



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



In the matter of:

)
)
)
)
)
)
)

ISCR Case No. 25-00710

Applicant for Security Clearance

Appearances

For Government:
Aubrey M. DeAngelis, Esq. Department Counsel

For Applicant:
Pro se

06/15/2026

Decision

CEFOLA, Richard A. Administrative Judge:

Applicant did not mitigate the security concerns under Guideline D (Sexual Behavior), Guideline E (Personal Conduct), Guideline I (Psychological Conditions), and Guideline M (Use of Information Technology). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a Questionnaire for National Security Positions on August 3, 2022 (Questionnaire). On December 2, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline D (Sexual Behavior), Guideline E (Personal Conduct), Guideline I (Psychological Conditions), and Guideline M (Use of Information Technology). The action was taken under Executive Order 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) effective within DoD after June 8, 2017.

On December 6, 2025, Applicant responded to the SOR in writing (Answer) and requested that this case be decided on the written record in lieu of a hearing. In his Answer, he admitted all of the allegations in the SOR. On March 13, 2026, Department Counsel submitted the Government's written case in a File of Relevant Material (FORM). A complete copy of the FORM, consisting of Government's Exhibits (GE) 1 to 9, Additional Enclosure I (curriculum vitae), and the Government's arguments in support of the SOR, was received by the Applicant on March 11, 2026. Applicant was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns, but did not respond within the specified 30-day period. The case was assigned to me on June 1, 2026, and all exhibits were admitted without objection.

Findings of Fact

Applicant is 34 years old and has worked for a defense contractor since 2021 as a cybersecurity analyst. He previously applied for and obtained a security clearance in 2019 in connection with employment for a different defense contractor. In his Questionnaire, Applicant denied having previously been granted a security clearance. Applicant is single, has no children, and received a bachelor's degree in 2013. (GE 5 at 5, 10, 14, 20-21, 34; GE 7)

SOR Paragraph 1 (Guideline D: Sexual Behavior)

The Government alleged that Applicant is ineligible for a security clearance because he has engaged in sexual behavior that involves a criminal offense, reflects a lack of judgment or discretion, or may subject the Applicant to undue influence or coercion, exploitation, or duress. I find the following facts regarding this allegation (the SOR paragraphs are sorted below for chronological continuity):

1.b. June 2013 – January 2019: Accessing sexually-suggestive websites during working hours on a computer issued by Company A: Applicant worked for Company A as a security analyst from June 2013 through January 2019. During the course of his employment, he would spend approximately five hours per workweek reading pornographic stories online. He additionally looked at sexually suggestive images and anime pornography for approximately nine hours per workweek. He was ultimately terminated from this position for poor performance and attendance issues. (GE 4 at 14, GE 5 at 16; GE 8 at 3, 10-11, 16-17; GE 9 at 3)

1.c. January – September 2019: Accessing sexually-suggestive websites during working hours on a computer issued by Company B: Applicant worked for Company B as a cybersecurity analyst from February 2019 through September 2019.

During the course of his employment, he would spend approximately 90 minutes per workday browsing sexually explicit images and viewing anime pornography.

He was counseled about this conduct in August 2019 but continued the behavior. An internal investigation determined he had claimed 63.5 hours of non-work activity (i.e. viewing inappropriate images) as worktime and he was ultimately terminated. He is not subject to rehire for at least seven years. (GE 4 at 13; GE 5 at 14; GE 6; GE 8 at 9-10, 19-20; GE 9 at 3)

1.e. Counseling for pornography addiction (September – November 2019): Following his termination from Company B, Applicant voluntarily sought counseling services for what he described as “an internet addiction for pornography.” He attended eight sessions of an unspecified type of counseling but stopped when his personal funds were depleted. (GE 8 at 10; GE 9 at 6)

1.d. March 2021 – July 2025: Accessing sexually-suggestive websites during working hours on a computer issued by Company C: Applicant began working at Company C as a cybersecurity analyst in March 2021. On occasion, Applicant accessed a sexually-themed webcomic online and viewed sexual anime images during working hours – including as recently as July 10, 2025. (GE 5 at 10; GE 8 at 22)

