



DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
) ISCR Case No. 24-01917
)
Applicant for Security Clearance)

Appearances

For Government: Brian Farrell, Esq., Department Counsel
For Applicant: *Pro se*

07/17/2026

Decision

BORGSTROM, Eric H., Administrative Judge:

Applicant mitigated the financial considerations security concerns. She did not mitigate the personal conduct security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On February 19, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline E (personal conduct) and Guideline F (financial considerations). The DCSA acted under Executive Order (EO) 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) implemented on June 8, 2017.

In Applicant's May 13, 2025 response to the SOR (Answer), she admitted, with explanations, SOR ¶¶ 1.b. and 1.d. She admitted in part and denied in part SOR ¶¶ 1.e.-1.i. She denied the allegations in SOR ¶¶ 1.a., 1.c., 2.a., 2.b., and 2.c., and denied deliberately providing false information concerning SOR ¶¶ 1.j. through 1.r. She did not attach any documentary evidence. She requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. (Answer)

On July 11, 2025, the Government was ready to proceed to a hearing. I was assigned this case on December 17, 2025. On January 16, 2026, DOHA issued a notice scheduling the hearing for February 2, 2026. Due to a potential government shutdown, the hearing was rescheduled for February 9, 2026 via video-teleconference. After Applicant encountered technological problems on February 9, 2026, an in-person hearing was scheduled for February 17, 2026. The hearing proceeded as rescheduled.

The Government proffered 12 evidentiary exhibits, which I admitted as Government Exhibits (GE) 1 through 12, without objection. Applicant and four witnesses testified. Applicant submitted 39 evidentiary exhibits, which I admitted as Applicant Exhibits (AE) A through AM. At Applicant's request, the record remained open until March 25, 2026, to provide her an opportunity to supplement the evidentiary record. DOHA received the hearing transcript (Tr.) on February 24, 2026. Applicant timely provided five post-hearing submissions, which I admitted as AE AN through AR, without objection. The record closed on March 30, 2026, upon the Government's review of Applicant's post-hearing submissions.

Findings of Fact

Applicant is 56 years old. She earned a bachelor's degree in December 1994 and a commercial driver's license (CDL) in April 2022. She was married in June 1997, separated in July 2010, and divorced in August 2014. She has four children, ages 19, 22, 24, and 25. The November 2016 custody order established joint legal custody concerning all four children and gave Applicant's former spouse primary physical custody. She has had little to no contact with her children since 2019. (GE 1, GE 2, GE 4 at 26; AE AJ; Tr. 103-107)

After her removal from Navy civilian employment in December 2019, Applicant was employed in several, at times overlapping, part-time positions until her full-time employment as a logistics manager for a federal contractor from December 2020 to June 2021. She remained unemployed from June to August 2021, and then found part-time employment at a restaurant from September to November 2021. From January to December 2022, she was employed full time as a long-haul truck driver, and she was terminated following an accident with a company vehicle. She remained unemployed from January to September 2023. From September to November 2023, she was employed as a program manager for a private company. From November 2023 to February 2024, she was employed as a logistics manager for the Department of the Air Force; however, she spent most of this time on paid administrative leave because she lacked access to classified information. She testified that, during her Air Force employment, she learned that she did not have a clearance, but she had known since her removal from Federal service that "it was in suspended capacity." During the hearing, she testified that she "did not think [her clearance eligibility] was fully revoked" upon her removal from Federal service. She further claimed that she knew her employment had been suspended but not her clearance. (AE AN; Tr. 107-125)

During much of 2024, Applicant worked as a temporary employee assisting with local and national elections. From June to October 2024, she worked part time as a bartender. Since September 2024, she has been a full-time employee at a grocery store, earning approximately \$16 an hour. She also worked part-time as a seasonal delivery driver from November 2024 to January and from November to December 2025. (Tr. 107-111)

Personal Conduct

The SOR alleges personal conduct security concerns based on criminal arrests and charges, rules violations, employment terminations, and falsifications. These allegations are grouped and largely addressed chronologically.

In July 2010, Applicant was charged with domestic violence, a misdemeanor, following an altercation with her then spouse, who was also charged. Although the charge was later dismissed, she could not explain why she reported the charge on her January 2018 Electronic Questionnaire for Investigations Processing (e-QIP) but not her February 2022 e-QIP. She separated from her husband in about June 2010, but the divorce was not finalized until August 2014. Under the custody agreement, Applicant maintained joint custody and was required to pay approximately \$500 monthly in child support. (GE 1 at 47, GE 4 at 19-20, 26; Tr. 192-194)

During the contentious divorce and custody proceedings, an attorney was assigned to represent the interests of the children. He noted, in a November 2016 email, a recent incident involving the children's mistreatment of Applicant. He stated, "I leave the parties with this thought – If the boys are willing to act in this manner towards their own Mother, then I shudder to think to what extent are they eventually will be willing to go with other people with whom they don't know, or don't respect." (AE AF)

SOR ¶¶ 1.i., 1.q., and 1.r. In February 2015, Applicant was involved in a physical altercation with two of her minor children. During her August 2022 OPM interview, she explained that one of her children had stolen money from her dresser. Her 13-year-old and 11-year-old sons then attacked her. When law enforcement officers arrived, the two boys claimed that Applicant had abused them, and she was charged with assault. Court records establish she was charged with (1) assault – second degree, a misdemeanor; and (2) child abuse – second degree, a felony. She was arrested, taken to a detention center, and attended at least one court hearing. She was aware, in 2015, that one of the charges was a felony. The charges against Applicant were dismissed in about August 2015. (GE 1 at 47, GE 4 at 26, GE 12; Tr. 184-187, 194)

On her January 2018 e-QIP, Under Section 22 – Police Record, Applicant reported that she had been charged with assault in February 2015 and that she had been the victim of an assault by her minor children. Under the field for whether the charge was a felony or misdemeanor, she listed "Other." Applicant answered "NO" to the query, "Have you EVER been charged with any felony offense?" (GE 3)

On May 18, 2018, Applicant was interviewed by an authorized investigator on behalf of the Office of Personnel Management (OPM). During the interview, she described the February 2015 altercation with her two sons. She admitted having been arrested and charged; however, she did not list the charges or whether they were misdemeanors or felonies. She explained that her charges had been expunged in early 2018. (GE 4 at 26)

On her February 2022 e-QIP, under Section 22 – Police Record, Applicant denied any criminal charges in the previous seven years and denied having ever been charged with a felony offense. (GE 2 at 45)

On August 31, 2022, Applicant was interviewed by a different OPM investigator. During the interview, Applicant disclosed incidents involving her children in 2012 and 2018; however, she did not discuss the 2015 felony charge. (GE 4 at 18-21)

