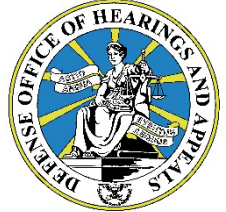




DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:

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)
) ISCR Case No. 24-01524
)
)
)

Applicant for Security Clearance

Appearances

For Government: Aubrey M. De Angelis, Department Counsel

For Applicant: *Pro se*

06/23/2026

Decision

LOKEY ANDERSON, Darlene D., Administrative Judge:

Statement of Case

On September 26, 2025, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, Financial Considerations, Guideline H, Criminal Conduct, and Guideline E, Personal Conduct. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective for cases after June 8, 2017.

Applicant answered the SOR on November 18, 2025, and requested a hearing before an administrative judge. The case was assigned to me on April 20, 2026. The Defense Office of Hearings and Appeals issued a notice of hearing on April 21, 2026, and the hearing was convened as scheduled on May 20, 2026. The Government offered twelve Exhibits, referred to as Government Exhibits 1 through 12, which were admitted without objection. Applicant offered no exhibits, but testified on his own behalf. The

record remained open until close of business on June 3, 2026, to allow the Applicant the opportunity to present supporting documentation. Applicant submitted nothing further. DOHA received the final transcript of the hearing (Tr.) on June 9, 2026.

Findings of Fact

Applicant is 38 years old, and is married with three children, ages 15, 22, and 25. Both he and his wife each had a child before their union. He has a high school diploma. He is employed by a defense contractor as a Level One Assessor. He is seeking to obtain a security clearance in connection with his employment.

Guideline F - Financial Considerations

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

Applicant served in the United States Navy from October 2006 through April 2020. After fourteen years of service, he got himself into trouble. After two separate non-judicial punishments, he was demoted in rank, and he requested to be administratively discharged. He was discharged at the rank of E-5. (Government Exhibit 10.) He has an 80 percent disability rating from the Veteran's Administration. He married his wife in 2007. She has served in the Navy for the past 27 years, and she holds the rank of E-9.

The SOR alleged four delinquent debts owed to creditors on accounts that were either charged off or placed for collection totaling approximately \$54,132. In his answer, Applicant admits each of the allegations set forth in the SOR. Credit reports of the Applicant dated July 12, 2023; April 3, 2024; December 6, 2024; and March 25, 2026; confirm this indebtedness. (Government Exhibits 4, 5, 6 and 7.)

Applicant explained that his financial problems began when his daughter from a previous relationship came to live with him and his wife in June 2020. Applicant was unemployed from 2020 until 2022 and a stay-at-home-Dad. Although he stated that he and his wife earn enough money to cover their bills, he experienced a period of hardship when he was unemployed, and he acquired delinquent debts.

1.a. Applicant is indebted to a creditor for an account that has been charged off in the approximate amount of \$37,042. This is for the solar panels on Applicant's house. Applicant stated that when he purchased the house, he absorbed the solar contract. He stopped making the monthly payments in February 2022. He learned that the solar company filed for Bankruptcy in 2025. He stated that in August or September 2025, after receiving the SOR, he resumed the monthly payments of \$241, and that the creditor moved the arrearage to the back of the loan. Applicant submitted no documentary evidence to support his testimony. His most recent credit report shows the debt as owing. The debt remains owing.

1.b. Applicant is indebted to the State of Michigan for an account that is reported as seriously past due in the approximate amount of \$12,975. This is for child support payments that are in arrearage that Applicant is required to pay for his daughter from a previous relationship. Applicant stated that he stopped making the payments in 2020 when his daughter came to live with him. He stated that since his daughter was about 2 months old, he has made child support payments every month to her mother without interruption. It was his understanding that in 2020, when his daughter came to live full time with him, her daughter's mother was going to stop the child support order. His daughter's mother made no such change. His credit report shows the debt as owing. The debt remains owing.

1.c. Applicant is indebted to a creditor for an account that has been charged off in the approximate amount of \$3,906. This is for furniture that Applicant contends he did not purchase. He admits that his wife purchased furniture from the store, but that she paid the debt off in full. He does not know why his name is on this account. His credit report shows the debt as owing. The debt remains owing.

1.d. Applicant is indebted to a creditor for an account that has been placed for collection in the approximate amount of \$209. This is a cable bill that Applicant claims he has paid. There is no documentation to show that he paid the debt. His credit report shows the debt as owing. The debt remains owing.

Applicant stated that in the past he has hired his friend, a credit specialist to help him with his credit standing. In April 2026, Applicant contacted his friend again to have him help Applicant improve his credit rating.

Guideline J – Criminal Conduct

The Government alleges that Applicant is ineligible for access to classified information because he has engaged in criminal conduct which creates doubts about a person's judgment, reliability, and trustworthiness. It calls into question a person's ability or willingness to comply with laws, rules, and regulations.