1.a. Psychological Evaluation (March 2025): On March 27, 2025, Applicant met with a DoD-appointed psychologist for a psychological evaluation. The doctor reviewed Applicant’s medical records, interrogatory responses, an email from a former provider, and a Defense Information System for Security (DISS) report. He also administered the Paulhus Deception Scales (PDS) and a Personality Assessment Inventory (PAI), followed by an interview. In his 18-page report, the doctor noted Applicant’s 10-year history “of engaging in problematic internet usage for pornography related content, while on work hours and with the use of government provided equipment.” He went on to explain that the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-V-TR) “does not recognize pornography addiction as a specific mental disorder or behavioral addiction,” but that “[t]he concept of compulsive sexual behavioral disorder (CSBD) is recognized by the World Health Organization’s ICD-11 as an impulse control disorder, not an addiction.”

On reviewing Applicant’s specific issues, the doctor reported:

In sum, the subject’s self-report was not reliable, as he minimized the behavior that led to his termination from (Company B), initially lied about why he was terminated from (Company A), to then concede the same behaviors did occur and contributed to his termination. Lastly, he has continued to engage in the same behavior in his current position (Company C), the last time of which was in 2023. Based on his tendency to minimize, it is possible it is occurring more frequently, given the underlying compulsive nature of his behavior.

Regarding a prognosis, the doctor concluded:

The subject also reported interest in currently pursuing treatment, though, he has not taken the initiative to do it out of his own volition, so it appears his stated desire to seek treatment is based on my question rather than genuine desire. It is my professional opinion that the subject's **reliability, judgment, stability, and trustworthiness ARE compromised** by his **current** psychological state. (emphasis in original) (GE 9 at 5-6)

SOR Paragraph 2 (Guideline E: Personal Conduct)

The Government alleged that Applicant is ineligible for a security clearance because he had engaged in conduct that involved questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations. I find the following facts regarding this allegation:

2.a. Cross-allegations with subparagraphs 1.b – 1.e: See discussions above.

SOR Paragraph 3 (Guideline M: Use of Information Technology)

The Government alleged that Applicant is ineligible for a security clearance because he had engaged in conduct that involved failure to comply with rules, procedures, guidelines, or regulations pertaining to information technology systems. I find the following facts regarding this allegation:

3.a. Cross-allegations with subparagraphs 1.b – 1.d: See discussions above. In addition, Applicant accessed social media and other websites from work computers, during working hours, that did not necessarily include pornographic images. (GE 8 at 12-13, 16, 19, 22)

SOR Paragraph 4 (Guideline I: Psychological Conditions)

The Government alleged that Applicant is ineligible for a security clearance due to certain emotional, mental, or personality conditions. I find the following facts regarding this allegation:

4.a. Cross-allegations with subparagraph 1.a: See discussion above.

Whole Person and Mitigating Evidence

Applicant submitted no comments or explanations in his Answer as whole person evidence in mitigation of the security concerns alleged in the SOR. The comments and explanations Applicant included in his Questionnaire, discussions with the DoD investigator, and interrogatories, however, were reviewed in their entirety.

Policies

When evaluating an applicant's suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines (AG) list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's national security eligibility.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied 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 applicable guidelines in the context 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, "Any 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. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14, requires the Government to 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, and has the ultimate burden of persuasion as to obtaining 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 national security eligibility. 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 or sensitive information.

Finally, as emphasized in Section 7 of Executive Order 10865, "Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *a/so* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

Analysis

SOR Paragraph 1 (Guideline D: Sexual Behavior)

The security concern for sexual behavior is set out in AG ¶ 12:

Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

The facts of this case establish the following disqualifying conditions set forth in AG ¶ 13 to the allegations under Guideline D:

- (b) a pattern of compulsive, self-destructive, or high-risk sexual behavior that the individual is unable to stop;
- (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and
- (d) sexual behavior of a public nature or that reflects lack of discretion or judgement.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline D. The guideline includes the following conditions in AG ¶ 14 that could potentially mitigate security concerns arising from Applicant's sexual behavior:

- (b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- (c) the behavior no longer serves as a basis for coercion, exploitation, or duress; and
- (e) the individual has successfully completed an appropriate program of treatment, or is currently enrolled in one, has demonstrated ongoing and consistent compliance with the treatment plan, and/or has received a favorable prognosis from a qualified mental health professional indicating the behavior is readily controllable with treatment.

