



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



In the matter of: )  
)  
) ISCR Case No. 25-01028  
)  
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Applicant for Security Clearance )

**Appearances**

For Government: Jenny Bayer, Esq., Department Counsel  
For Applicant: Grant Couch, Esq., The Edmunds Law Firm

05/19/2026

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**Decision**

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Lokey Anderson, Darlene D., Administrative Judge:

**Statement of the Case**

On January 28, 2025; March 31, 2023; and March 10, 2017, Applicant submitted security clearance applications (e-QIPs). (Government Exhibits 1, 2, and 3.) On October 8, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline G, Alcohol Consumption and Guideline F, Financial Considerations. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines (AG) effective within the DoD after June 8, 2017.

Applicant answered the SOR on October 21, 2025, and requested a hearing before an administrative judge. The case was assigned to me on January 20, 2026. The Defense Office of Hearings and Appeals issued a notice of hearing on February 13, 2026, and the hearing was convened as scheduled on April 14, 2026. The Government offered fifteen exhibits, referred to as Government Exhibits 1 through 15, which were admitted without objection. The Applicant offered six exhibits, referred to as Applicant's Exhibits A

through F, which were admitted without objection. Applicant also testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on April 23, 2026.

### **Findings of Fact**

Applicant is 49 years old. He is married with three children, ages 9, 16, and 20. He has an Associate's degree and military training. He is employed by a defense contractor as a Help Desk Coordinator. He is seeking to obtain a security clearance in connection with his employment.

### **Guideline G: Alcohol Consumption**

The Government alleges that Applicant's history of excessive alcohol abuse leads to questionable judgment, and the failure to control impulses, which raises questions about his reliability and trustworthiness. Applicant admitted each of the allegations under this guideline.

Applicant served in the U.S. Army from 2004 until 2009, and was Honorably Discharged, as an E-4. During his military service, he held a security clearance without incident. He also received a number of awards and commendations, including the Army Commendation Medal (2<sup>nd</sup> award); Army Good Conduct Medal; National Defense Service Medal; Global War on Terrorism Service Medal; Iraq Campaign Medal with Campaign Star (2<sup>nd</sup> Award); Army Service Ribbon; and the Combat Action Badge, among others. (Applicant's Exhibit D.) As a civilian employee, who has worked for several defense contractors, he has held a security clearance since 2009.

Applicant began working for his current employer in late May 2023. (Government Exhibit 1.) As a Help Desk Coordinator, he earns approximately \$60,000 annually. Before this job, he worked for a different government contractor for about 2 and 1/2 years as an HBSS Architect, and earned \$127,000 annually. When that company lost their contract with the Government, Applicant was out of a job. (Tr. p. 35.)

1.a. Applicant has a history of excessive alcohol consumption that began in 2001 and has continued to at least September 2023. He explained that he never consumed alcohol at home. Drinking for him was a social event. He stated that he would typically consume three alcoholic beverages when he would go out drinking. However, on some occasions, often when he had a driver, he consumed as much as five or six drinks. After five or six alcoholic beverages, he would feel intoxicated. (Tr. p. 83.)

1.b. In June 2013, Applicant was first arrested and charged with Driving While Intoxicated (DWI). Applicant explained that he had been drinking at a club with friends. He drove his friends home. Then he went back to the club and continued drinking until the club closed. On his way home, he caused a major accident when he rear-ended a vehicle. When the police arrived, they arrested the Applicant. Applicant admits that he was heavily intoxicated, and that his blood alcohol level was .15. (Government Exhibit 12, p. 7.) The collision was so significant that all of the airbags inside his vehicle were

deployed. Applicant stated that the driver of the other vehicle was injured, and sustained knee injuries as a result of the collision. Applicant was incarcerated for about 22 hours, and then released. In court, he took a plea deal to lower the charge to Obstruction of Highway. Applicant was sentenced to install an interlock system on his vehicle for six months; attend court ordered alcohol counseling, and pay fee of \$1,000. (Tr. pp. 77-80, and Government Exhibit 11 and 12.)