On her February 2023 e-QIP, under Section 22 – Police Record, Applicant reported her July 2010 and February 2015 charges. Her responses and descriptions mirrored verbatim those in her January 2018 e-QIP under Section 22. She denied ever having been charged with a felony offense. (GE 1 at 46-49)

During the March 2023 OPM interview, Applicant admitted that she had been charged with felony child abuse and assault in March 2015. She explained that she had discussed the charges during a previous investigation and had not updated Section 22 of her February 2022 e-QIP. (GE 2, GE 4 at 4)

At the hearing, Applicant acknowledged that she had disclosed her arrests on her 2018 e-QIP but not on her 2022 e-QIP. She explained that she probably deleted this information, on the pre-populated 2022 e-QIP, because she had believed the charge was expunged as of 2019. After she had completed the 2022 e-QIP, she learned that the 2015 charges had not been expunged. (Tr. 189-190)

Removal from Federal Service and Clearance Suspension

From January 1994 to December 2019, Applicant was employed in various civilian positions with the Department of the Navy, most recently as a program manager (GS-14 equivalent). In April 1994, she was granted a secret clearance, and her clearance remained active until July 2019. (GE 1 at 27, 53-55)

Several SOR allegations are based upon Applicant's misconduct, which triggered the suspension of her clearance and then her removal from Federal service. Additional SOR allegations then involve Applicant's descriptions of her clearance and separation on her e-QIPs.

At the hearing, Applicant discussed her Navy civilian employment in detail. For the last several years of her Navy employment, her supervisor was K. After K retired in April 2019, R served as Applicant's supervisor. Applicant testified that her requests for sick leave and annual leave were repeatedly denied by K and R and that she was informed

she was denied leave for not following protocols. Applicant denied receiving an official written reprimand for violating leave protocols. She explained that she was listed as "absent without leave" or AWOL "numerous times" despite requesting leave. "There were multiple instances [K] would put me as AWOL, even though I had ample leave." She received unpaid leave during these instances despite having annual leave and sick leave available. She claimed that she had an unhealthy work environment and had been targeted by K and R. (Tr. 130, 132, 211-213; AE AR)

At the hearing, Applicant explained that a triggering event resulted in her decision to avoid the office space, falsify her timecard, and lie to multiple supervisors about attending a training. A week prior to her falsified timecard, Applicant had an unpleasant interaction with H, a supervisor from another department with whom she interacted in the workplace. According to Applicant, H walked up behind Applicant and whispered something in her ear. Both his proximity and the content of his comment upset Applicant, and they were alone in the office at the time. At the hearing, she described it as being "verbally, sexually assaulted" by H. Applicant reported the incident to her supervisor R, who had recently taken over Applicant's department. Applicant testified that R laughed, dismissed H's comment and behavior, and advised Applicant not to report the incident to the human resources department. She further testified that H had previously kissed the back of her hand and had made lewd comments to and about Applicant for the previous two years. Applicant did not report the interaction to any other co-workers at that time, but she did inform her mother and a friend (G) about the incident. Only G corroborated that Applicant had informed him of the incident on the day it had occurred, and he had encouraged her to report it. (Tr. 132-139; AE AN, AE AR)

Applicant returned to the office the following Monday and learned that her supervisor (R) would be absent later in the week. Concerned about further interactions with H, Applicant decided to lie about attending the off-site training during R's absence. She falsified and certified her timecard, stating that she had attended a two-day training off-site during R's absence. When confronted about her absence, Applicant lied to R and to a Navy officer about attending the training. When questioned about the training, Applicant even relayed some of the assumed subject-matter content of the training to her supervisor to convince R that she had attended the training. (Tr. 133-144, 152-158, 215; AE AR)

Later, the roster of the training was reviewed, and Applicant's absence from the training was discovered. When again confronted, she admitted that she had not attended the training. She was suspended from her employment, placed on administrative leave, and escorted off base in mid-July 2019. Her Common Access Card (CAC), government laptop, and government cell phone were confiscated at that time. She testified that she understood that her physical access to the office space was suspended at that time but not her clearance. (Tr. 157-158, 178-180)

At the hearing, she was confronted about why she falsified her timecard when she had ample leave:

I didn't – I didn't believe that asking for time off or telling them that I was absolutely sick to be in the office with somebody who verbally, sexually assaulted me the week before, they would understand. [Supervisor] was out of the office at the time. This was 2019 when this happened and this is a bit of an emotional thing for me because it just flashes back. (Tr. 132)

She explained that she “spiraled” after the incident with H and shut down. She did not report the incident to human resources, and she claimed that none of the sexual harassment incidents she had reported to her supervisors, K and R, had ever been investigated. She claimed that she reported incidents multiple times to the Navy's sexual harassment office for over three years prior to her removal; however, there is no evidence to corroborate this claim. She also claimed to have attended some mental health counseling; however, it is unclear if the counseling was related to her divorce, grief, or the workplace incidents. Her rotational assignment from summer 2018 to February 2019 was not the product of any sexual harassment allegation or investigation. She did not seek counseling through the Navy following the June 2019 incident involving H. (Tr. 145-151)

Applicant testified that she had “been physically and sexually assaulted throughout her life.” (Tr. 137) She did not provide any further information, either through testimony or documentary evidence, about the circumstances or timeframe of these incidents. Although she mentioned H having kissed her hand during her security interviews, she could not explain why she did not discuss the triggering incident in any of her security questionnaires. (Tr. 152)

SOR ¶ 1.h. On July 12, 2019, Applicant was placed on administrative leave by her supervisor. On July 24, 2019, Applicant was sent a Notice of Decision to Suspend Access to Classified Information due to personal conduct issues. This Notice of Decision referenced a July 12, 2019, letter of intent previously sent to Applicant, to which she responded on July 22, 2019. In her July 22, 2019, response, Applicant “acknowledged responsibility for [her] actions in the adjudicative areas of Personal Conduct, Use of Information Technology, and Criminal conduct, and admitted that [her] judgment was less than appropriate.” (GE 8) The Navy correspondence directed Applicant to sign an acknowledgement of her access suspension. (GE 8-9)

SOR ¶ 1.i. On her February 2022 e-QIP, under Section 25 – Investigations and Clearance Record, Applicant answered “NO” to the query, “Have you EVER had a security clearance eligibility/access authorization denied, suspended, or revoked? During her August 2022 security interview, Applicant stated that she had been unaware of the status of her security clearance at the time she separated from her Navy employment. In her Answer, she provided a verbatim response as she had for SOR ¶ 1.j. (the alleged falsification of Section 25 on the 2023 e-QIP). She denied any intent to falsify her response on the e-QIP. (GE 2 at 51; Answer)