2.a. and 3.f. In November 2017, Applicant was arrested and charged with Driving While Intoxicated. He explained that he was celebrating his promotion, and he had been consuming alcohol. He was driving on the freeway when he was stopped by police for having his parking lights on. The officer asked him if he had been drinking, and he told him that he had a couple. Applicant stated that he passed the sobriety tests. However, the police report indicates that Applicant's alcohol blood level was .12. Applicant stated that he hired an attorney to handle the matter, and he personally never appeared in court. Applicant's attorney on Applicant's behalf pled guilty to Reckless Driving with Consumption of Alcohol, and Applicant was sentenced to 3 years probation. Applicant failed to comply with the terms of probation, and a bench warrant was issued in December 2018. He testified that he believes his attorney has cleared it up, but he is not certain of the case outcome. Other evidence shows that on January 10, 2019, a warrant was issued, and bail was set for \$5,000. Applicant had a mandatory appearance. Applicant

does not know if or when his probation terminates. It is also not clear from the record if Applicant has resolved the bench warrant. (Government Exhibits 3 and 8, and Tr. p. 62.)

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 that raise questions about his reliability, trustworthiness, and ability to protect classified or sensitive information.

3.a. Applicant completed a security clearance application dated June 26, 2023. In response to Section 22, regarding Police Record, Other than those offenses already listed, Applicant was asked, “Have you EVER had the following happen to you? Have you EVER been charged with an offense involving alcohol or drugs.” Applicant answered, “No.” (Government Exhibit 2.) This response was not truthful. Applicant stated that he thought he only had to list what occurred in the last seven years. Applicant failed to list his non-judicial punishment he received on two occasions in 2019, while in the Navy; and his arrest in November 2017 for Driving While Intoxicated. Applicant stated that he was not careful when he answered the questions on the application and he did not take it seriously. (Tr. pp. 68-70.)

3.b. In the same security clearance application dated June 26, 2023, in response to Section 26 – Financial Record Delinquency Involving Enforcement; Other than previously listed, Applicant was asked, “Have any of the following happened? In the last seven years, have you been delinquent on alimony or child support payments? In the last seven years, have you had a judgment entered against you? In the last seven years have you had a lien placed against your property for failing to pay taxes or other debts?” Applicant answered, “No.” (Government Exhibit 2.) This response was not truthful. Applicant failed to list his child support payment arrearage. Applicant also had his wages garnished, his last garnishment occurred in May 2020. Applicant stated that he thought he only had to report what occurred in the last seven years. Applicant should have at least reported his child support payment arrearage, which is still delinquent. Applicant stated that he was not careful when he answered the questions on the application and he did not take it seriously. (Tr. pp. 68-70.)

3.c. In the same security clearance application dated June 26, 2023, in response to Section 26 – Financial Record Delinquency Involving Routine Accounts Other than previously listed, Applicant was asked, “Have any of the following happened? In the last seven years, have you had debts or bills turned over to a collection agency? In the last seven years, have you had any account or credit card suspended, charged off, or cancelled for failing to pay as agreed?” Applicant answered, “No.” (Government Exhibit 2.) This response was not truthful. Applicant failed to disclose that three of the four delinquent debts listed in the SOR were either charged off or placed for collection within the last seven years. Specifically, allegations 1.a, 1.c., and 1.d. Again, Applicant stated that he was not careful when he answered the questions on the application and he did not take it seriously. (Tr. pp. 68-70.)

In May 2019, Applicant received non-judicial punishment and was charged with violating the UCMJ, Article 92 for Failing to Obey a Lawful Order or Regulations. (Government Exhibit 11.) Applicant was wrongfully using his position as Leading Petty Officer to repeatedly ask for sexual favors. Applicant testified that he made a vulgar statement to a female Sailor that he should not have made. Applicant said that he told her, "You'd rather be fucking around than be on time for work." (Tr. pp. 75-76.)

Applicant may have made that statement, but he failed to disclose the full litany of vulgar language he used toward certain female Sailor subordinates. Only under cross-examination did he reveal that he said, "When are you gonna give me head?" "She could suck the skin off my dick", "I could easily fuck her", "I'm LPO, I can do what I want", "That bitch is ugly" "I would fucking smash that bitch right now", "Is she down to fuck, can she fuck a mean dick?". There should never be a bitch as president because they are too emotional and have periods", "Dumb faggot", or words to that effect. (Government Exhibits 11 and 12.)

As a result of his misconduct, Applicant went to captain's mast. He was placed on 21 days restriction, 21 days of extra duty and received half pay for two months. Applicant stated that he did not receive the half pay for two months, but he did receive the other punishment. He received a mid-term counseling and was given a chance for corrective action. (Government Exhibits 11.)

