



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



In the matter of: )  
)  
) ISCR Case No. 25-00965  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Jenny Bayer, Esq., Department Counsel  
For Applicant: *Pro se*

05/20/2026

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**Decision**

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FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines I (Psychological Conditions), F (Financial Considerations), and E (Personal Conduct). Guideline E concerns are mitigated, but Guideline I and F concerns are not mitigated. Clearance is denied.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) on October 23, 2021. On September 9, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines I, F, and E. The DCSA acted under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017.

Applicant answered the SOR on September 22, 2025, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on January 16, 2026, and the case was assigned to me on March 6, 2026. On March 16, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled to be conducted by video teleconference on April 21, 2026. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 12 were admitted in evidence without objection. Applicant testified and presented the testimony of one witness. He did not submit any documentary evidence.

I held the record open until May 15, 2026, to enable the parties to submit additional evidence. Applicant timely submitted Applicant's Exhibits (AX) A through G, which were admitted without objection. Department Counsel requested that I take administrative notice of relevant sections of the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), and I granted the request. DOHA received the transcript on April 30, 2026. The record closed on May 15, 2026.

### **Findings of Fact**

In Applicant's answer to the SOR, he admitted all the allegations in the SOR. His admissions are incorporated in my findings of fact.

Applicant is a 45-year-old test mechanic employed by a federal contractor since January 2018. He previously was employed by non-federal employers from August 2002 to January 2018. He received a security clearance in May 2018. He has a high-school education. He married in April 2002 and separated in July 2021. (Tr. 30) He has three adult children.

SOR ¶ 1.a alleges that in April 2024, Applicant was diagnosed with Major Depressive Disorder (MDD) and Cluster B personality traits. The SOR recites the findings and conclusions of the psychologist. The psychologist concluded that Applicant's severe, recurrent MDD affects his day-to-day social and occupational functioning and that he exhibits patterns of behavior that indicate significant resilience issues and high sensitivity to stressors of life. The psychologist opined that Applicant's ability to perform national security duties is poor, and that his maladaptive personality traits and behavioral history, including prior suicidal ideation, history of serious mental health conditions without mitigating treatment, poor financial decision-making, and lower resilience to normative stressors raised concerns about his judgment, reliability, and trustworthiness. (GX 4)

I have taken administrative notice of the DSM-5 description of the symptoms of MDD, on which the diagnosis of the psychologist was based. The DSM-5 notes that the course of MDD is "quite variable," with some individuals rarely experiencing remission (defined as a period of two or more months with no symptoms or only one or two symptoms to no more than a mild degree), while others experience many years with few

or no symptoms between discrete episodes. The course of MDD generally does not change with aging, although the likelihood of suicide lessens in middle and late life. (DSM 5 at 165-66)

SOR ¶ 1.b alleges that in about September 2021, Applicant attempted suicide by an overdose of acetaminophen and was involuntarily admitted to a hospital and diagnosed with MDD, recurrent episode, severe. He was hospitalized for two days. The precipitation for this event was a recent marital breakup, loneliness, family and relationship stress, and stress from physical pains caused by migraine headaches. He expressed concern to hospital personnel that his hospitalization would adversely affect his career and his security clearance. He was subsequently transferred to another hospital for inpatient treatment, which he completed on September 24, 2021, and he was instructed to attend prescheduled follow-up appointments. (GX 4 at 3; GX 9 at 26)

SOR ¶ 1.c alleges that Applicant failed to follow the treatment recommendation set out in SOR ¶ 1.b. He attended one or two appointments and then stopped attending them due to their expense. (GX 4 at 3) After the hearing, he contacted a licensed mental health clinician and scheduled an appointment for May 2, 2026. (AX B)

Applicant testified that he and his wife separated in July 2021. In addition to the emotional stress of this break-up, he had recently dealt with the deaths of both parents and a sister's illness. (Tr. 31) He called his ex-wife and an ex-girlfriend for help, and neither were willing to be with him. He then called a friend at work, and they talked "for hours." These events preceded his attempted suicide. (Tr. 31-32)