Applicant admits to an over-10-year pattern of accessing sexually explicit materials, during working hours, from his company computer – which continued after being terminated from two different employers for cause. While there is some evidence of Applicant having attended eight counseling sessions in 2019, there is no evidence in the record of subsequent compliance with a treatment plan, a favorable prognosis, or any statement from a counselor or therapist as to Applicant's current status. On the contrary, the opinion of the DoD-appointed psychologist in March 2025 reflects an *unfavorable* prognosis. Finally, the record evidence does not suggest anyone at Applicant's workplace is aware of his behavior, which serves as a present basis for coercion, exploitation, or duress. None of the mitigating conditions, individually or collectively, are sufficiently applicable to overcome Applicant's sexual behavior. SOR ¶¶ 1.a – 1.e (Guideline D) are found against Applicant.

SOR Paragraph 2 (Guideline E: Personal Conduct)

The security concerns relating to the guideline for personal conduct are 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. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

The facts of this case establish the following disqualifying condition set forth in 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:

- (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing;
- (2) while in another country, engaging in any activity that is illegal in that country;
- (3) while in another country, engaging in any activity that, while legal there, is illegal in the United States.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline E. The guideline includes the following conditions in AG ¶ 17 that could potentially mitigate security concerns arising from Applicant's personal conduct:

(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 the 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.

As discussed above, Applicant admits to a 10-year pattern of behavior that involves questionable judgment and an unwillingness to comply with rules and regulations. The pattern has continued after two employment terminations, counseling sessions, and across two security clearance applications. His personal conduct is not mitigated and continues to cast doubt on his current reliability, trustworthiness, and good judgment. None of the mitigating conditions, individually or collectively, are sufficiently applicable to overcome Applicant's pattern of behavior. SOR ¶ 2.a (Guideline E) is found against Applicant.

SOR Paragraph 3 (Guideline M: Use of Information Technology)

The security concern for use of information technology is set out in AG ¶ 39:

Failure to comply with rules, procedures, guidelines, or regulations pertaining to information technology systems may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to properly protect sensitive systems, networks, and information. Information Technology includes any computer-based, mobile, or wireless device used to create, store, access, process, manipulate, protect, or move information. This includes any component, whether integrated into a larger system or not, such as hardware, software, or firmware, used to enable or facilitate these operations.

The facts of this case establish the following disqualifying condition set forth in AG ¶ 40:

(e) unauthorized use of any information technology system.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline M. The guideline includes the following condition in AG ¶ 41 that could potentially mitigate security concerns arising from Applicant's use of information technology:

(a) so much time has elapsed since the 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.

For the same reasons set forth above regarding SOR ¶ 2.a, AG ¶ 41(a) is not established. SOR ¶ 3.a (Guideline M) is found against Applicant.

SOR Paragraph 4 (Guideline I: Psychological Conditions)

The security concern for psychological conditions 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.

The facts of this case establish the following disqualifying condition set forth in AG ¶ 28:

(b) opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline I. The guideline includes the following condition in AG ¶ 29 that could potentially mitigate security concerns arising from Applicant's psychological condition:

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

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

(e) there is no indication of a current problem.

Though Applicant reported having attended eight counseling sessions in 2019, there is no evidence of his having successfully completed any course of therapy. And even if he had, his continued misuse of company computers to access sexually-explicit materials does not show his behavior to be readily controllable. As noted by the DoD-appointed psychologist in this case, Applicant does not appear amenable to seeking treatment of his own volition and, as such, the issue is unresolved. The mitigating conditions are not sufficiently applicable to overcome Applicant's psychological issue. SOR ¶ 4.a (Guideline I) is found against Applicant.

Whole-Person Concept

Applying the whole-person concept, the administrative judge must evaluate an applicant's eligibility for national security eligibility 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 national security 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 above whole-person factors and the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. I have given the appropriate weight to Applicant's statements included in his responses to interrogatories. Overall, however, the Guideline D, E, I, and M issues in the record evidence leave me with questions and doubts as to Applicant's suitability for national security eligibility and a security clearance.

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 D:	AGAINST APPLICANT
Subparagraphs 1.a – 1.e:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Paragraph 3, Guideline M:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Paragraph 4, Guideline I:	AGAINST APPLICANT
Subparagraph 4.a:	Against Applicant

Conclusion

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

RICHARD A. CEFOLA
Administrative Judge