SOR ¶ 1.j. On her February 2023 e-QIP, under Section 25 – Investigations and Clearance Record, Applicant answered “NO” to the query, “Have you EVER had a security clearance eligibility/access authorization denied, suspended, or revoked?” When

confronted about her unlisted access suspension by the OPM investigator during her March 23, 2023 security interview, Applicant responded that she had discussed the incident during a previous investigation and had not updated her February 2023 e-QIP. She referenced a 2021 security interview; however, there is no evidence in the case file of a 2021 security clearance application or security interview. (GE 4 at 4)

In her Answer, Applicant stated that she “erroneously” denied that her clearance was suspended because she had believed that her Navy employment had been suspended but not her access to classified information. She referenced negotiations between her attorney and the Department of the Navy as related to her December 2019 employment termination; however, she provided no documentary evidence to corroborate her misunderstanding of her suspended access to classified information. (Answer)

At the hearing, Applicant admitted that she likely received GE 8, the notice of her clearance suspension, in July 2019. She acknowledged that she had sent responses to the Navy about its intent to suspend her clearance and that she did not mention the sexual harassment incidents in her responses. She explained, “I was a victim, not a position I like to be in, and was ashamed for me being victimized.” (Tr. 159-162)

SOR ¶ 1.g. On September 16, 2019, Applicant was sent a Notice of Proposed Removal from her Federal employment, which she believes she received. A Notice of Personnel Action, dated September 27, 2019, noted she was suspended indefinitely due to “loss of security access,” and this Notice was forwarded to her home address. On or about October 7, 2019, Applicant responded to the proposed removal. On November 25, 2019, the Department of Navy deciding official issued a Notice of Decision to Remove (Removal Letter) “for disrespectful conduct, failure to follow instructions, lack of candor, conduct unbecoming a Federal employee, and unauthorized absence.” The deciding official concluded that the charges were supported by a preponderance of evidence. The Removal Letter explicitly referenced her July 24, 2019 suspension of access to classified information. (GE 9 at 1, GE 10, GE 11; Tr. 177)

Describing the offenses established against Applicant, the deciding official stated:

I find your misconduct was serious and intentional. I find that you demonstrated disrespectful conduct in your interaction with your first-line supervisor. I find that your misconduct was for personal gain when you had several instances of unauthorized absence and exhibited conduct unbecoming a Federal employee when you marked your timecard improperly. You were intentionally absent from work for two full days and, when asked about that time, you exhibited a lack of candor by stating that you had attended a pre-approved training, and provided fabricated emails to try to cover up your absences. I find that you admitted to the misconduct described in many of the charges and specifications. Your actions directly impacted the working relationship between you and your supervisor. I find this to be an aggravating factor.

Additionally, while not considering the following information for the penalty of removal, I note that your actions were so serious that it resulted in the suspension of your security clearance, i.e., your access to classified materials and to [Navy] facilities were suspended, by reference (i), while the Department of Defense Central Adjudication Facility (DoDCAF) determines whether you are suitable to perform the duties of your position. You were subsequently placed on administrative leave by reference (g) and indefinitely suspended by reference (h). (GE 9 at 2)

The Removal Letter cited numerous instances of unauthorized absence and a March 2019 Letter of Requirement addressing attendance issues and outlining the proper procedures for requesting leave. The Removal Letter stated, "You were also counseled on several occasions regarding your attendance and other conduct concerns." (GE 9 at 3) The Removal Letter referenced continuing time-and-attendance issues in May and June 2019, notwithstanding the Letter of Requirement, and that Applicant had "exhibited several repeated instances of serious misconduct and poor judgment." (GE 9 at 4) Applicant's removal was effective on December 4, 2019, and the Removal Letter noted an appeal process. There is no documentary evidence that Applicant appealed her removal from Federal service. (GE 9 at 3-4)

SOR ¶ 1.m. On her February 2022 e-QIP, under Section 13A – Employment Activities, Applicant reported that her reason for leaving her position with the Department of the Navy was "Left by mutual agreement following charges or allegations of misconduct." She explained:

Following multiple reports to supervisors of sexual harassment from other employees and most recently a senior official, I was accused of not showing up to work and accused of falsifying a time card [sic]. I tried to resolve the situation but agreed to leave as there were no alternate work location options available at the time. I had been reporting the sexual harassment over a course of several years. (GE 2 at 24)

During her August 2022 OPM Interview, Applicant reported that she left by mutual agreement due to multiple reports (initiated by Applicant) of sexual harassment by other employees and senior officials, accusations of not showing up for work, and falsifying timecards. She explained that, following her 2009 marital separation, she often took leave for medical, legal, and personal matters. She identified an intern and a co-worker (H) who made sexual comments to her and that H had kissed her hand. She reported both incidents to her supervisor and the human resources department. Although she was granted a temporary duty change (from about summer 2018 through February 2019), she returned to the original workplace thereafter. She admitted falsifying her timecard and falsely claiming to be attending a two-day training. She did not work those two days and was aware that her conduct was prohibited. She explained that she had missed work to avoid the co-worker who had made inappropriate comments and had kissed her hand. (GE 4 at 15-16)

During the August 2022 interview, when confronted by the OPM investigator about being terminated for cause, Applicant claimed that she did not believe she was terminated but rather escorted out and placed on administrative leave. She admitted that she was later separated from Federal service. She never paid back the U.S. Government for the two days she falsely claimed to have worked. During the OPM Interview, she explained that she suffered from post-traumatic stress disorder (PTSD); however, there is no corroborating evidence of a diagnosis by a qualified medical professional. She denied any awareness that her clearance had been suspended in 2019 and averred that her supervisors had forbidden her from speaking with the human resources department. (GE 4 at 16)

SOR ¶ 1.k. On her February 2023 e-QIP, under Section 13A – Employment Activities, Applicant reported her Navy civilian employment. Her “Reason for Leaving” and explanation mirror those in her February 2022 e-QIP verbatim. The only difference in her 2023 e-QIP is that she affirmatively answered that she had received a reprimand in May 2017 for not following proper procedures for leave requests. (GE 1 at 28)

