people. He asserted he has never been an avid user of marijuana. He experimented with it a couple of times a month. Over the last 9 years, he claimed he used it once every couple of months. After he separated from his wife and his close friend passed away, he used it more often in the 2022-2023 timeframe but did not use it on a regular basis. He stated his last marijuana use was in 2023. (Tr. 17-25)

Applicant claimed he did not file income tax returns because he thought his wife was filing their taxes. However, he did not confirm that with her. He claimed he did not receive tax lien notices from the IRS. He reported he has been consistently employed over the last ten years and now earns \$77,000 annually. He currently has no wage garnishments and pays \$200 monthly for child support. He also provides about \$200 monthly to assist his daughter in college. He has not had credit counseling and does not keep a written budget. (Tr. 17-25)

Under Guideline G, the allegations are as follows:

SOR ¶ 1.a alleges in October 1998 Applicant was charged with driving while impaired (DWI), driving after consuming alcohol under 21, and no operator's license. He reported that he had fallen asleep at the wheel after drinking and totaled his car. He stated he had a driver's license; it just was not on his person at the time of his arrest. (Tr. 26-67; GE 5)

SOR ¶ 1.b alleges in July 2000, Applicant was charged with DWI and was convicted of the offense. He did not remember the incident well. He stated he had pulled over to sleep and the police found him. He thinks the charge was knocked down to reckless driving but was not sure. (Tr. 26-67; GE 4)

SOR ¶ 1.c alleges in 2002, Applicant drove after consuming alcohol. When stopped by police, he refused field sobriety testing and a breathalyzer. He was charged with refusing to take the breathalyzer test and was convicted. He stated this incident was hard to remember. He was hanging out with the wrong crowd. He thought that about six cars were pulled over at once, and he was the only one detained. (Tr. 26-67)

SOR ¶ 1.d alleges in April 2006 Applicant was charged with DWI and reckless driving to endanger. He was convicted of reckless driving to endanger. He stated he does not remember the incident well. (Tr. 26-67; GE 3, 6, 7)

SOR ¶ 1.e alleges in July 2024, Applicant was charged with DWI. Sentencing was pending at the time of the SOR issuance. He was drinking at a family event and asked his passenger to drive home. Instead, she said she was tired and went to sleep. He still decided to drive and was pulled over. His blood alcohol content (BAC) was .16, which is twice the legal limit. He claimed he was sentenced to community service instead of jail. An interlock device was installed on his car and remains installed on his car. He completed 300 hours of court-mandated alcohol assessment classes. Family and friends have encouraged him to stop drinking. He has stopped drinking in the past, but the longest period he stopped was for 2-3 months. (Tr. 26-67; GE 3, 10)

Under Guideline H, the allegations are as follows:

SOR ¶ 2.a alleges Applicant used and purchased marijuana on various occasions between at least 1996 and December 2023. Since 2019, he did so while he held a sensitive position and a security clearance. He claimed he did not have access to classified information at the time and he did not get the proper training to know marijuana use was not permitted. However, he knew marijuana was illegal to use. His wife used marijuana frequently, and he would occasionally use it with her. He claimed his use was infrequent. In his interrogatory response, he reported he used it twice a month in the 2022-2023 timeframe. He still has friends that use marijuana, and they may use it around him on occasion. He claimed his last use was in 2023. (Tr. 26-67; GE 3)

Under Guideline F, the allegations are as follows:

SOR ¶ 3.a alleges Applicant is indebted to the IRS on a 2008 federal tax lien for \$6,344, and it remains unpaid. He claimed his wages were garnished and the lien was paid but provided no documentation. This debt is unresolved. (Tr. 26-67; GE 11)

SOR ¶ 3.b alleges Applicant is indebted to the IRS on a 2009 federal tax lien for \$2,702, and it remains unpaid. He claimed his wages were garnished and the lien was paid but provided no documentation. This debt is unresolved. (Tr. 26-67; GE 12)

SOR ¶ 3.c alleges Applicant is indebted to the IRS for taxes owed from tax year 2019 for \$812, and the taxes remain unpaid. No documentation of resolution was provided. This debt remains unresolved. (Tr. 26-67; GE 3)

SOR ¶ 3.d alleges Applicant failed to file federal income tax returns for tax years 2020, 2021, and 2023, and these returns remain unfiled. There is evidence in the record that 2022 was filed, and he claimed 2024 was filed, but he did not provide documentation regarding the returns for tax years 2020, 2021, and 2023. (Tr. 26-67; GE 3)

