



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



In the matter of:

ISCR Case No. 25-00023

Applicant for Security Clearance

Appearances

For Government: Erin Thompson, Esq., Department Counsel

For Applicant: *Pro se*

06/17/2026

Decision

LOKEY ANDERSON, Darlene D., Administrative Judge:

Statement of Case

On March 11, 2024; and March 16, 2020, Applicant submitted security clearance applications (e-QIPs). (Government Exhibits 1 and 2.) On October 3, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline E, Personal Conduct and Guideline J, Criminal Conduct. The action was taken under Executive Order 10865 (EO), *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 for Determining Eligibility for Access to Classified Information*, effective within the DoD after June 8, 2017.

Applicant answered the SOR on a date uncertain, and requested a hearing before an administrative judge. The case was assigned to me on April 6, 2026. The Defense Office of Hearings and Appeals issued a notice of hearing on April 7, 2026, and the hearing was convened as scheduled on May 5, 2026. At the hearing, the Government offered seven exhibits, referred to as Government Exhibits 1 through 7, which were

admitted without objection. The Applicant offered no exhibits. He did testify on his own behalf. DOHA received the transcript of the hearing (Tr.) on May 14, 2026.

Findings of Fact

Applicant is 41 years old. He is married and has one minor child. He has a high school diploma. He holds the position of Maintenance Repair Technician. He is seeking to obtain a security clearance in connection with his employment.

Guideline E – Personal Conduct

The Government alleged that Applicant is ineligible for a clearance because he engaged in conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations, all of which raise questions about his reliability, trustworthiness, and ability to protect classified information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

Applicant admits each of the allegations set forth in the SOR under this guideline.

Guideline J - Criminal Conduct

The Government alleged that Applicant is ineligible for a clearance because he engaged in criminal activity which creates a doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.

Applicant admits each of the allegations set forth in the SOR under this guideline.

Applicant began using marijuana in high school in 2001 on an occasional basis. He stated that his use was inconsistent and not continuous. He contends that from 2002 to 2004 while serving in the Army, he did not use marijuana and had passed all drug urinalysis. However, he was arrested for marijuana possession. He stated that it has been difficult for him to provide exact dates or a consistent time-line regarding his marijuana use because his use was irregular and infrequent. (Response to SOR.) He testified that he used marijuana almost daily between 2007 and 2019. He also purchased marijuana a few times a month, 3 to 4 grams at a time to supply his need. He stopped using marijuana to get employed with the defense contractor in 2020 and to be able to pass their drug tests. (Government Exhibit 3, and Tr. pp. 50-53.)

After graduating from high school in 2002, Applicant went directly into the U.S. Army. His military MOS was that of a Signal Support Specialist. He believes that he held a security clearance in the military, but he is not sure. Being young and immature, Applicant was hanging around the wrong crowd and got himself into trouble. His command reported him Absent Without Leave, which he contends was a big

misunderstanding. As a result, he did not receive a salary, and he had nothing to live on. He was unable to pay his rent and his insurance, so he decided to sell marijuana with some of his civilian friends. While on government property, it was discovered that he had marijuana in his possession. Applicant was charged with possession of 56 grams of marijuana with intent to distribute in violation of the Uniform Code of Military Justice, Article 112. About a month later, in February 2005, Applicant was administratively discharged from the military with an Other Than Honorable Discharge, in lieu of a court martial. (Government Exhibits 3, 6 and 7, and Tr. p. 29.)

Applicant explained that after being discharged from the Army, and still living in North Carolina, he was pulled over numerous times for speeding and he received many traffic citations. He explained that his North Carolina driver's license was eventually permanently suspended for habitual violations. He remembers that he always seemed to be stopped by the police while he was either going or coming from work. (Tr. p. 30.)

Applicant was either stopped for speeding or for Driving With a Suspended or a Revoked License in North Carolina in January 2011; March 2009; March 2008; August 2007; May 2007; March 2007; February 2007; January 2007; November 2006; October 2006; May 2006; and January 2006. (Government Exhibit 3.)

Applicant was charged with being a habitual traffic offender in California in June 2016; January 2016; and January 2015. (Government Exhibits 3 and 6.)

Applicant was charged with Driving With a Suspended License in North Carolina. His North Carolina driver's license was permanently suspended after his arrest for carrying a concealed weapon. In April 2008, and August 2007, Applicant was charged with Carrying a Concealed Weapon. (Government Exhibit 6.)

Applicant was charged with Possession of Marijuana in North Carolina in March 2019; January 2011; May 2008; and March 2008. (Government Exhibit 3.)

In September 2018 Applicant was charged with Inflicting Corporal Injury on a Spouse or Cohabitant. He explained that he and his wife were having marital problems. He stated that he grabbed her by the arm and tried to push her out of the bedroom, and he left marks on her arm. Applicant called the police to tell them that the situation was elevating, and he could not calm his wife down. The police arrived, and after they saw the marks that he left on his wife's arm, he was arrested and taken to jail. (Tr. pp. 46-47, and Government Exhibits 3 and 5.)