During the hearing, Applicant recalled being separated from Federal service, and she hired an attorney in hopes of navigating a path to remain in Federal employment. She was unsure whether she hired the attorney before or after her removal. She was aware that she had been placed on administrative leave from July to December 2019; however, she did not recall receiving correspondence about her suspension from employment. She understood, upon receipt of the Removal Letter, that she was no longer employed by the Navy. She referenced a negotiation letter, which her attorney had prepared in pursuit of her retention of Federal employment; however, she acknowledged that the letter was never signed or finalized with the Navy. Her reliance upon this purported letter is the basis for her responses under Section 13A on her February 2022 and February 2023 e-QIPs. There is no record evidence corroborating her claimed negotiations or any mutual agreement between Applicant and the Navy concerning her separation from employment or the reinstatement of her clearance. She relied on this purported agreement for her belief that her clearance had been reinstated. (Tr. 163-175; GE 9-10)

Applicant recalled filing appeals related to her removal and clearance suspension; however, she could not identify any specific entity to which she appealed these decisions nor provide any evidence to corroborate her claimed appeals. She testified that she prepared and filed the appeals without legal counsel. She did not recall ever receiving the March 2019 Letter of Requirement or any incidents of time and attendance in May and June 2019. Initially, she also did not recall ever having been placed on a performance improvement plan (PIP) during her Navy employment. Later, she recalled that she may have received a PIP around the time of her divorce and custody proceedings. (Tr. 169-170, 180-184, 214)

Applicant testified that she included her Navy employment on her resume but never informed the Department of the Air Force about her termination or removal because she believed she had an agreement with the Navy to separate for mutual reasons. (Tr. 123-124)

SOR ¶ 1.n. On her February 2022 e-QIP, under Section 13A – Employment Activities, Applicant denied having “received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace?” She had, in fact, received an official reprimand in May 2017 for failing to follow proper procedures for requesting leave. She had also received a Letter of Requirement in March 2019 for attendance issues. She reported the May 2017 reprimand on her January 2018 e-QIP and on her February 2023 e-QIP. During her May 18, 2018 OPM interview, she admitted that she was disciplined for failing to follow proper procedures. (GE 1, GE 3 at 15, GE 4 at 24, 25)

During her August 2022 OPM interview, Applicant admitted that she had received a written reprimand during her Federal service for alleged abuse of leave. She explained that she had not reported the written reprimand on her February 2022 e-QIP due to an oversight. (GE 4 at 17)

SOR ¶ 1.f. From March to May 2020, Applicant was employed part time as a line chef for a nonprofit organization (N). On her February 2022 e-QIP, she reported that she had been fired “due to staffing matters, disagreement with senior staffing member and COVID issues.” During her August 2022 OPM interview, she explained that she was terminated due to staffing matters and a disagreement with senior staff. There is no further record evidence as to the circumstances that resulted in her termination from N. (GE 1 at 25-26, GE 2 at 22-23, GE 4 at 15)

SOR ¶ 1.e. From March to June 2020, Applicant was employed part time as a line chef for a pizza restaurant (P). On her February 2022 e-QIP, she reported that she had been fired “due to false accusations that [she] refused to answer COVID-related questions before clocking in/at clock [sic] in at start of scheduled shift.” (GE 2 at 21)

During the August 2022 OPM interview, Applicant admitted that she was terminated due to “not answering COVID-19 related questions before the start of her shift.” She suspected she was terminated for asking if one employee was dating a manager. She denied that she physically shoved a restaurant manager and claimed that the manager involved later apologized. There is no evidence to corroborate Applicant’s claims. (GE 4 at 14)

On her February 2023 e-QIP, she explained the incident as follows:

[W]as let go due to false accusations [junior] manager accused me of assaulting her when she tried to block me from logging in for my work shift. It was a tense time of constant policy changes during the pandemic. She insisted on touching me to take my temperature and not let me clock in. I asked her to move. I did not touch her. She later hugged me to apologize for “having to do her job” – I was let go for the false assault [sic] accusation. (GE 1 at 24)

SOR ¶¶ 1.d. and 1.p. From June to August 2020, Applicant was employed as a cashier at a hardware store (S). On June 17, 2020, Applicant received a verbal warning for insubordination and violation of an established work rule. She disputed the grounds for the disciplinary action. This warning was documented by the employer, and Applicant provided a written response to the warning. On August 3, 2020, she was terminated for belittling another cashier in front of a customer. The termination letter noted that she had been previously warned about hugging/touching customer(s) and her relationship with co-workers. Applicant signed the termination letter but disputed the underlying bases for her termination. (GE 7)

On her February 2022 e-QIP, Applicant reported that she had been fired and “told that [she] wasn’t fitting company profile.” She denied any other reprimands or disciplinary actions while employed with S. (GE 2 at 19-20)

During her August 2022 security interview, Applicant admitted that she was terminated for “not fitting the company profile” and because she had called customers “honey and sweetie.” She denied any prior reprimands or counseling during this employment. When confronted about a June 2020 verbal warning for insubordination and violation of a work policy, and she denied any disciplinary actions. She further denied ever violating any policies involving having other employees search for items, purchasing items while on the clock, or belittling another employee. She admitted receiving a warning not to touch coworkers or customers, but continued to touch and hug them. She denied calling out sick or reporting to work late. (GE 4 at 11-13)

On her February 2023 e-QIP, under Section 13A – Employment Activities, Applicant reported that she had been fired and explained:

[L]et go I was accused of stealing someone’s personal property which was left in a common area where free items were left. It was a misunderstanding. I was also accused of not fitting into the company philosophy after being an up & coming stellar employee the first month and then being the number 1 cashier the 2nd month. (GE 1 at 22)

She also reported that she had been given a verbal warning for taking something from the employee break room. (GE 1 at 23)

In her Answer, Applicant admitted that she had been terminated and that she had received “written warnings.” She explained that she had forgotten about the warnings when she completed her February 2022 e-QIP. (Answer)

At the hearing, Applicant admitted that her handwriting was on both the warning and termination documentation. She did not recall receiving any warnings during her employment with S, even when discussed during her August 2022 OPM interview. (Tr. 197-202)

SOR ¶¶ 1.c. and 1.o. From June to November 2020, Applicant was employed part time as a line chef for a restaurant (D). On her February 2022 e-QIP, under Section 13A – Employment Activities, she listed this employment and reported that she been “let go after calling out due to injury. I was also going to quit as I was offered the job with [a federal contractor (C)].” She denied having received a written warning, been officially reprimanded, suspended, or disciplined for misconduct during this employment. (GE 2 at 17-18)

During her August 2022 security interview, Applicant explained that she was “released” from employment after she repeatedly called out sick due to a back injury. She had not filed an injury report or sought medical attention at the time she was injured (September 2020), and she contacted her supervisor in November 2020 to explain that she would be unable to work. After she called out two days from work, she was terminated. During the security interview, she admitted that she had received a reprimand in November 2020 for not reporting to work and failing to make proper notification. After she was confronted by the OPM investigator, Applicant further admitted that she had received a verbal reprimand for insubordination and arguing with a supervisor following a verbal confrontation with another employee. She admitted the verbal reprimand and claimed that she did not report it on her February 2022 e-QIP due to an oversight. She denied any reprimand for refusing to comply with COVID-19 policies. (GE 4 at 9)