SOR ¶ 3.e alleges Applicant failed to file State A income tax returns for tax years 2020-2023, and these returns remain unfiled. There is evidence in the record that 2022 was filed, and he claimed 2024 was filed, but he did not provide documentation regarding the returns for tax years 2020, 2021, and 2023. (Tr. 26-67; GE 3)

SOR ¶ 3.f alleges Applicant owes State A past due income taxes, but he is unsure of the amount owed and what tax years are owed. No documentation was provided. These delinquent taxes have not yet been resolved. (Tr. 26-67)

Under Guideline E, the allegations are as follows:

SOR ¶ 4.a cross-alleges allegations ¶¶ 1.a-1.e, 2.a, and 3.a-3.f. Those allegations are discussed above.

SOR ¶ 4.b alleges in August 2006 Applicant was charged with nonsupport of illegitimate child, and he was convicted of the offense and sentenced to 30 days confinement and 12 months of probation. He denied this allegation. He claimed the child support came out of his paycheck and one week was missed, but he was unsure how this happened. He thinks the case was dismissed and asserted he never did jail time. The record shows he was found guilty. His October 2024 credit report shows he was in compliance with his child support obligations. (Tr. 26-67; GE 3, 7)

SOR ¶ 4.c alleges in October 2009, Applicant was charged with driving with a revoked license, and he was convicted of this offense. He claimed he does not know the outcome of these charges. (Tr. 26-67; GE 8)

SOR ¶ 4.d alleges in September 2012, Applicant was charged with driving with a revoked license. He claimed he does not know the outcome of these charges. (Tr. 26-67; GE 9)

SOR ¶ 4.e alleges Applicant falsified his March 2020 security clearance application (SCA) regarding his police record by failing to disclose the offenses listed in ¶¶ 1.a, 1.c, and 1.d. He admitted he knew he was arrested more than one time but claims his failure to report it was unintentional. His May 2020 background interview with a government investigator shows that he was forthcoming with the investigator regarding his alcohol-related incidents and voluntarily provided detail and explanation. (Tr. 26-67; GE 2, 3)

SOR ¶ 4.f alleges Applicant falsified his March 2020 SCA regarding drug use by failing to disclose his marijuana use from 2013-2016. He asserted his use was infrequent, so he did not remember and did not report it. His May 2020 background interview with a government investigator shows that he was evasive and had to be asked three times by the investigator about his marijuana use to get the information. (Tr. 26-67; GE 2, 3)

SOR ¶ 4.g alleges Applicant falsified material facts during his May 2020 interview with a government investigator by denying being charged with any alcohol-related offenses after 2002, and the offense detailed in ¶ 1.d. He claimed he may have forgotten

the dates of his arrests and his failure to report was unintentional. His May 2020 background interview with a government investigator shows that he was forthcoming with the investigator regarding his alcohol-related incidents and voluntarily provided detail and explanation. (Tr. 26-67; GE 3)

SOR ¶ 4.h alleges Applicant falsified his February 2024 SCA regarding his police record by failing to disclose the offenses listed in ¶¶ 1.a, 1.c, and 1.d. He admitted he knew he was arrested more than one time but claims his failure to report it was unintentional. His July 2024 background interview with a government investigator shows that he was forthcoming with the investigator regarding his alcohol-related incidents and voluntarily provided detail and explanation. (Tr. 26-67; GE 1, 3)

### **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**

AG ¶ 21 details the personal conduct security concern:

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.

I have considered the disqualifying conditions for alcohol consumption under AG ¶ 22 and the following is applicable:

(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;

I have considered the mitigating conditions 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;

(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.

None of the mitigating conditions apply. While Applicant had a long period between alcohol-related arrests, his July 2024 DWI arrest demonstrates a continuing concern with his alcohol consumption and judgment. His BAC was double the legal limit when he was stopped by police. Despite expressed concerns by family and friends about his alcohol consumption, he has continued to drink and has not participated in counseling or an alcohol cessation program. He continues to have an interlock device on his car. Because of the recency of the last incident, I cannot find that this behavior happened under circumstances unlikely to recur, and it continues to cast doubt on his reliability, trustworthiness, and judgment.

### **Guideline H, Drug Involvement and Substance Misuse**

AG ¶ 24 expresses the security concern regarding drug involvement:

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 considered the disqualifying conditions for drug involvement under AG ¶ 25 and the following are applicable:

- (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.

