



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



In the matter of:)
)
) ISCR Case No. 25-01233
)
Applicant for Security Clearance)

Appearances

For Government: Rhett E. Petcher, Esq., Department Counsel
For Applicant: *Pro se*

06/23/2026

Decision

HALE, Charles C., Administrative Judge:

This case involves security concerns raised under Guideline G (Alcohol Consumption). Eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted a security clearance application on March 31, 2023. On October 8, 2025, the Department of Defense (DoD) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline G. The DoD acted under Executive Order (Exec. Or.) 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) promulgated in Security Executive Agent Directive 4, National Security Adjudicative Guidelines (December 10, 2016).

Applicant answered (Answer) the SOR on December 11, 2025, and requested a decision based on the administrative (written) record, without a hearing before an Administrative Judge. On January 21, 2026, Department Counsel requested a hearing in the case before an Administrative Judge, pursuant to Paragraph E3.1.7. of the Additional Procedural Guidance at Enclosure 3 of DoD Directive 5220.6. Department Counsel was ready to proceed on March 4, 2026, and the case was assigned to me on April 7, 2026.

On April 14, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for May 12, 2026. I convened the hearing as scheduled. Government Exhibits (GE) 1 through 4 were admitted in evidence without objection. Applicant testified and while the record was open, offered Applicant Exhibits (AE) A through G, which were admitted without objection. DOHA received the transcript (Tr.) on May 26, 2026. The record closed on June 2, 2026.

Findings of Fact

Applicant is a 56-year-old employee of a defense contractor. He has worked for his current employer since 2017. He served in the U.S. Army Active Reserves from February 1998 to June 2004 and received an Other Than Honorable Discharge after missing drills. He held a security clearance while in the Army. He graduated high school in 1987 and received a vocational certification for shipbuilding in 1992. He has been married five times. He has been married to his fifth wife since 2017. He began drinking alcohol in 2003 at the age of 34. He noted one of the marriages (2002-2011) was adversely impacted by alcohol. He has two adult children. (GE 1 at 9-10 14-15, 17-21, 30-31, 34, 36; GE 3 at 2-3; Tr. 20-22.)

Applicant admitted without explanation in his Answer, SOR ¶¶ 1.a, 1.c., and 1.d, and at the hearing, upon questioning immediately admitted SOR ¶ 1.b stating, "that was a mistake because that's what I was doing." The SOR alleges that: he consumed alcohol, at times in excess and to the point of intoxication from about 2003 until at least March 2025 (SOR ¶ 1.a); he currently consumes at least two shots of vodka every Friday night and at least another 4 on weekend nights (SOR ¶ 1.b); he was arrested in May 2008 and charged with Driving Under the Influence Liquor-DUI (SOR ¶ 1.c); and that he was arrested in January 2009 and charged with Felony Destruction of Property General and Driving Under the Influence of Alcohol and was found guilty of DUI and sentenced to 60 days in jail with 60 days suspended (SOR ¶ 1.d; Tr. 27). There is no evidence of any alcohol-related incidents since 2009 (SOR ¶ 1.d). He denied SOR ¶ 1.e without explanation. (Answer.)

SOR ¶¶ 1.a and 1.b addressed Applicant's alcohol consumption. While he admitted having consumed alcohol, at times in excess and to the point of intoxication, from about 2003 until at least March 2025. His alcohol consumption has varied over the years. He acknowledged that at one point in his life he consumed vodka every day and then cut it down to the frequency alleged in the SOR. When he met with the government's psychologist, he admitted that he consumed at least two shots of vodka every Friday night and at least another four shots on weekend nights. In his testimony he acknowledged he was drinking because it was a habit. He used the same 42oz container that he used to achieve his daily water goal. He added the vodka in the evening and not at work. At the time he thought it helped him relax but acknowledged it was not relaxing because he was relaxed already. He showed the container during the hearing, which he stated was filled with apple cider, vinegar, and lemon juice, a combination his research determined was good for the heart. (Tr. 23-25, 29, 32, 36, 44-46, 60.)