On her February 2023 e-QIP, Applicant reported that an identical reason verbatim for her termination from D. She further reported that, in September 2020, she had received a written reprimand for responding to a verbal attack from an intoxicated or impaired co-worker. (GE 1 at 20)

In her Answer, Applicant denied any recollection of any written reprimand received while employed by D. She denied any intent to deliberately falsify her February 2022 e-QIP response. (Answer)

SOR ¶ 1.b. From December 2020 to June 2021, Applicant was employed full time as a logistics manager for a federal contractor (C). On her February 2022 e-QIP, she reported that she had been fired, and she explained her termination as follows:

Had difficulty with insubordination with employee I supervised. Brought the issue to my supervisor. He did not assist and the matters continued. Contacted HR for assistance. They advised they would look into the matter and I was subsequently fired. Filed a wrongful firing suit and won the suit. (GE 1 at 18)

During her August 2022 OPM interview, she explained that she was terminated “due to an insubordinate employee.” After she raised issues with her supervisor and the human-resources department, she was terminated. She filed a wrongful termination lawsuit “which was granted [her] favor.” Although the record evidence reflects that the lawsuit was settled without any admission of wrongdoing by either party, there is no record

evidence of rules violations or misconduct by Applicant or reprimands received during her employment with C. (GE 4 at 6; Tr. 223)

SOR ¶ 1.a. From September to November 2021, Applicant was employed part-time as a line chef for a restaurant (B). On her February 2023 e-QIP, under Section 13A – Employment Activities, she reported she had been fired after alleged that a shift manager had bullied another employee. She explained:

Position didn't meet personal and professional goals[.] Company supported back of house manager/chef to harass personnel daily, including screaming at employees and leading a group of personnel to harass [sic] employees with special needs. When I brought this to another manager, I was threatened and cornered by the [Back of House] manager outside in the dark and then was advised I didn't fit in with how they wanted the restaurant to be run. (GE 1 at 16)

During her March 2023 OPM interview, Applicant explained that she had been terminated for reporting a manager for bullying a mentally challenged employee. She was later terminated for "not being a good fit." When the OPM investigator confronted Applicant about the allegation that she had caused a hostile work environment and had issues with taking orders, she denied both allegations. She explicitly denied any reprimands or counseling while employed at B. Besides the notation in the interview summary from the OPM investigator questioning Applicant about the allegations, there is no evidence of misconduct or rules violations associated with Applicant's employment with B. (GE 4 at 5; AE AN)

Financial Considerations

SOR also alleged financial considerations security concerns triggered by three delinquent accounts, totaling approximately \$6,005.

SOR ¶ 2.a. Applicant incurred this tuition debt (\$4,786) when she began CDL training. This tuition debt was to be paid upon completion of one year of employment as a long-haul truck driver. She was employed March to December 2022 as a driver, but she was fired following an accident with the company vehicle. Following the hearing, she provided documentation confirming that the debt had been resolved as of July 2025. (GE 5 at 2, GE 6 at 2; AE AQ; Tr. 205-206)

SOR ¶ 2.b. This medical account was placed for collection in August 2020 in the approximate amount of \$1,101. There is no evidence of any payments or payment arrangements on this account. (GE 5 at 2, GE 6 at 2; Tr. 206)

SOR ¶ 2.c. This credit-card account was opened in June 2022 and became past due in the approximate amount of \$118 as of October 2024. This debt was paid as of July 2025. (GE 5 at 1; Tr. 206)

In addition to the employment history delineated above, Applicant was unemployed from June to August 2021 and from January to March 2022. She was employed part time as a delivery driver from December 2021 to at least February 2023. She was employed full time as a long-haul truck driver from March 2022 to December 2022. (GE 1, GE 4 at 6)

With her January 2025 response to DOHA interrogatories, Applicant provided a Personal Financial Statement. She reported \$4,000 in monthly income, \$4,367 in monthly expenses, and approximately -\$367 in a monthly deficit. She further reported approximately \$100,000 in her checking account and \$1.2M in retirement savings. (GE 4 at 36-38)

Whole Person

Four character witnesses testified in support of Applicant's clearance eligibility. A former colleague, with whom Applicant had worked at the Navy, described the office environment as "constant churn and constant stress." He noted the communication and leadership problems in the office involving supervisors K and R. He was unfamiliar with the circumstances that precipitated Applicant's removal from Federal service. He was familiar with Applicant's toxic relationship with her former spouse. (Tr. 86-99)

Another witness has known Applicant for 30 years, serving as her mentor. He described Applicant as a "smart and energetic employee" and praised her honesty and dedication. He had been aware of Applicant's "high level of stress" due to her divorce. He was also aware that she had been suspended from her Federal employment and that her clearance had been revoked, but he was not aware of the circumstances that precipitated her removal from Federal service. Applicant did tell him that she had been suspended from her Federal employment because of a "record-keeping issue," and she told him in 2019 or 2020 that her clearance had been suspended. He was unsure whether she resigned or was involuntarily terminated from the Navy. (Tr. 62-83)

A third witness interacted with Applicant during her Navy employment, and they have remained friends. Applicant had helped the witness through the trauma of a workplace shooting. The witness had observed the hostile environment created by Applicant's former spouse from 2009 to 2016, when Applicant's contact with her children significantly diminished. He was unfamiliar with the circumstances leading to her removal from Federal service; however, he recommended her for access to classified information. (Tr. 48-58)

A former supervisor recently worked with Applicant in a grocery store. She described Applicant as dependable, dedicated, and one who would adhere to rules and instructions. She recommended Applicant for access to classified information. (Tr. 38-47)

Applicant submitted 22 character-reference letters and other documentary evidence in support of her clearance eligibility. Emails and letters establish her significant

volunteer efforts through her church, in support of mission trips and community events, between September 2017 and at least May 2023. (AE A-O, AD-AE)

The character-reference letters, some of which originated from the same authors in February 2024 and February 2026, were submitted by both professional associates and friends, who praised her dedication, work ethic, trustworthiness, reliability, professionalism, compassion, volunteerism, integrity, and accountability. (AE P-AC, AG-AI, AK-AM, AO, AP).

A former direct supervisor praised Applicant's reliability, trustworthiness, good judgment, and work ethic, and he had been aware of her divorce and some of the problems with co-workers at the Department of Navy. He stated, "If the person did not like her message or specific direction, it was common knowledge how to set her off and side track [sic] her leadership, contributions or recommendations." "She became indignant and dismissive when she was disrespected or ignored." (AE V)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. 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 the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), 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."