About two months before the hearing, Applicant, his ex-wife, and their three children were at a hockey rink where a shooting occurred. His son was a member of one of the hockey teams playing at the rink. He testified, "I can honestly tell you, five years ago I don't know how I would have handled this. But I feel more at ease. I'm happier, generally happier now. I allow myself to process an emotion when it hits and work through it. I don't bury it; I confront it head-on and deal with it." (Tr. 34)

SOR ¶¶ 2.a through 2.p allege 16 consumer debts totaling about \$16,209. These debts are reflected in credit reports from November 2017, September 2022, and April 2025 (GX 9, 10, and 11). Applicant admitted all the debts in his answer to the SOR. When he began working for his current employer in January 2018, he already had debt problems. He was earning only \$19 per hour and providing for three children. After Applicant was hospitalized in September 2021, he was living on short-term disability paychecks, which were insufficient to pay his living expenses. (Tr. 33) At the hearing, he presented evidence that he enrolled in a debt-consolidation program in November 2025 for 13 debts totaling \$13,292. He is making monthly payments of \$143. As of May 2026, three debts were resolved, none of which were alleged in the SOR. The debts alleged in

SOR ¶¶ 1.a, 1.e, 1.g, 1.i, 1.k, and 1.l were enrolled but not resolved. The remaining debts alleged in the SOR were not included in Applicant's program. (AX A)

SOR ¶ 3.a alleges that Applicant was terminated from employment in August 2017 for failing to provide proper services on three occasions and falsifying documents stating that the services had been completed. The evidence reflects only two incidents. The second incident resulted in a customer being fined for a safety violation. (GX 5)

Applicant testified that he was working for a kitchen exhaust and cleaning company in 2017. His employer used a computer application to process work orders. On July 20, 2017, his co-worker did not come to a work site, and Applicant did not want to work alone because it was unsafe. He left the site without completing the job. The record does not reflect what, if anything, he reported to his employer about this incident. He received a verbal reprimand. (Tr. 28-29)

On July 23, 2017, Applicant's co-worker did not show up for a job that involved cleaning a chimney stack for a wood-burning pizza oven and a full-service kitchen cleaning. He completed the chimney cleaning himself but did not perform the full-service kitchen cleaning. He was unable to change the documentation on the computer application for the job, and so he reported that the entire job was completed. On August 17, 2017, Applicant's employer was notified that the customer for the July 23 job was fined for a safety violation. Within a week or two, Applicant was fired. Shortly after being fired, he began working for his current employer. (Tr. 29-30)

A member of the company management team for Applicant's current employer testified on his behalf. The witness is a supervisor but not in Applicant's department, and his relationship with Applicant is personal and not supervisory. He has known Applicant for about 13 years. He has worked for Applicant's employer for about 30 years. They met through playing sports and coaching their children. He testified that Applicant is kind and intelligent. He believes that Applicant loves his job and is very patriotic. He knew that Applicant received a medical evaluation, but he was unaware of the details. He knew that Applicant had some medical appointments that he did not keep. He was not familiar with the allegations in the SOR. (Tr. 16-27)

### **Policies**

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to "control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan* at 531. Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record." See ISCR Case No. 17-04166 at 3 (App. Bd. Mar. 21, 2019). It is "less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge's] finding from being supported by substantial evidence." *Consolo v. Federal Maritime Comm'n*, 383 U.S. 607, 620 (1966). "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan* at 531.

## **Analysis**

### **Guideline I, Psychological Conditions**

The concern under this guideline is set out in AG ¶ 27:

Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.

Applicant’s admissions and the evidence presented at the hearing establish the following disqualifying conditions under this guideline:

AG ¶ 28(a): behavior that casts doubt on an individual’s judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors;

AG ¶ 28(b): an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness;

AG ¶ 28(c): voluntary or involuntary inpatient hospitalization; and

AG ¶ 28(d): failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including, but not limited to, failure to take prescribed medication or failure to attend required counseling sessions.