Following this arrest, Applicant did not believe he had an alcohol problem, and he did not stop drinking. He did not attend or participate in any type of voluntary alcohol rehabilitation program or Alcoholics Anonymous (AA) meetings. (Tr. p. 81-82.)

1.c. In December 2016, Applicant was arrested a second time and was charged with DWI. Applicant got into an altercation at the bar and when he left he was angry. On his way home he was speeding, traveling 81 miles per hour in a 55 mile per hour zone, and was pulled over by the police. The officer administered a field sobriety test and Applicant failed it. (Government Exhibit 9, p. 3.) In court, Applicant took a plea deal to reduce the DWI to Obstruction of Highway. (Tr. pp. 84-85.) Applicant was sentenced to 270 days of community supervised probation; fined about \$800 including court fees; 180 days jail time was suspended; required to attend a defensive driving and impact panel; and complete three months of court ordered counseling. (Tr. p. 86.) At this point, Applicant stated that although he was drinking less often, he was still drinking to excess. (Government Exhibit 9.)

In his subject interview in September 2018, Applicant stated that he did not have a drinking problem. He told the investigator that there was no chance of recurrence, because he no longer consumed alcohol and that he would never drink again. (Government Exhibit 4, and Tr. p. 90.)

Applicant testified that after his second DWI in December 2016, he completely abstained from alcohol for about 2 and 1/2 years. He did not intend to ever drink again. (Tr. p. 90.) When he started drinking again, he believes it was to help him deal with stress. He believed that he could consume just a couple of drinks without having a problem. He was wrong. (Tr. pp. 90-91.)

1.d. In September 2023, Applicant was arrested a third time and charged with DWI. Applicant was consuming alcohol to excess at a club. On his way home, he was speeding, doing 84 miles an hour in a 55 mile per hour zone, and was pulled over by the police. Applicant admits that he was heavily intoxicated, and his blood alcohol level was about .15. Applicant was taken to jail, and he missed his son's birthday. Applicant explained that during his time in jail he reflected on his situation and came to realize that he has a serious alcohol problem. Among other sentencing conditions, Applicant was placed on probation for one year; required to install the interlock machine on his vehicle; fined; and required to complete a Drug and Alcohol Program. (Tr. p. 96 and Applicant's Exhibit B.) He does not know for sure if the charges were reduced to Obstruction of Highway or whether the conviction remained a DUI. (Tr. p. 49, and Government Exhibits 6, 7, and 8.)

Applicant testified that he no longer consumes alcohol and believes that he is an alcoholic. He feels that he does not need Alcoholic Anonymous “meetings or a sponsor.” (Tr. p. 108.) He last consumed alcohol on the date he was arrested in September 2023. He stated that he now has a morbid fear of drinking again. His third arrest for DWI blindsided him, and he did not see it coming. He remembers that one moment he was having a drink, the next moment he was driving down the freeway without knowing where he was. He understands that he will lose everything if he drinks again. (Tr. p. 99.)

Applicant further testified that all of his family, and close friends know that he no longer consumes alcohol. However, if he goes out to eat with his wife, every once in a while, she will have a drink. Applicant has not voluntarily sought out, or attended or participated in any alcohol rehabilitation programs, AA classes, counseling, or any other structured program to assist with his sobriety and to hold himself accountable.

### **Guideline F - Financial Considerations**

The Government alleged that Applicant is ineligible for a clearance because he made financial decisions that indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which raise questions about his reliability, trustworthiness, and ability to protect classified information.

The SOR identified 3 delinquent accounts totaling approximately \$43,716 owed to creditors. Applicant denied allegation 1.a., but admits the other two allegations set forth in the SOR. Credit reports of the Applicant dated April 26, 2023; December 27, 2023; and July 30, 2025, confirm the indebtedness listed in the SOR. (Government Exhibits 13, 14, and 15.)

