



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



In the matter of:)
)
) ISCR Case No. 26-00002
)
Applicant for Security Clearance)

Appearances

For Government:
George A. Hawkins, Esquire, Department Counsel

For Applicant:
Pro se

08/03/2026

Decision

CEFOLA, Richard A., Administrative Judge:

Statement of the Case

On September 27, 2022, Applicant submitted a security clearance application (SCA). On March 9, 2026, in accordance with DoD Directive 5220.6, as amended (Directive), the Department of Defense issued Applicant a Statement of Reasons (SOR) alleging facts that raise security concerns under Guidelines G, J, and E. 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 within the Department of Defense on June 8, 2017.

Applicant answered the SOR in writing (Answer) on March 31, 2026, and requested a hearing before an administrative judge. The case was assigned to me on May 4, 2026. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on May 4, 2026. I convened the hearing as scheduled on June 4, 2026. The Government offered Government Exhibits (GXs) 1 through 7, which were admitted over

Applicant's objection to GX 7. Applicant testified on his own behalf and offered Applicant Exhibits (AppXs) A through H. AppXs A through E were admitted into evidence. AppX F was admitted with limited relevancy. [It is relevant as to some aspects of Alcohol Use Disorder. It is relevant to an alcohol screening tool used in the Republic of Ireland, but not necessarily as an alcohol screening tool used in the United States.] AppXs G and H are 75-minute and 74-minute videos, respectively, which the undersigned viewed and found to be mostly irrelevant and not transcribable. [Applicant avers they are relevant to SOR ¶¶ 2.a, and 3.b; allegations which the undersigned finds for Applicant, below, thus mooted any concern by Applicant as to their admissibility.] The record was left open for the receipt of additional evidence, until July 2, 2026. Applicant submitted nothing further on his behalf. The record closed at that time. (Applicant has a hearing disorder; and as such, a transcription service was utilized during the hearing. A script for the hearing was also provided to Applicant. (Hearing Exhibit I.) DOHA received the transcript of the hearing (TR) on June 12, 2026. (TR at page 16 line 20 to page 23 line 10.)

Findings of Fact

Applicant admitted to the allegations in SOR ¶¶ 1.a, 1.d, 2.a, and 3.b. He denied SOR allegations ¶¶ 1.b, 1.c, 1.e, 2.b, and 3.a. SOR subparagraph 1.e. was withdrawn by Department Counsel. (TR at page 19 line 19 to page 20 line 4.)

After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact. Applicant is a 39-year-old employee of a defense contractor. He has a master's degree and has been employed with the defense contractor since June of 2022. He is married and has no children. (TR at page 23 line 23 to page 25 line 14, at page 27 line 15 to page 29 line 6, and GX 1 at pages 15 and 41.)

Guideline G: Alcohol Consumption, Guideline J: Criminal Conduct & Guideline E: Personal Conduct (These allegations will be discussed in chronological order.)

1.a. Applicant admits that from about 2005 until the time of his hearing he consumed alcohol. He further admits that he last consumed alcohol to the point of intoxication in about September 2025. (TR at page 39 line 4 to page 46 line 20, at page 54 line 19 to page 64 line 10, at page 68 line 21 to page 69 line 1, GX 2 at page 15, and AppX D at page 2.)

1.d., 2.b. and 3.a. Applicant admits that in about October 2013, he was arrested and charged with Felony Criminal Recklessness (Armed with a Deadly Weapon.) Applicant was intoxicated at the time of this incident. He pled guilty to Criminal Recklessness, and the conviction was expunged from his records in 2020. (TR at page 31 line 12 to page 33 line 18, and at page 42 line 14 to page 43 line 6.)

1.c. Applicant admits that in about July 2024, he was hospitalized for two hours due, in part, to excessive alcohol consumption. He claims that he was dehydrated. However, Applicant was diagnosed as suffering from Alcohol Use Disorder. (TR at page 49 lines 1~17, and AppX E.)

1.b. In August 2025, Applicant was evaluated by a licensed clinical psychologist. He was again diagnosed as suffering from an Alcohol Use Disorder, but mild. Applicant's prognosis was deemed fair, indication that he may experience challenges maintaining controlled alcohol use. His wife has asked Applicant to reduce his alcohol consumption. He did disclose during his evaluation that he had driven under its influence about a year prior to the evaluation. (TR at page 47 line 13 to page 48 line 24, at page 50 line 1 to page 57 line 1, at page 64 lines 11~18, at page 65 line 1 to page 67 line 8, and GX 7.)

2.a. and 3.b. Applicant admits that in about June 2020, he was charged with Felony Intimidation, Felony Pointing a Firearm at Another, and Criminal Recklessness. He claimed self-defense. These charges were subsequently dismissed, as evidenced by court documentation. These allegations are found for Applicant. (TR at page 25 line 15 to page 27 line 19, at page 57 line 2 to page 63 line 12, and GX 5.)

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 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. 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, an "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 applying for national security eligibility seeks to enter 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, “[a]ny 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 *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

Analysis

Guideline G: Alcohol Consumption

The security concern relating to the guideline 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 guideline at AG ¶ 22 contains seven conditions that could raise a security concern and may be disqualifying. Five conditions may apply:

(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;

(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;

(e) the failure to follow treatment advice once diagnosed; and

(f) alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder.

Applicant has an alcohol-related incident in 2013, and a recent diagnosis by a duly qualified mental health professional, a clinical psychologist, of Alcohol Use Disorder, mild.

He continues to consume alcohol, at times to the point of intoxication. These facts establish prima facie support for the foregoing disqualifying conditions, and shift the burden to Applicant to mitigate those concerns.

The guideline at AG ¶ 23 contains four conditions that could mitigate security concerns. Three conditions may apply:

- (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.

There is insufficient evidence to find Applicant has acknowledged his pattern of maladaptive alcohol use. He has not modified his consumption of alcohol. He admits to being under its influence only a month after his evaluation. Alcohol Consumption is found against Applicant.

Guideline J: Criminal Conduct

AG ¶ 30 sets forth the security concerns pertaining to criminal conduct:

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.

AG ¶ 31 describes two conditions that could raise a security concern and may be disqualifying in this case:

- (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 person was formally charged, formally prosecuted or convicted.

Applicant has an alcohol-related arrest in 2013, but his conviction was later expunged, and he was cleared of his June 2020 altercation pursuant to his claim of self-defense. I find no pattern here, and his admitted conviction was 13 years ago. Criminal Conduct is found for Applicant.

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. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

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

(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.

Applicant has an alcohol-related arrest in 2013, but his conviction was later expunged, and he was cleared of his June 2020 altercation pursuant to his claim of self-defense. I find no whole-person assessment of questionable judgment here. Personal Conduct is found for Applicant.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's 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.

According to AG ¶ 2(c), the ultimate determination of whether to grant national security eligibility must be an overall commonsense judgment based upon careful consideration of the applicable guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guideline G, J, and E in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment. Applicant is respected in the workplace. (AppXs A and B.).

Overall, however, the record evidence leaves me with questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the Alcohol Consumption security concern.

Formal Findings

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

Paragraph 1, Guideline G:	AGAINST APPLICANT
Subparagraphs 1.a~1.d:	Against Applicant
Paragraph 2, Guideline J:	FOR APPLICANT
Subparagraphs 2.a. and 2.b:	For Applicant
Paragraph 3, Guideline E:	FOR APPLICANT
Subparagraphs 3.a. and 3.b:	For 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 Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Richard A. Cefola
Administrative Judge