The following mitigating conditions are potentially applicable:

AG ¶ 29(a): the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;

AG ¶ 29(b): the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;

AG ¶ 29(c): recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;

AG ¶ 29(d): the past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability; and

AG ¶ 29(e): there is no indication of a current problem.

AG ¶ 29(a) is not established. Applicant has not been in a treatment plan since he was released from the hospital in September 2021, and he did not complete the outpatient part of the plan.

AG ¶¶ 29(b), 29(c), and 29(d) are not established. Applicant did not comply with the instruction to enroll in an outpatient plan after he was released from the hospital. After the hearing, he submitted evidence that he had an appointment with a licensed mental health clinician on May 2, 2026, but as of the date the record closed, he was not in a treatment plan, there is no evidence that his condition is under control or in remission, and there is no evidence of a favorable prognosis.

AG ¶ 29(e) is not established. Applicant testified about his ability to manage a stressful situation involving a shooting incident at a hockey rink, which is an encouraging sign, but it is insufficient to show that his MDD is in remission and will not recur, especially if he encounters multiple and sustained stressors of the kind that he has experienced in the past.

## **Guideline F, Financial Considerations**

The security concern under this guideline 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. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

This concern is broader than the possibility that a person might knowingly compromise classified information to raise money. It encompasses concerns about a person's self-control, judgment, and other qualities essential to protecting classified information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information. See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

Applicant's admissions and the evidence submitted at the hearing establish two disqualifying conditions under this guideline: AG ¶ 19(a) ("inability to satisfy debts") and AG ¶ 19(c) ("a history of not meeting financial obligations").

The following mitigating conditions are potentially applicable:

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;

AG ¶ 20(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;

AG ¶ 20(c): the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; and

AG ¶ 20(d): the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

AG ¶ 20(a) is not established. Applicant's delinquent debts are recent, frequent, and were not incurred under circumstances making them unlikely to recur.

AG ¶ 20(b) is not established. Applicant's loss of employment in August 2017 was a condition beyond his control, but he has been employed continuously since January 2018. His pay reduction while on short-term disability in September 2021 was a condition largely beyond his control, but he returned to work shortly after he was released from the hospital. He has not acted responsibly. He took no significant action to gain control of his financial situation until he hired a debt-consolidation company in November 2025, after the hearing and after he received the SOR. An applicant who waits until his or her clearance is in jeopardy before resolving debts may be lacking in the judgment expected of those with access to classified information. ISCR Case No. 16-01211 (App. Bd. May 30, 2018). As of the date the record closed, only the debts alleged in SOR ¶¶ 1.a, 1.e, 1.g, 1.i, and 1.k were enrolled in his payment plan, and none of them were resolved.

AG ¶ 20(c) is not established. Applicant's debt-resolution company does not provide the type of counseling contemplated by this mitigating condition, and Applicant's financial problems are not under control.

AG ¶ 20(d) is not established. There is no evidence of good-faith payments to any of the creditors alleged in the SOR.

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

The security concern under this guideline is set out in AG ¶ 15: "Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. . . ."

The following disqualifying conditions under this guideline are potentially applicable:

AG ¶ 16(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; and

(3) a pattern of dishonesty or rule violations.

AG ¶ 16(e): personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes . . . engaging in activities which, if known, could affect the person's personal, professional, or community standing.

AG ¶ 16(d) is established. Applicant's failures to complete jobs on two occasions and falsely reporting that one of the jobs was completed was untrustworthy and inappropriate behavior. However, there were only two violations that were close in time, and they happened more than nine years ago. This evidence is insufficient to establish a pattern of dishonesty or rule violations.

AG ¶ 16(e) is not established. Applicant's termination of employment for the two incidents occurred more than nine years ago and is not likely to make him vulnerable to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group.

The following mitigating condition is potentially applicable:

AG ¶ 17(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.

AG ¶ 17(c) is established. Applicant's offenses were minor, infrequent, and occurred more than nine years ago. They do not cast doubt on his current reliability, trustworthiness, or good judgment.

### **Whole-Person Analysis**

Under AG ¶ 2(c), the ultimate determination of whether to grant a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. An administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all the relevant circumstances. An 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