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 security decision.

A person who seeks access to sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of sensitive information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline E: Personal Conduct

The concern under this 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. . . .

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

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;

(c) credible adverse information in several adjudicative areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;

(d) credible adverse information that is not explicitly covered under any other guideline and many not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-persona 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:

(3) a pattern of dishonesty or rule violations.

Employment Terminations Without Established Misconduct

SOR ¶ 1.a. alleges that Applicant was terminated from B in November 2021 for causing a hostile work environment. Applicant admitted the termination but denied the grounds for the termination. The basis for the termination, as alleged, relies on a question posed by the OPM investigator during the August 2022 security interview. During that interview, in her interrogatories, in her Answer, and at hearing, Applicant vehemently disputed that she caused a hostile work environment. She credibly testified that she had raised concerns with a manager about the conduct of another manager prior to her termination. There is no documentary evidence, outside the reference in the OPM interview summary, as to the basis for Applicant's termination. I conclude that the record evidence did not sufficiently establish Applicant's misconduct or violation of employer policies in light of record evidence to the contrary. SOR ¶ 1.a. is found for Applicant.

SOR ¶ 1.b. alleges that Applicant was terminated from her employment at C, a federal contractor in June 2021. There is no allegation that her termination was for cause, misconduct, or violation of the employer's policies. The record evidence did not establish a personal conduct security concern. SOR ¶ 1.b. is found for Applicant.

SOR ¶ 1.e. alleges that Applicant was terminated from her employment at P, a pizza restaurant, following a physical altercation with another employee. As with SOR ¶ 1.a., there is no documentary evidence, outside the reference in the OPM interview summary, as to the basis for Applicant's termination. Applicant credibly denied any altercation or violation of the employer's policies. I conclude that the record evidence did not sufficiently establish Applicant's misconduct or violation of employer policies in light of record evidence to the contrary. SOR ¶ 1.e. is found for Applicant.

SOR ¶ 1.f. alleges that Applicant was terminated from N, a non-profit organization, for violating company policies. There is no record evidence to establish that Applicant violated company policies or that such violations triggered her termination. Applicant credibly testified that she was terminated due to staffing issues and disagreements with management, as also reported on her 2022 and 2023 e-QIPs. I conclude that the record evidence did not establish Applicant's violation of employer policies. SOR ¶ 1.f. is found for Applicant.

Employment Terminations Due to Misconduct or Violations of Policy

SOR ¶ 1.c. In November 2020, Applicant was terminated from D, a restaurant, after she repeatedly called out. During her August 2022 OPM interview, Applicant admitted that she had been reprimanded once for not reporting to work and failing to make proper notification. She also admitted that she had received a verbal reprimand for insubordination and arguing with a supervisor following a verbal confrontation with another employee. The record evidence did establish that Applicant received multiple

reprimands for violation of her employer's policies, resulting in her termination. AG ¶ 16(d) applies.

SOR ¶ 1.d. In August 2020, Applicant was terminated from S, a hardware store, following multiple violations of her employer's policies. The record evidence reflects a June 2020 verbal warning for insubordination and violation of an established work rule. She had also been warned against hugging/touching customers and her relationship with co-workers, and she knowingly and willingly continued to touch and hug customers. Her termination resulted after she belittled another employee in front of a customer, and the termination letter cites other violations of employee policies that had occurred. Although Applicant disputed any policy violations, the employer meticulously documented the policy violations and disciplinary actions. AG ¶ 16(d) applies.

SOR ¶¶ 1.g. and 1.h. In June 2019, Applicant created and certified a falsified timecard wherein she claimed to have attended a two-day off-site training. She engaged in no work those two days. When confronted by a Navy officer and her own supervisor, she claimed to have attended the training, discussed subject-matter related to the training to deceive her supervisor, and fabricated emails to disguise her absence. Only after a roster of training attendees revealed Applicant's pattern of deception did she admit her falsifications. The Removal Letter noted that Applicant's June 2019 misconduct was not an isolated incident but reflected a pattern of misconduct, reprimands, and continued violations. Applicant admitted that she may have been on a PIP due to performance issues during her divorce and custody proceedings, and she had received an official reprimand in May 2017 for failing to follow protocols for requesting leave. In March 2019, a Letter of Requirement was issued due to ongoing issues of time and attendance, and the Removal Letter noted that these issues had persisted in May and June 2019.

In July 2019, Applicant was placed on administrative leave and her access to classified information was suspended due to her pattern of misconduct in June 2019. In December 2019, Applicant was removed from Federal service for disrespectful conduct to her supervisor and misconduct for personal gain, including falsified timecards and emails. The deciding official noted that Applicant's "misconduct was serious and intentional." AG ¶ 16(d) applies as to SOR ¶¶ 1.g. and 1.h.

Allegation of Criminal Conduct

SOR ¶ 1.i. In February 2015, Applicant was in a physical altercation with two of her sons, who claimed that she had abused them. She was charged with misdemeanor assault and felony child abuse. These charges were later dismissed. There are no law enforcement records detailing this incident nor third-party accounts of what transpired. Applicant testified that her sons attacked her after she accused them of theft and that she acted in self-defense. The record evidence established the contentious custody and divorce proceedings and physical altercations manifested during this period. The lawyer assigned to represent interests of the four children noted their poor behavior towards Applicant. There is no record evidence that Applicant struck or abused her children, which she credibly denied. SOR ¶ 1.i. is found for Applicant.

Falsifications

SOR ¶¶ 1.j. and 1.i. As discussed above, Applicant was sent a letter of intent to suspend her access to classified information on July 12, 2019. She responded to that letter on July 22, 2019, and acknowledged responsibility for her misconduct and admitted her questionable judgment. On July 24, 2019, Applicant was sent a Notice of Decision to Suspend Access to Classified Information. This access suspension was also referenced in the November 25, 2019, Removal Letter. Applicant did not report her access suspension on either her February 2022 or February 2023 e-QIP under Section 25. During her August 2022 security interview, she stated that she had been unaware of her clearance status at the time of her removal from Federal service. During her March 2023 security interview, she explained that she had not updated her February 2023 e-QIP to reflect her clearance suspension – indicating her awareness of the suspension at the time she completed the 2023 e-QIP. In her Answer and at hearing, Applicant claimed that her attorney had entered into negotiations following her removal to reinstate her clearance; however, she provided no evidence to corroborate these negotiations or the purported agreement upon which she relied. One witness recalled Applicant informing him, in 2019 or 2020, that her clearance had been suspended.