Applicant stated that he attributes his history of financial difficulty to excessive spending. He realizes that his habit of going out drinking, and his three alcohol-related arrests have made it even more difficult to pay his bills, because he has had to hire attorneys, pay fines and other court costs, and incur other related expenses. In 2020, he and his wife were separated for about a year and it caused more financial strain. In 2021 to help resolve his delinquent debt, Applicant hired a debt consolidation company to work with him. Applicant paid the company for their services until sometime in 2023, when he had to stop because he lost his high-paying job, and could no longer afford them. (Tr. p. 68)

Applicant explained that in November 2023, his step-daughter was diagnosed with the brain tumor. She has had to have surgery, rehabilitation, and has numerous specialists who are and have been regularly providing care for her. Her medical bills are substantial, significant, and ongoing. (Tr. p. 43.)

The following delinquent debts are a security concern:

2.a. Applicant was indebted to a creditor for a charged off account in the approximate amount of \$26,537. Applicant denied this allegation. He explained that in 2017 or 2018,

he purchased a vehicle that he could not afford. After having it for two or three months, he realized that he needed to give it back. He contacted the dealer and had the car voluntarily repossessed. Applicant stated that he recently contacted the creditor and was told that they have no record of any debt that he owes. (Tr. p. 37.) Applicant's credit report show a zero balance owed on the account. (Government Exhibit 15.) The debt is no longer owing.

2.b. Applicant is indebted to a creditor in the amount of approximately \$13,967. This was a personal loan that Applicant obtained when he and his wife were separated, and he needed to move into an apartment. Applicant opened the account in December 2022. He made four or five payments and then fell delinquent in about 2023. His last payment on the account was in 2024. The debt remains owing. (Tr. pp. 72-23.)

2.c. Applicant is indebted to a creditor for a charged-off account in the approximate amount of \$3,212. This was a small Payday loan that Applicant took out at Christmas time in order to pay some of his bills. The debt remains owing. (Tr. p. 41.)

Applicant stated that his plan to resolve his debts is to file for Bankruptcy. He has retained an attorney, but must finish paying off the retainer fee before the petition will be filed. Applicant plans to file either a Chapter 7 or a Chapter 13 bankruptcy petition. (Tr. pp. 40 and 42.)

Applicant stated that he provides all of the financial support for his family of five with his salary and his disability benefits. His annual salary is \$60,000. He also receives \$4,900 monthly in disability benefits from the VA, which is a 100 percent disability rating. He explained that he still has several payments of \$1,500 a month to pay back to the Veterans program that assisted him with his claim, before he can use the money to either pay off debts or to file Bankruptcy. (Tr. pp. 42-44.)

Applicant explained that he was living a different lifestyle when he was earning more money. Eating out with the family, and going out to bars, is now a thing of the past. He can no longer afford it. He stated that he now has a financial budget that he is following. (Tr. p. 44-45 and Applicant's Exhibit A.)

Letters of recommendation from a Systems Administrator; and an IT Project Manager; both of whom have worked closely with the Applicant for the past two years, indicate that the Applicant has consistently demonstrated a high level of professionalism, integrity, and reliability. From their observations, Applicant has shown that he has exceptional judgment, discretion in handling sensitive information, and always adheres to all security protocols and procedures. They have full confidence in the Applicant and are of the opinion that he will properly safeguard classified or protected information. They indicate that he shows a commitment to upholding all of the company's values. They believe that Applicant is no risk to the national security. They recommend without reservation that the Applicant be granted a security clearance. (Applicant's Exhibits C and F.)

A letter from Applicant's wife indicates that Applicant is fully committed to his new life of sobriety and to becoming a better husband, father, and individual. She stated that he has built in coping mechanisms to help him with stress, including running, spending time with family, doing yard work, and focusing deeply on supporting their daughter and her medical condition. She finds that he is now extremely responsible, accountable, and devoted his job and his family. (Applicant's Exhibit E.)