Applicant acknowledged he used to drink beer. In the 2005-to-2007 timeframe he would consume as much as a case of beer daily. This period overlapped with a marriage where mutual alcohol abuse was a problem. He stopped heavily drinking beer because it made him feel bloated and now consumes maybe half a beer at a restaurant periodically. He does not have any beer in his house. (Tr. 33, 37-38, 40, 46, 53, 55-56; GE 3 at 6.)

Applicant explained that after meeting with the government's psychologist one of her questions caused him to change his drinking habits. She had questioned why he was mixing vodka and Crystal Light:

She asked a question about, why you putting it in 42 ounces of Crystal Light, does it do anything for you? And I thought about it, and it really wasn't. It was only a couple, couple drinks. Which is like 84 ounces. So I didn't see any purpose of putting it in there. (Tr. 26.)

Applicant reiterated in response to the Government asking why he was diluting vodka the way he was:

There wasn't any point, which is why I stopped doing it. (Tr. 29.)

When Applicant was asked if he would describe diluting vodka as normal drinking behavior he responded:

I would since you go to a bar and they have mixed drinks. Which mixes everything. The only difference is, I didn't fill half of it with vodka I only put a shot in. But is it enough to do anything for anybody, I don't know that it is, so it probably isn't worth doing. (Tr. 32.)

After the meeting with the psychologist in June 2025, Applicant stated he had stopped drinking. He estimated he stopped drinking sometime between October and December of 2025. He had not been to a bar in about eight years. (Tr. 24, 26-29.) He affirmed that since sometime post-June 2025 but before the end of 2025 he cut his alcohol consumption to half a beer at a restaurant periodically. He was rethinking "date night" and whether he needed anything to drink with it and decided to just go with water. He stated he needed to maintain his health and continue to stay healthy. (Tr. 46-47.)

Applicant testified about how he was working to improve his health. He was tracking his health through an app. He was trying to achieve 20,000 steps a day. He walks in the morning for three miles. His apartment is in a district where restaurants and shops are in easy walking distance. He is active in caring for his dog, who requires extra attention because of a neurological issue that hinders the dog's ability to use his hind legs. He cited the support of his current wife in achieving his health goals. His lifestyle changes have resulted in reduction of his A1C blood sugar levels from diabetic to no longer diabetic. He noted when he met his current wife he weighed 265lbs and did not

expect to live more than a couple of more years. He is down to 220lbs and put on muscle where it had been fat. (Tr. 43-44, 70-71; GE 3 at 1.)

Applicant's post-hearing submission supported his testimony. He was able to provide screenshots of his 2025 fitness and activity history. The exhibit supported his testimony of his efforts "toward self-improvement, personal discipline, and maintaining a healthy and active lifestyle." (AE A.)

SOR ¶¶ 1.c and 1.d addressed Applicant's two alcohol related incidents, which he admitted in his Answer. He acknowledged that his subject interview summary was an accurate description of what he told the DoD investigator. (GE 1 at 30-31; GE 2 at 4-5; GE 3 at 4; Tr. 37-38, 48.) He denied ever driving intoxicated since his 2009 arrest for DUI. (Tr. 47.) He has not had any traffic violations or law enforcement incidents since 2009. (Tr. 47, 50, 56, 61.) He has had no performance issues at work. (Tr. 65-66; AE B-G.) He completed court required classes/therapy after the second DUI, which went on for about a year. He stopped attending when he completed the requirement. He noted the classes did not stop him from drinking but "cut" his alcohol consumption. He acknowledged it was likely the classes had recommended he stop drinking stating, "I'm sure that they did." He has not been to any other therapy associated with alcohol since. (Tr. 31, 39-40, 58, 69.) The two incidents occurred in a discrete period in Applicant's life, when he was married to a woman who also had problems with alcohol. (Tr. 57; GE 3 at 3.)

Applicant denied SOR ¶ 1.e, that a licensed psychologist in June 2025, evaluated him and diagnosed him with Alcohol Use Disorder, Mild, based on a history of alcohol-related legal incidents and ongoing use. The doctor's report concluded that his current alcohol use and associated lack of insight represent a potential risk factor in his ability to safeguard classified information and function effectively in a cleared setting. (Answer.)