While I found Applicant to be credible as to some of the circumstances related to the alleged altercations with her sons and some of her employment terminations, I did not find her claim that she was unaware of her clearance suspension to be credible. The factfinder's assessment of an individual's credibility is not an all-or-nothing endeavor. A mixed credibility finding is both permissible and at times necessary.

In courtrooms across the county, triers of fact can and regularly do find parts of testimony credible and other parts incredible. Indeed, federal courts typically instruct juries that they may do just that. See 3 Fed. Jury Prac. & Instr. 101:43 (6th ed.) (“In deciding the facts, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, part of it, or none of it.”)

Indeed, the Supreme Court's recent *Ming Dai* decision found no reason to treat the agency factfinders differently from any other reasonable factfinder. In discussing the Board's authority, the Court stated that an “agency, like any reasonable factfinder, is free to credit part of [a] witness' testimony without necessarily accepting all of it. It does not matter whether the agency accepts all, none, or some of the [witness'] testimony; its reasonable findings may not be disturbed.” *Ayala-Osegueda v. Garland*, 92 F.4th 220, 230 (4th Cir. 2024) (quoting *Garland v. Ming Dai*, 141 S. Ct. at 1669, 1677 (2021)).

The Navy correspondence regarding Applicant's clearance suspension and removal and her admissions during her March 2023 security interview demonstrate her awareness of her clearance suspension at the time she completed her February 2023 e-QIP. The

record evidence established that Applicant deliberately falsified her responses on Section 25 of her 2022 and 2023 e-QIPs. AG ¶ 16(a) applies as to SOR ¶¶ 1.j. and 1.l.

SOR ¶¶ 1.k. and 1.m. As discussed above, on September 16, 2019, a Notice of Proposed Removal from Federal employment was sent to Applicant. On or about October 7, 2019, she responded to the Notice. On November 25, 2019, the deciding official issued the Removal Letter with a separation date in December 2019. Applicant testified that she engaged an attorney to contact the Navy in hopes of retaining her employment and/or reinstating her access to classified information. The timing of the attorney representation is uncertain from the administrative record – presumably after Applicant’s October 2019 *pro se* response and possibly after the Removal Letter. Without any corroborating evidence, Applicant claimed that her attorney sought that her removal from Federal service be recharacterized as a separation by mutual agreement; however, she provided no correspondence, evidence of negotiations, or representations from her attorney.

On her February 2022 and February 2023 e-QIPs, under Section 13A, Applicant reported that she left her Navy employment by mutual agreement following charges or allegations of misconduct. Notably, she reported that she was “*accused* of not showing up to work and *accused* of falsifying a time card.” (GE 1 at 24; GE 2 at 24 (emphasis added)). She did not report that she, in fact, falsified her timecard and lied to her supervisor. Notably, during her August 2022 security interview, the investigator confronted Applicant about being terminated for cause, and, despite an initial denial, she later admitted that she had been removed from Federal service. Nonetheless, she again reported on her February 2023 e-QIP that she had left by mutual agreement.

Given the abundant documentary evidence – including Navy correspondence and Notices of Personnel Actions – as well as Applicant’s own admissions during her August 2022 security interview demonstrating her awareness of her removal from Federal service and the absence of any evidence to corroborate her purported mutual agreement, I do not find Applicant’s explanation for her omission of her removal to be credible. The record evidence established that she knew of her removal and deliberately falsified her response on Section 13A of her 2022 and 2023 e-QIPs. AG ¶ 16(a) applies as to SOR ¶¶ 1.k. and 1.m.

SOR ¶ 1.n. On her February 2022 e-QIP, under Section 13A, Applicant denied having received any “written warning, been officially reprimanded, suspended or disciplined for misconduct in the workplace” within the previous seven years concerning her Navy employment. The SOR allegation references the omission of her July 2019 clearance suspension (SOR ¶ 1.h.). While this reference to the clearance suspension as opposed to the employment suspension may have been imprecisely drafted, the allegation gave Applicant ample notice of the Government’s concerns regarding her omission(s) under this query on her February 2022 e-QIP. Furthermore, Applicant was placed on administrative leave and indefinitely suspended from her Navy employment in July 2019 for the same conduct as her clearance suspension. Applicant did not report, as required, her May 2017 reprimand, her March 2019 Letter of Requirement, or her July 2019 indefinite suspension on her February 2022 e-QIP. This is particularly problematic

given that she had reported her May 2017 reprimand on her January 2018 e-QIP but not on her February 2022 e-QIP. Moreover, Applicant testified how, in July 2019, her CAC, government cell phone, and government computer were confiscated, and she was escorted off the military installation. She was placed on administrative leave for months and removed. The record evidence reflects that she was indefinitely suspended and that she was provided a Notice of Personnel Action to document the suspension. Even if Applicant believed that the characterization of her removal from Federal service was altered after she engaged legal counsel, she was aware that she had been indefinitely suspended for over four months due to falsifying her timecard and lying to her supervisor. The record evidence established that she knew of her suspension from employment and she falsified her response on Section 13A of her 2022 e-QIP. AG ¶ 16(a) applies as to SOR ¶ 1.n.

SOR ¶ 1.o. Applicant worked part time at a restaurant (D) from June to November 2020. She was injured in September and November 2020 and repeatedly called out in November 2020, resulting in her termination. On her February 2022 e-QIP, under Section 13A, she denied having received any “written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace” during this employment. During her August 2022 security interview, she admitted that she had received a verbal reprimand for insubordination and arguing with her supervisor in September 2020 and had been reprimanded in November 2020 for not reporting to work and failing to make proper notification. On her 2023 e-QIP, she reported that she had received a *written* reprimand in September 2020 for responding to a verbal attack from an inebriated co-worker. In her Answer, she explained that she did not recall receiving any written reprimands while employed at D and that she did not intend to falsify her response. Taken in its entirety, the record evidence does not clearly establish whether Applicant received a verbal or written reprimand in September or November 2020, particularly if she did not return to work in November 2020 following her injury. I conclude that Applicant did not deliberately falsify her response on her February 2022 e-QIP. SOR ¶ 1.o. is found for Applicant.

SOR ¶ 1.p. On her February 2022 e-QIP, under Section 13A, Applicant reported her employment at S, a hardware store, and that she had been fired for “not fitting the company profile.” She reiterated this reasoning during her August 2022 security interview and denied any disciplinary actions or policy violations. In her Answer, she admitted that she had received “written warnings” but had forgotten about them when she completed her 2022 e-QIP. The personnel records from S establish that Applicant received a *verbal warning* for insubordination and violation of an established work rule in June 2020, and this warning was documented by the employer. Applicant herself provided a written response to this warning. Her August 2020 termination letter noted previous warnings for violation of employer policies, to which Applicant also responded in writing. Here, because the Section 13A query references *written* warnings and because there is no record evidence that Applicant was suspended or disciplined for the *verbal* warning, she was not required to report the June 2020 warning on her 2022 e-QIP. SOR ¶ 1.p. is found for Applicant.