## **Policies**

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are 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 AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Directive ¶ E3.1.14, requires the Government to present evidence that establishes 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 applies for access to classified information seeks to enter into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of 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 expresses the security concern pertaining to alcohol consumption:

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 conditions that could raise a security concern and may be disqualifying. The disqualifying conditions raised by the evidence are:

(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; and

(c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual was diagnosed with alcohol use disorder.

Applicant's history of alcohol abuse includes three arrests for Driving While Intoxicated. The most recent arrest occurred in 2023, less than three years ago. This conduct raises serious security concerns under AG ¶¶ 22(a) and 22(c).

AG ¶ 23 provides conditions that could mitigate alcohol consumption security concerns:

(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 good 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 or 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.

Applicant has engaged in a frequent pattern of drinking to excess and driving, resulting in three arrests for DWI, and one major car accident causing injury to another. The most recent DWI arrest occurred following about two and a half years of sobriety. Applicant believes that he is an alcoholic, but does not believe he needs any support to remain sober. After abstaining from alcohol for over 2 years, he relapsed and was arrested a third time for DWI. He stated that he is currently abstaining from alcohol, but based on his history, he may relapse at any time. He has not demonstrated that he will be able to abstain from alcohol. He is not involved in any alcohol support groups like AA, nor has he completed any alcohol treatment programs, other than those ordered by the court related to his DWI's. Given his long pattern of unhealthy and irresponsible behavior with excessive alcohol consumption, starting in 2001 and continuing until at least 2023, more time in sobriety is needed to convince the Government that he will not return to his old ways. Furthermore, because he has not made any efforts to seek out independent alcohol rehabilitative support, the Government is not convinced that he has made a true and real commitment to a sober lifestyle. With his addiction, trying to stop drinking on his own, with little or no rehabilitative support can be very difficult, and may be impossible. Under the circumstances, Applicant has not demonstrated sufficient good judgment and reliability necessary to access classified information. ¶ 23 does not provide mitigation.

#### **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. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

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

- (a) inability to satisfy debts
- (b) unwillingness to satisfy debts regardless of ability to do so; and
- (c) a history of not meeting financial obligations.

Applicant has incurred excessive delinquent debt that he has not paid. The evidence is sufficient to raise the above disqualifying conditions.

The following mitigating conditions under the Financial Considerations guideline are potentially applicable under AG ¶ 20.

- (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, or a death, divorce, or separation), 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
- (e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

Applicant has delinquent debts that he knew the Government was concerned about, and he has done nothing to address them. No actions have been taken on any of his accounts. He states that he now plans to file for Bankruptcy under Chapter 7 or Chapter 13 when he has the money to pay his attorney the remainder of his retainer fee. In the meantime, his delinquent debts remain owing. Applicant has not demonstrated that he is financially responsible. His history of financial irresponsibility and inaction casts doubt on his current reliability, trustworthiness, or good judgment. His conduct shows poor judgment and unreliability. He needs more time to diligently work towards resolving his delinquent debts to show the Government that he can be financially responsible. Under the particular facts, the mitigating conditions do not establish mitigation.

Overall, there is insufficient evidence in the record to show that the Applicant has carried his burden of proof to establish mitigation of the Government security concerns under Guideline G and Guideline F.

## 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 facts and circumstances surrounding this case. I have incorporated my comments under Guidelines G and F in my whole-person analysis. Based upon the facts and analysis set forth above, Applicant has failed to provide sufficient evidence to demonstrate that he meets the qualifications for a security clearance.

Overall, the record evidence leaves me with many questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the Alcohol Consumption and Financial Considerations security concerns.

### Formal Findings

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

Paragraph 1, Guideline G:	AGAINST APPLICANT
Subparagraphs 1.a. through 1.d.	Against Applicant
Paragraph 2, Guideline F:	AGAINST APPLICANT
Subparagraph 2.a.	For Applicant
Subparagraphs 2.b. and 2.c.	Against Applicant

## **Conclusion**

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant national security eligibility for a security clearance. Eligibility for access to classified information is denied.

Darlene Lokey Anderson  
Administrative Judge