



DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 25-00732

Appearances

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

07/24/2026

Decision

HARVEY, Mark, Administrative Judge:

Security concerns arising under Guideline E (personal conduct) are refuted; however, Guideline J (criminal conduct) security concerns are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on October 31, 2024. (Government Exhibit (GE 1)) On March 2, 2026, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) alleging security concerns under Guidelines J and E. (Hearing Exhibit (HE) 2) The DCSA acted under Executive Order (Exec. Or.) 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) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017.

On March 10, 2026, Applicant answered the SOR and requested a hearing before an administrative judge. (HE 3) On May 1, 2025, Department Counsel was ready to proceed, and on May 12, 2026, the case was assigned to me.

On May 18, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that her hearing was scheduled to be conducted by video teleconference on June 4, 2026. (HE 3) The hearing was convened as scheduled.

Department Counsel offered six exhibits; Applicant offered 11 exhibits; and all proffered exhibits were admitted into evidence without objection. (Tr. 15-18; GE 1-GE 6; Applicant Exhibits (AE) A-AE K) On June 15, 2026, DOHA received the transcript of the hearing. Applicant did not request that the record remain open after the hearing.

Statement of Facts

In Applicant's answer to the SOR, she admitted the allegations in SOR ¶¶ 1.e, 1.f, 1.i, 1.o, 2.a, 2.b, 2.c, 2.e, and 2.f. She denied SOR ¶¶ 1.a, 1.b, 1.c, 1.d, 1.g, 1.h, 1.j through 1.n, and 2.d. Her admissions are accepted as findings of fact. She also provided extenuating and mitigating information. (HE 2)

Applicant is a 35-year-old technical support specialist, who has worked for her current employer since February of 2026. (Tr. 6, 8) In 2008, she graduated from high school, and she has completed two semesters of college. (Tr. 7) She has not received a degree. (Tr. 7) She has never married, and her children are ages nine and 13. (Tr. 7, 21) She has never served in the military. (Tr. 8)

Criminal Conduct

Applicant's October 31, 2024 SCA asked about Applicant's arrests, charges, and convictions during the previous seven years. (GE 1) She disclosed one arrest for disturbing the peace in 2023. (GE 1 at 29-30) She stated the outcome was that in September of 2024, she had to pay court costs. (GE 1 at 30) She denied that she had any other reportable arrests, charges, or convictions. (GE 1 at 31) She did not indicate that she was originally charged with simple burglary, and that she had a criminal conviction.

On November 25, 2024, an Office of Personnel Management (OPM) background investigator interviewed Applicant. The summary of interview indicates "Subject advised she had more arrest[s] but they were over the seven-year time frame requested. Subject [was] unable to recall the dates and charges." (GE 2 at 5, .pdf at 52) Applicant did not disclose the charge in SOR ¶ 1.b, which was within seven years of the date of her SCA. (GE 2 at 5, .pdf at 52) On January 8, 2025, Applicant was confronted with the charge in SOR ¶ 1.b, and she described her actions leading to the charge, discussed *infra*. (GE 2 at 8, .pdf at 55)

SOR ¶ 1.a alleges in about September 2023, Applicant was arrested and charged with simple burglary of an inhabited dwelling, a felony. (GE 6 at 62-69, .pdf at 212-219) The charge was reduced to disturbing the peace, a misdemeanor, and she pleaded guilty

to disturbing the peace. (HE 2 at 19, .pdf at 238) She was sentenced to a \$50 fine and 90 days in jail (suspended). *Id.*

In her SOR response, Applicant denied the allegation. (HE 2) At her hearing, she stated she denied SOR ¶ 1.a because she was focused on the result being a misdemeanor and was denying that she had a felony. (Tr. 72) She stated:

On August 13, 2023, I went to the residence of a former significant other to retrieve personal belongings that belonged to me. I entered the home using a key that I previously had access to and there was no physical contact between us at any time. We did have a verbal disagreement outside of the residence, after which I left the property, and I had no physical interaction with law enforcement that day. On September 11, 2023, nearly a month later, I was informed that a report had been filed, and I was arrested. After attending court proceedings for over a year, no evidence supporting a burglary allegation was presented and the charge was reduced to disturbing the peace. The accuser also appeared in court and confirmed that I did not take any of his personal property. I was issued a 50 dollar fine along with court costs, which were paid, and the matter has been fully resolved through the legal process. (HE 2 at 21, .pdf at 240)