In December 2019, Applicant was charged again with violating Article 92. This time, Applicant was also charged with violating Article 93, cruelty or maltreatment, and Article 131B for two obstructing justice violations. (Government Exhibit 12.) Applicant made statements to a female Sailor he harassed like, "Hey today you got me right?" with the intent to obstruct the due administration of justice in the case. Applicant went to captain's mast again. Applicant was given 45 days restriction, 45 days extra duties, and a reduction in rank. This time he requested to be administratively separated. Applicant was given a chance to submit a written statement and to present witnesses, but he chose not to do so. Applicant received an Under Honorable Conditions (General) discharge. (Government Exhibit 12.)

3.d and 3.e. During his interview with an authorized investigator for the DoD dated July 26, 2023, Applicant was asked about the particulars of his non-judicial punishment. Applicant told the investigator that he was to trying to "counsel a subordinate." Applicant denied that he had asked for sexual favors, and he denied that he obstructed justice. (Government Exhibit 3.) Applicant did not tell the investigator the actual truth about what happened or the basis for his non-judicial punishment.

The record is void of any mitigation. Following the hearing the record remained open until close of business on June 3, 2026, to allow the Applicant the opportunity to present supporting documentary evidence. He submitted nothing further.

Policies

When evaluating an applicant's suitability for national security eligibility, 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 F - Financial Considerations

The security concern for Financial Considerations is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

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

- (a) inability to satisfy debts; and
- (c) a history of not meeting financial obligations.

It is noted that Applicant was unemployed for two years, from 2020 to 2022, and during that time his daughter from a previous relationship came to live with him. He incurred delinquent debt that he could not afford to pay. The evidence is sufficient to raise the above disqualifying conditions.

The following mitigating conditions under Financial Considerations are potentially applicable under AG ¶ 20;

- (a) the behavior happened so long ago, was so infrequent or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g. loss of employment, a business downturn, unexpected medical emergency, a death, divorce, or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (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;
- (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

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

Although he stated that he has resolved one small debt and is making monthly payments to resolve another, Applicant has provided no documentary evidence to show that he has resolved any of the debts listed in the SOR. His indebtedness shows poor judgment, unreliability, and untrustworthiness. None of the mitigating conditions apply. This guideline is found against Applicant.

Guideline J: Criminal Conduct

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

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 was arrested and charged Driving While Intoxicated in 2017. This criminal conduct shows 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.

Although Applicant's arrest for Driving While Intoxicated occurred in 2017, over 9 years ago, it is not clear from the evidence that the matter has been resolved with the court. Applicant's attorney on Applicant's behalf pled guilty to Reckless Driving with consumption of alcohol, and Applicant was sentenced to 3 years probation. Applicant failed to comply with the terms of probation, and a bench warrant was issued in December 2018, and apparently another was entered in January 2019. There is nothing in the record to show that the bench warrant has been revoked. This guideline is found against Applicant.

Guideline E - Personal Conduct

The security concern for the personal conduct 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. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

(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 or misleading 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 recommendation 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 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

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, or duress by for 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.

AG ¶ 17 provides conditions that could mitigate security concerns. I have considered each of the mitigating conditions below:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(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;

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

(f) the information was unsubstantiated or from a source of questionable reliability; and

(g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Applicant deliberately falsified his security clearance by concealing his criminal record, and his delinquent debts from the Government. He was not truthful during his interview with the investigator when he mischaracterized the events that led up to his non-judicial punishment in the military. There is no excuse for his dishonesty. Deliberately concealing material information from the Government on a security clearance application and during an interview with an authorized investigator raises serious questions about one's credibility and trustworthiness.

Furthermore, Applicant has engaged in egregious, crass, and unscrupulous misconduct in the military. He received non-judicial punishment on two separate occasions in 2019 because he was wrongfully using his position as Leading Petty Officer and repeatedly asking for sexual favors from his subordinate female Sailors. This conduct is outrageous and disgusting. Applicant is not an individual that demonstrates the high level of responsibility and trustworthiness necessary to meet the eligibility requirements for access to classified information. Applicant simply cannot be trusted. His long pattern of dishonesty and misconduct show poor judgment, immaturity, irresponsibility and untrustworthiness. None of the mitigating conditions are applicable. This 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.

I considered the potentially disqualifying and mitigating conditions in light of all relevant facts and circumstances surrounding this case. Applicant's pattern of dishonesty, and unscrupulous misconduct shows poor judgment, unreliability, and untrustworthiness. Considered in totality, Applicant has not shown the requisite good judgment, reliability, and trustworthiness, required for eligibility to access classified information. Accordingly, I conclude Applicant has not mitigated the Financial Considerations, Criminal Conduct, and Personal Conduct security concerns.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a. through 1.d.	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a.	Against Applicant
Paragraph 3, Guideline E:	Against Applicant
Subparagraphs 3.a. through 3.f.	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