In March 2020, Applicant began working for a defense contractor. He completed a security clearance application, also known as an e-QIP, dated March 16, 2020. In Section 23, of the application, concerning Illegal Use of Drugs or Drug Activity; Illegal Use of Drugs or Controlled Substances; it asked, "In the last seven years, have you illegally used any drugs or controlled substances?" Applicant answered, "NO." (Government Exhibit 2.) This was a false response. Applicant failed to disclose that he had used marijuana from about 2001 to 2019.

Applicant was interviewed by an investigator for the DoD on April 15, 2020. During the interview, Applicant stated that he had never used marijuana. (Government Exhibit 3.) This was a false response. Applicant deliberately failed to disclose that he had used marijuana from about 2001 to 2019.

Applicant was also interviewed again by an investigator for the DoD on June 13, 2020. During the interview, Applicant stated that despite having marijuana possession charges, he stated that he had never used marijuana. (Government Exhibit 3.) This was a false response. Applicant deliberately failed to disclose that he had used with marijuana from about 2001 to 2019.

In about March 2021, Applicant was charged with Driving Under the Influence of Alcohol; Driving Under the influence Blood Alcohol Above .08; Accident Involving Injury; and Driving with a Suspended or Revoked License. Applicant explained that he and his wife were having marital problems. Applicant had moved out and got his own apartment. It was St. Patrick's Day, and he went over to visit his wife at her place. They had dinner and then started arguing. Applicant had been drinking. He left her house and while speeding home, he lost control of the car and hit another vehicle. He panicked and ran away from the scene. He returned a few hours later to look for his phone that he had dropped. The police saw him and stopped him for questioning. He had blood on his nose from falling and running from the scene. Applicant was arrested and taken to jail. Applicant stated that the car he hit had two people in it. The driver was fine, but the passenger's leg was injured. Applicant's car insurance was in his wife's name and the damage from the accident was covered by her insurance. Applicant spent time in jail and had to pay restitution and fines. He stated that he has successfully had the three felonies reduced to one misdemeanor for Reckless Driving. He also stated that he no longer drinks and drives. (Government Exhibits 5 and 6.)

Applicant completed another security clearance application, also known as an e-QIP, dated March 11, 2024, In Section 23, of the application concerning Illegal Use of Drugs or Drug Activity; Illegal Use of Drugs or Controlled Substances; it asked, "In the last seven years, have you illegally used any drugs or controlled substances?" Applicant answered, "NO." (Government Exhibit 1.) This was a false response. Applicant again failed to disclose that he has used marijuana from about 2001 to 2019.

In response to interrogatories from DOHA dated April 9, 2025, Applicant stated that the last time he used marijuana was in January 2013. (Government Exhibit 3.) This was a false response. Applicant had used marijuana with varying frequency from about 2001 to 2019.

Applicant stated that he deliberately falsified an e-mail he sent to his supervisor on March 23, 2021, denying that he was involved in his March 17, 2021, arrest and charges for Driving Under the Influence of Alcohol. (Government Exhibit 4.) After being arrested, in fear of being terminated from his job, Applicant told his wife to call his boss and tell him that he was in an accident. At some point his boss wanted more details. Since Applicant's face had been injured, (his eye was swollen shut, and while jumping a fence, he fell off

and hit his head), he told his boss that he had been carjacked. Applicant wrote the story out to document the event. (Tr. p. 40-42.) Applicant's boss eventually found out that Applicant had lied and had actually been arrested and charged with three felony offenses. His boss could not justify keeping him on the job, and Applicant was terminated. Applicant stated that it took him over a year to get his license back, pay the fines, and settle the sentencing conditions with the court. Applicant was placed on probation for three years, no contact with police, no alcohol, and no trouble. After six months, Applicant petitioned to get his probation terminated early. In May 2025, Applicant received his California driver's license. (Government Exhibit 5.)

Applicant testified that when he left North Carolina to move to California in 2020, he left behind many open criminal cases. Those cases turned into Warrants for Failure to Appear. When he returned to North Carolina to visit a friend, he was pulled over and arrested. Applicant spent more than 20 days in jail in North Carolina and received credit for time served that covered his fines and other related matters concerning those earlier open cases. (Tr. p. 54-55.)

Applicant stated that since 2021, he has had no interactions with the police, not even for a speeding ticket. He stated that about five years ago, he started to undergo personal and professional growth. He believes that he has greatly matured and has learned the importance of integrity, accountability, and the lasting consequences of his actions. He is remorseful for the inaccuracies on his security clearance applications, during his interviews, and in response to interrogatories. He stated that it was never his intent to mislead the Government or to be dishonest in any way. In any event, now he is trying to point his life in the right direction and fix the things of the past. (Tr. p. 45, and Applicant's Response to the SOR.)

Applicant stated that the birth of his daughter has helped him finally grow up. She is counting on him for direction and support, and he must give her good guidance. He wants to set good examples for her because he does not want her to make the same mistakes he made. (Tr. p. 57.) He now spends time with his family and no longer associates with drug users.