At her hearing, Applicant stated she was staying at a former boyfriend's (B) residence overnight. (Tr. 54) Another woman arrived at about 4 a.m., and an argument ensued. (Tr. 54) Applicant left for about 15 to 30 minutes to deescalate the situation. (Tr. 50-54) The door was locked when she returned; however, B was still in the residence. (Tr. 61) Applicant initially denied that she broke into B's residence. (Tr. 49) Department Counsel reminded her that there was a video of her using a metal object to force her way into B's residence. (Tr. 49) She conceded that she used a metal tire-changing tool to pry open his door. (Tr. 49) She stated:

Yes, sir, I took that object and I went back and removed the bolt lock of that door. I didn't – like the main entry of the door, I didn't touch that, but yes, sir, on the outside of the door. So, I guess you would say I kind of forced my way in, yes, sir. (Tr. 49)

Applicant stated she left some of her property in B's residence, and she went back to get her property. (Tr. 50-53) She used the car tool to remove the burglary bar and the "bolt lock off of the door," and then she used her key to enter his residence. (Tr. 53, 57) In her SOR response, she did not mention using a tire tool, which damaged the door to remove the burglary bar and bolt lock. (Tr. 53) She paid \$295 to replace the door she damaged. (Tr. 58)

Applicant stated she was accused of stealing B's jewelry when she entered his residence. (Tr. 59) B's mother called the police, and she told the police that Applicant took the following items from B's bedroom: gold watch-\$300; \$50 cash; gold nugget earrings-

\$120; and two gold nugget rings-unspecified value. (GE 6 at 67-69, .pdf at 217-219) Applicant provided a picture of B wearing the jewelry at issue. (AE J-3) B was not at his residence when the police arrived because he has an active arrest warrant. (Tr. 60) Applicant denied that she took the items she was accused of taking, and she was not charged with theft. (GE 6 at 68, .pdf at 218) The crime of burglary under state law requires that she intended to commit a felony within the dwelling she unlawfully entered. She was sentenced to pay a fine of \$195 and \$50 court costs. (GE 2 at 5, .pdf at 52)

SOR ¶ 1.b alleges in about November 2022, Applicant was charged with criminal trespass. (GE 5 at 66-70, .pdf at 146-150; GE 6 at 58-61, .pdf at 208-211) Following the unavailability of a necessary witness, the prosecutor declined to prosecute the matter further.

In her SOR response, Applicant denied the allegation. (HE 2) She stated:

On November 18, 2022, I received a citation related to a misunderstanding during a child custody exchange with the father of my children. Our original custody agreement required exchanges at a police station; however, due to his vehicle being inoperable at the time, he granted me permission to drop the children off at his residence. The disagreement arose because I brought another individual with me during the drop off, and the situation was ultimately determined to be related to a custody disagreement rather than criminal behavior. The case was closed with no arrest, fines, or jail time. (HE 2 at 21, .pdf at 240)

At her hearing, Applicant stated she denied that she had charges in addition to SOR ¶ 1.a in her SCA during the previous seven years because she did not understand that in SOR ¶ 1.b she was “charged” with criminal trespass. She stated she had a summons to go to court for that offense. (Tr. 73-74) The court record indicates after arraignment that the case was nolle pros. (HE 2 at 16-17, .pdf at 235-236)

In November of 2022, Applicant wanted to leave her children at the residence of their father (M). (Tr. 64; GE 6 at 61) She stated she learned that M did not want her to leave them at his residence when she was near his residence. (Tr. 64-65) Applicant stated:

I basically told him I just wanted him to get the children so I can leave his yard, so I can leave his house. I don’t think I stated his yard in detail, but I did say so I can leave your house. [She stated to him] you just get the kids so I can leave. I just want to leave your yard or leave your house. (Tr. 68)

M called the police, and Applicant argued with the police that this situation was “more of a custody matter and it’s not a criminal matter because I didn’t trespass.” (Tr. 65) She stated M withdrew his previously issued consent for her to drop off their children when he saw she had a man in her vehicle. (Tr. 66)

The police report summarizes text messages between Applicant and M and other evidence regarding the allegation of criminal trespass as follows:

[M] advised that their court agreement originally stated they would do exchanges at the police station [but it] also allowed for changing the location if both parties agreed. [M] stated his vehicle recently broke down so he and [Applicant] had agreed to do exchanges at [M's] home. The last time [Applicant] picked up the kids, she let herself into his house without [M] inviting her in. [M] decided to do future exchanges at the police station to prevent any further issues. He advised that [Applicant] texted him at 1730 hrs to let him know she was on her way to drop off the kids. . . . [M] showed me his phone and I saw the above text followed by [M] stating that they were going to exchange at the police station. [Applicant] stated she was coming to his house and [M] responded that he did not want [her] to come to his house and that she was not welcome there. [Applicant] stated she didn't care and that she was not [coming] to his house. [M] stated [she] showed up shortly thereafter and pulled into his driveway to let the kids out. [M] advised he had made reports over [Applicant] not abiding by the court order by exchanging custody when she was supposed to. (GE 6 at 60, .pdf at 210)