SOR ¶¶ 1.q. and 1.r. In February 2015, Applicant was charged with misdemeanor assault and felony child abuse, following an altercation with two of her sons. These charges were later dismissed. On her January 2018 e-QIP, under Section 22, Applicant reported that she had been charged with assault in February 2015; however, she did not list the felony child abuse charge. She then discussed this incident during the May 2018 security interview, noting that the charges were expunged in early 2018.

On her February 2022 e-QIP, Applicant did not list any criminal charges in the previous seven years (SOR ¶ 1.q.) or having ever been charged with a felony offense (SOR ¶ 1.r.). During her August 2022 security interview, she did not disclose or discuss the 2015 incident or charges. On her February 2023 e-QIP, she reported the 2015 charges but not whether they were misdemeanors or felonies. During her March 2023 security interview, she admitted that she had been charged with misdemeanor assault and felony child abuse in February 2015. She explained that she had discussed the charges during a previous investigation and had not updated Section 22 on her 2022 or 2023 e-QIP. At the hearing, Applicant explained that she probably deleted the 2015 charges when completing her 2022 e-QIP, as they had likely been pre-populated after she reported them on her 2018 e-QIP. She claimed that, at the time she completed the 2022 e-QIP, she had believed the charges had been expunged, but later learned they had not been expunged.

I have considered Applicant's level of education and her experience, dating to 1994, completing security clearance questionnaires. I have also considered her inconsistent explanations for her omission of the 2015 charges on her 2022 e-QIP – that she had previously discussed the charges (2023 security interview) and that she believed the charges had been expunged (Answer and hearing testimony). Furthermore, although she listed the 2015 charges on her 2018 and 2023 e-QIPs, she did not admit that she was charged with *felony* child abuse until her March 2023 interview. Notwithstanding some inconsistencies in Applicant's explanations, I find that she credibly testified that she believed that the charges had been expunged in early 2018 (three years following dismissal) and did not need to be reported on her February 2022 e-QIP. SOR ¶¶ 1.q. and 1.r. are found for Applicant.

The following personal conduct mitigating conditions under AG ¶ 17 are potentially relevant:

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

The record evidence established workplace misconduct during Applicant's Navy employment and at two subsequent employments (SOR ¶¶ 1.c., 1.d., 1g., and 1.h.). Applicant disputed her violations during her employment with S, and even admitted willfully violating her employer's policies by continuing to hug customers after having been warned. She has admitted responsibility for her falsified timecard and lying to her supervisor and the Navy officer; however, she seeks to offset the seriousness of this misconduct with evidence of the hostile work environment and uninvestigated sexual harassment claims. While not dismissing the seriousness of such circumstances in the office environment, if present, Applicant has provided no corroborating evidence that she reported her harassment claims to any appropriate authority. More importantly, Applicant's pattern of deception by falsifying a timecard, lying to the Navy officer and her supervisor, and then offering information about the training in furtherance of her deception, is not mitigated by her allegations of a hostile work environment. Furthermore, the Removal Letter references a pattern of time and attendance problems. None of the mitigating conditions apply to Applicant's workplace misconduct.

Falsification of a security clearance application "strikes at the heart of the security clearance process." ISCR Case No. 09-01652 at 6 (App. Bd. Aug. 8, 2011). The record evidence established Applicant's multiple falsifications on her security questionnaires (SOR ¶¶ 1.j.-1.n.). Applicant did not make prompt, good-faith efforts to correct her false responses and continues to deny any intent to falsify her e-QIP responses, despite significant documentary evidence undercutting her explanations. I have also considered her admitted falsifications and pattern of deception for personal gain in 2019. I have also considered the character-reference letters on Applicant's behalf, praising her honesty, integrity, and character; however, there is no evidence that any of these references are fully aware of her falsifications in 2019 or on her e-QIPs. Doubts remain as to her reliability, trustworthiness, and judgment. None of the mitigating conditions apply to Applicant's falsifications on her e-QIPs. Applicant did not mitigate the personal conduct security concerns.

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. . . .

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

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

Applicant's three delinquent accounts totaled approximately \$6,000. SOR ¶ 2.b. was placed for collection in August 2020, and SOR ¶ 2.c. became past due in October 2024. AG ¶¶ 19(a) and 19(c) apply.

Conditions that could mitigate financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable in this case:

- (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.

After her December 2019 removal from Federal service, Applicant has held several part-time and full-time positions, though at a considerably lower income than her Navy employment. She has also experienced multiple periods of extended unemployment. Her monthly budget reflected a negative net monthly remainder but also considerable, though unverified, savings and assets. Most importantly, Applicant provided documentary evidence that two of the three accounts had been resolved, with only one account (SOR ¶ 2.b.) remaining outstanding. AG ¶¶ 20(a), 20(b), and 20(d) apply. Although there is no evidence of payments or payment arrangements on this account, its *de minimis* value does not cast doubt on Applicant's financial responsibility, reliability, or judgment. Applicant mitigated the financial considerations security concerns.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for access to classified information 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 the facts and circumstances surrounding this case. I have incorporated my comments under Guideline E, Guideline F, and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant's character references praised her dedication, work ethic, trustworthiness, reliability, professionalism, compassion, volunteerism, integrity, and accountability; however, these references do not indicate they are fully aware of the misconduct resulting in Applicant's removal from Federal service or the falsifications on her security questionnaires. The foregoing analyses delineate the unresolved concerns about Applicant's judgment, trustworthiness, and reliability. She mitigated the financial considerations security concerns, but she did not mitigate the personal conduct security concerns. Eligibility for access to classified information is denied.

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 E:	AGAINST APPLICANT
Subparagraphs 1.a.-1.b.:	For Applicant
Subparagraphs 1.c.-1.d.:	Against Applicant
Subparagraphs 1.e.-1.f.:	For Applicant
Subparagraphs 1.g.-1.h.:	Against Applicant
Subparagraph 1.i.	For Applicant
Subparagraphs 1.j.-1.n.:	Against Applicant
Subparagraphs 1.o.-1.r.:	For Applicant

Paragraph 2, Guideline F:

FOR APPLICANT

Subparagraphs 2.a.-2.c.:

For 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 national interest to grant Applicant's eligibility for access to classified information.

Eric H. Borgstrom
Administrative Judge