The psychologist's diagnostic impressions and prognosis, that Applicant demonstrated limited insight into the problematic nature of his alcohol use, was based of his continued alcohol consumption after two alcohol-related legal incidents in 2008 and 2009. The psychologist stated:

[Applicant] presents with a diagnosis of Alcohol Use Disorder, Mild (F10.10), based on a history of alcohol-related legal incidents and ongoing use despite acknowledged health concerns. He rationalizes ongoing consumption by citing efforts to reduce caloric intake (e.g., replacing sugary mixers with water) and minimize health impacts (e.g., avoiding beer due to bloating and concerns over A1C). He denies current binge drinking or withdrawal symptoms but acknowledges ongoing use and an intention to eventually stop, stating "eventually, I am going to give it up but have not got there yet." (GE 3 at 5.)

The psychologist lists two symptoms in her finding, a history of alcohol-related legal incidents and ongoing use despite acknowledged health concerns. (GE 3 at 5.) There is

no evidence of any alcohol related incidents since 2009, when Applicant was in a marriage which was adversely impacted by mutual alcohol abuse. The psychologist concluded Applicant's current alcohol use and "associated lack of insight" represented a risk factor in his ability to safeguard classified information and function effectively in a cleared setting. (GE 3 at 6.)

The psychologist noted the 2008 incident was charged as DUI and Applicant recalled incident being charged as public intoxication. Given Applicant's description of the event, it could have been resolved with a public intoxication charge. He does not deny that there was an alcohol-related incident in 2008. There was no evidence of a conviction in the record. (GE 3 at 4; GE 4 at 9; Tr. 37.) During his security clearance interview he immediately reported this incident when asked if there had been any other alcohol incidents in addition to the 2009 DUI. The description he gave the investigator was the same that he provided the psychologist, that he had gone to court for public intoxication. (GE 2 at 5.) I do not find there is a discrepancy.

Applicant stated that he thought the interview with the psychologist went very well and that there had been good communication between her and himself. He stated:

I was up-front and honest with everything. She was, you know, very to the point. And I was very surprised when I found out that because of that interview that the decision was made not to offer me [a] secret clearance. (Tr. 67-68.)

The psychologist's report included some quotes that suggested Applicant was flippant in his responses. I found Applicant's testimony and demeanor during the hearing to be professional and credible. His responses were measured and complete. He was neither confrontational nor flippant during the hearing. (Tr. 68.) Government counsel agreed Applicant had not been "flippant...or confrontation[al]" during the hearing. Government counsel noted what appeared to be scrivener's errors in the psychologist's report. The psychologist's report was issued the same day as the evaluation. (Tr. 68-69; GE 3 at 1, 5.)

Applicant offered multiple favorable character letters from persons with years of experience in and out of government in support of the military mission. They described him as someone "who consistently produced quality work and showed attention to detail in the execution of his responsibilities." He was found to be "dependable, trustworthy, highly accountable, and dedicated to both his company and the mission of supporting the United States Navy." He exhibited strong leadership qualities and offered valuable mentorship to others. He was able to maintain "an overall effectiveness in the workplace, remaining resilient and focused on organizational goals during times of change or high stress." He was acknowledged for a calm, mission-focused demeanor under tight deadlines, "who masterfully handles complex pressures and tight deadlines." His integrity was described as beyond reproach, and he was a trusted partner to both the government and contractor teams. One program manager described him as 5 out of 5 for

trustworthiness and accountability. His efforts resulted in work being “concluded on-time and under budget.” (AE B-G.)

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*, 484 U.S. at 531. “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. See 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*, 484 U.S. at 531.

Analysis

Guideline G, Alcohol Consumption

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

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

The Government did not offer evidence that Applicant had acted inconsistent with any treatment recommendations. Applicant’s admissions regarding his alcohol consumption and actions raise security concerns under AG ¶ 22. The following security concerns are applicable in this case:

- (a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual’s alcohol use or whether the individual has been diagnosed with alcohol use disorder;
- (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder; and
- (d) diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder.