The Controlled Substances Act makes it illegal under federal law to manufacture, possess, or distribute certain drugs (Controlled Substances Act, 21 U.S.C. § 801, et seq. See § 844). All controlled substances are classified into five schedules, based on their accepted medical uses, their potential for abuse, and their psychological and physical

effects on the body. §§ 811, 812. Marijuana is classified as a Schedule I controlled substance, under § 812(c), based on its high potential for abuse, no accepted medical use, and no accepted safety for use in medically supervised treatment.

I have considered the mitigating conditions under AG ¶ 26. The following are potentially applicable:

(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 is grounds for revocation of national security eligibility.

AG ¶¶ 26 (a) and (b) do not apply. Applicant knew that using marijuana was illegal and should have known that using illegal drugs while working for a government contractor, holding a security clearance, and working in a sensitive position was not permitted. His most recent use was at least twice monthly in 2022 to at least 2023. I cannot find that this behavior happened under circumstances unlikely to recur, and it continues to cast doubt on his reliability, trustworthiness, and judgment. He still associates with drug-using friends, he has not changed the environment or circumstances where drugs were used, and he did not provide a signed statement of intent to abstain.

#### **Guideline F, Financial Considerations**

The security concern for financial considerations is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The guideline notes conditions that could raise security concerns under AG ¶ 19. The following are applicable in this case:

(a) inability to satisfy debts;

(c) history of not meeting financial obligations; and

(f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required;

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

None of the mitigating conditions apply. Applicant failed to provide sufficient evidence showing responsible behavior with regard to his tax obligations. He has multiple tax years where he did not file federal or State A income tax returns. His tax liens and tax debts are unresolved. All of these things continue to cast doubt on Applicant's reliability, trustworthiness, and judgment.

The Appeal Board has held that failure to file income tax returns suggests that an Applicant has a problem with complying with well-established governmental rules and systems. Voluntary compliance with such rules and systems is essential for protecting classified information (ISCR Case No. 01-05340 at 3 (App. Bd. Dec. 5, 2002)); and a person who has a history of not fulfilling their legal obligation to file income tax returns may be said not to have demonstrated the high degree of judgment and reliability required for access to classified information. (ISCR Case No. 98-0608 at 1 (App. Bd. June 27, 2000)).

### **Guideline E, Personal Conduct**

AG ¶ 15 details the personal conduct security concern:

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...

I have considered the disqualifying conditions under AG ¶ 16 and the following are applicable:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;

(b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative; and

(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.

SOR ¶ 4.a is a cross-allegation of Applicant's conduct under Guidelines G, H, and F, already discussed above. The cross alleged allegations are "sufficient for an adverse determination," under the other Guidelines, so AG ¶ 16(c) does not apply. Furthermore, the Government did not allege Applicant's failure to file or pay federal or state taxes as criminal conduct security concerns, and financial considerations are not normally personal conduct security concerns. SOR ¶ 4.a is found for Applicant.

I have considered the mitigating conditions under AG ¶ 17. The following are potentially applicable:

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

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the

requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

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

(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.

AG ¶ 17(a) applies to SOR ¶¶ 4.e, 4.g, and 4.h. His May 2020 and July 2024 background interviews with a government investigator show that he was forthcoming with the investigator regarding his alcohol-related incidents and voluntarily provided detail and explanation. This fact supports his claim that his SCA failure to report was a memory issue rather than a deliberate falsification.

AG ¶ 17(c) applies to SOR ¶¶ 4.b, 4.c, and 4.d. All three offenses are old without a connection to recent conduct. The most recent credit report in the record shows Applicant is current with his child support obligations.

None of the mitigating conditions apply to SOR ¶ 4.f. Applicant did not report any drug use on his March 2020 SCA, and his May 2020 background interview with a government investigator shows that he was evasive and had to be asked three times by the investigator about his marijuana use to get the information.

### **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 considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines G, H, F, and E in my whole-person analysis.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility for a security clearance. I conclude that Applicant has not mitigated the alcohol consumption, drug involvement and substance misuse, financial considerations, and personal conduct security concerns.

### **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
Subparagraphs 1.a-1.e:	Against Applicant
Paragraph 2, Guideline H:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraphs 3.a-3.f:	Against Applicant
Paragraph 4, Guideline E:	AGAINST APPLICANT
Subparagraphs 4.a-4.e:	For Applicant
Subparagraph 4.f:	Against Applicant
Subparagraphs 4.g-4.h:	For Applicant

### **Conclusion**

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

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Ross D. Hyams  
Administrative Judge