Applicant regrets his immaturity and bad conduct in the military. He wanted to become a Ranger, and loved jumping out of planes. (Tr. p. 58.) He believes that his paperwork somewhere erroneously shows that he received a "Dishonorable Discharge" from the military, and that it has prevented him from receiving disability for his PTSD he got during his overseas deployment. He has not yet discussed the paperwork error with the Army, but he plans to do so in the future. He has tried to file disability claims with the VA, but they have been denied. (Tr. pp. 58-60.)

Applicant has not sought out or received any personal counseling. He has received marriage counseling and found it to be helpful. He is very involved in his daughter's martial arts career (Tr. p. 59.)

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. 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. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

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 clearance decision.

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government reposes a high degree of trust and confidence in individuals to whom it grants 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 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 E – Personal Conduct

The security concern relating to the guideline 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.

The guideline notes several conditions that could raise security concerns under AG ¶ 16. Five are potentially applicable in this case:

(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 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 recommendations relevant to a national security eligibility determination, or other official government representative;

(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;

(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:

(2) any disruptive, violent, or other inappropriate behavior

(3) a pattern of dishonesty or rule violations; and

(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment.

Applicant's long history of poor judgment, lack of candor, and dishonesty, as set forth above, demonstrates immaturity, unreliability, and untrustworthiness. The evidence is sufficient to raise these disqualifying conditions.

AG ¶ 17 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 17 including:

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

The mitigating conditions taken individually or collectively do not apply. Applicant has a long history of deliberately providing false information to the Government to conceal his marijuana use. He lied to the Government on two security clearance applications in an attempt to conceal his marijuana use. He lied during two personal subject interviews with the DoD investigators about his marijuana use. He lied in his response to interrogatories from DOHA about his marijuana use. He lied to his supervisor in an email, telling him that he had been carjacked, when he had actually been arrested and charged with 3 Felonies involving Driving Under the Influence. Applicant's pattern of misconduct also shows immaturity, unreliability, and poor judgment indicative of his numerous traffic violations and other criminal offenses. Applicant received an Other Than Honorable Discharge from the U.S. Army in February 2005, for possession of marijuana with intent to distribute. His overall character and integrity remain highly questionable. His long pattern of dishonesty, poor judgment, unreliability, immaturity, and untrustworthiness prevents him from being eligible for access to classified information. The Personal Conduct guideline is found against Applicant.

Guideline J: Criminal Conduct

¶ 30: The security concern relating to the guideline for Criminal Conduct is set out in AG

Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.

The guideline at AG ¶ 31 contains five disqualifying conditions that could raise a security concern and may be disqualifying. Two conditions apply, as discussed below:

(a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; and

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

Applicant has been charged on multiple occasions for traffic violations, and other criminal offenses showing an unwillingness to comply with rules and regulations. This misconduct raises the above security concerns.

The guideline in AG ¶ 32 contains several conditions that could mitigate criminal conduct security concerns. None are applicable in this case:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) no reliable evidence to support that the individual committed the offense; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Applicant's criminal record is extensive and spans over a period of many years. His most recent arrest occurred in March 2021, when he was arrested and charged with 3 Felonies, including Driving Under the Influence; Driving Under the Influence Blood Alcohol Above .08; Accident Involving Injury; and Driving with a Suspended License. with a blood alcohol level above .08, Involving an Accident, and Driving on a Suspended or Revoked License. He was charged with Possession of Marijuana on four separate occasions, the most recent occurred in May 2019 in North Carolina. He was charged with Corporal Injury on a Spouse/Cohabitant in September 2018. He was charged with Carrying a Concealed Weapon in North Carolina in April 2008 and August 2007. He received an Other Than Honorable discharge from the United States Army in February 2005 for Possession of Marijuana with intent to distribute.

It appears that Applicant has recently made some real improvement. He seems to be more mature and truthful, admitting his wrong doing of the past. He now seems to be aware that his actions have consequences. He regrets his bad choices and no longer wants that association. However, his long pattern of criminal behavior shows unreliability and untrustworthiness that has not been mitigated. The Criminal Conduct guideline is found against Applicant.

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. A security clearance is a privilege and not a right. To be found eligible, it must be clearly consistent with the national interest to grant or continue a security clearance. The decision must be made in accordance with the DoD Directive and its guidelines. Based upon the information presented, Applicant seems to now be on the right path of honesty, good judgment, and responsibility. But, more time is needed to show the Government that he can continue this path and not return to his old habits. At this time, based upon his extensive history of dishonesty and criminal conduct, he does not meet the eligibility requirements for access to classified information. I considered the potentially disqualifying and mitigating conditions in light of

all relevant facts and circumstances surrounding this case. I conclude Applicant has not mitigated the Personal Conduct and Criminal Conduct 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 Enclosure 3 of the Directive, are:

Paragraph 1, Guideline E:	AGAINST APPLICANT
Subparagraphs 1.a. through 1.m.	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a.	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 or continue Applicant's national security eligibility for a security clearance. Eligibility for access to classified information is denied.

Darlene Lokey Anderson
Administrative Judge