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

- (a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual’s current reliability, trustworthiness, or

judgment;

(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; 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.

AG ¶ 23(a) is applicable. Applicant's last alcohol related incident was in 2009, over 17 years ago. He reduced his beer consumption in 2015. He has not been to a bar in eight years. From 2003 to March 2025, he limited his consumption of vodka to weekends. He has not consumed vodka since late 2025. He has acknowledged his past maladaptive alcohol use and made lifestyle changes. He has improved his health to overcome this problem and has demonstrated a clear and established pattern of modified consumption. Given the amount of time that has passed since his alcohol-related incidents; that the behavior was so infrequent; and the incidents occurred during a previous marriage where mutual alcohol abuse was problem, I find that such behavior is unlikely to recur and does not cast doubt on Applicant's current reliability, trustworthiness, or judgment.

Applicant's last alcohol related incident was in 2009, over 17 years ago. He reduced his beer consumption in 2015. He has not been to a bar in eight years. I have carefully considered the Appeal Board's jurisprudence on alcohol consumption and Applicant's history of alcohol consumption. In ISCR Case No. 05-10019 at 3-4 (App. Bd. Jun. 21, 2007), the Appeal Board reversed an administrative judge's grant of a clearance to an applicant (AB) where AB had several alcohol-related legal problems. However, AB's most recent DUI was six years before an administrative judge decided AB's case. AB had reduced his alcohol consumption, but still drank alcohol to intoxication, and sometimes drank alcohol (not to intoxication) before driving. The Appeal Board determined that AB's continued alcohol consumption was not responsible, and the grant of AB's clearance was arbitrary and capricious. See also ISCR Case No. 04-12916 at 2-6 (App. Bd. Mar. 21, 2007) (involving case with most recent alcohol-related incident three years before hearing and reversing administrative judge's grant of a clearance). In this case, Applicant's last alcohol related incident was in 2009, over 17 years ago, and he does not drink and drive.

Unlike ISCR Case No. 24-01962 (App. Bd. Mar. 9, 2026), where the Appeal Board highlighted issues with Judge's findings, describing them as "problematic," the testimony and documents offered into evidence by both sides create the factual findings. Applicant's diagnosis, Alcohol Use Disorder, Mild, lists two symptoms, a history of alcohol-related legal incidents and ongoing use despite acknowledged health concerns. Applicant has not had an alcohol related incident since 2009. He reduced his consumption of alcohol over the years and improved his health. He recognized his use of vodka was nonsensical

and modified his behavior.

AG ¶¶ 23(b) and 23(d) are partially applicable. Applicant's acknowledgment of his maladaptive alcohol use and the lifestyle changes he has made to improve his health to overcome this concern has demonstrated a clear and established pattern of modified consumption. He did not abstain from alcohol but over the years he has modified his consumption of alcohol. Applicant's health issues have made him realize the consequences of drinking. He is committed to his health, as evidenced by his fitness evidence. His testimony was that he completed the alcohol program after his 2009 incident, which would be consistent with a DUI conviction.

I find that Applicant established a pattern of abstinence and modified alcohol consumption and that his past alcohol-related incidents and consumption no longer cast doubt on his reliability, trustworthiness, and good judgment. Alcohol consumption concerns are mitigated.

Whole-Person Concept

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. In applying the whole-person concept, an 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. 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 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.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case and that there have been no alcohol-related incidents away from work since 2009 or ever at work. I considered Applicant's consistent and credible testimony and outstanding character letters from his professional colleagues, which noted his reliability, trustworthiness, and integrity. I also considered his lifestyle changes that have improved his overall health, which demonstrates his motivation to make the necessary behavioral changes in his life. I have incorporated my comments under Guideline G in my whole-person analysis.

Overall, the record evidence leaves me without questions or doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant mitigated the alcohol consumption security concerns.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline G:	FOR APPLICANT
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Subparagraphs 1.a-1.e:	For Applicant
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Conclusion

It is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Charles C. Hale
Administrative Judge