The police went to Applicant's residence and questioned her. (GE 6 at 61, .pdf at 211) The report stated that Applicant told the police that "she let the kids get out [of her vehicle] and backed out and left." (GE 6 at 61, .pdf at 211) At her hearing Applicant denied that she pulled her vehicle into M's driveway. (Tr. 66) She stated she told the police that she "never pulled into his driveway." (Tr. 66) She denied that she "backed out" of his residence. (Tr. 68) She denied that she was driving. (Tr. 69) She believed the police officer put false information into the report about her driving into the driveway because she yelled at the police officer and was uncooperative. (Tr. 70-71) Applicant stated:

[T]he reason why [the] situation got more heated is because the officer at that time forcefully snatched my phone out of my hand. . . . While I was trying to show her the text messages, she didn't allow me to go over it. She wanted to take my phone, which she didn't have the right to do and go through my phone herself. . . . So, at that time, I was definitely upset because you're taking my property, and you don't have my permission and I'm telling you several times to give me my property back. So, yes, sir, at that time, I would say I was pretty upset, but that was only due to -- she wasn't supposed to take my property without my consent. So, yes, she yelled at me, and I yelled at her as well, I did yell at her. (Tr. 70-71)

SOR ¶ 1.c alleges in about June 2021, Applicant was reported to the police for making a harassing phone call. (GE 6 at 55-57, .pdf at 205-207) There is no evidence Applicant was arrested for this conduct.

At her hearing, Applicant stated she was friends with J, and J's wife, C. J and C had several conversations with Applicant. C may have believed that Applicant and J were romantically involved, and Applicant alleged that C damaged Applicant's property. (Tr. 74-77) Applicant posted on Facebook that C was creepy and bothering Applicant. (Tr. 74; GE 6 at 57, .pdf at 207)

SOR ¶ 1.d alleges in about August 2018, Applicant was reported to the police for making harassing or threatening phone calls and sending harassing or threatening text messages. (GE 6 at 46-48, .pdf at 196-198)

At her hearing, Applicant stated she was dating L's brother, and she broke up with him. (Tr. 77-78) Some of L's brother's property was at Applicant's residence. (Tr. 78) Applicant stated L threatened her about returning his belongings, and Applicant denied that she threatened L. (Tr. 78) L accused Applicant of saying that Applicant would be waiting in the bushes to knock L's head off. (Tr. 78) Applicant stated she replied to L with "heated words." (Tr. 78) There may have been an exchange of threats, and when Applicant threatened L, she was letting L know that:

I basically wasn't scared of her, and I wasn't worried about her doing anything to me because I can do the same thing in return to her. She told me she would beat my butt, [and] I told her I would beat her butt. I mean it was more of a back and forth, it wasn't any obsessive yelling, that's why I was kind of surprised that she told them I was going to be waiting outside the bushes. I never told her that. (Tr. 79-80)

SOR ¶ 1.e alleges in about July 2016, Applicant was arrested and charged with disturbing the peace. After she satisfied a diversion/probation program, the prosecutor declined to prosecute the charge. (GE 5 at 54-63, .pdf at 134-143; GE 6 at 38-45, .pdf at 188-195; HE 2 at 14, .pdf at 233)

The police report indicates the genesis for the July 2016 altercation between Applicant, Applicant's sister (S), and another woman (W) was as follows:

This appears to stem from an ongoing feud [between [W] and [S] in which] [W] stated that [S] and [Applicant] had been sending [messages] to her through Facebook and her cell phone from a blocked number, egging her car, and [threatening to do harm] to her and her children. [W] stated that [Applicant] called her on her cell phone prior to coming over to her house [address omitted] where this event took place and told her she was coming to her home as soon as she loaded her gun. (GE 6 at 43, .pdf at 93)

Applicant's OPM summary of interview stated:

[Applicant] and [S] were being followed by someone [S] knew. [S] had been being harassed by the person, name unknown. [S] stopped the vehicle and

the girl came to [S's] car and beat on the window. [A police officer] was driving by and saw what was happening. [S] and the lady were arguing in the [street]. [Applicant] was not going to fight but she also was not going to let [S] get beat up either. Police maced everyone on scene to get everyone under control. Everyone on scene was arrested for Disturbing the Peace, taken to [jail], received citations and let go. Subject appeared in [court]. [Applicant] received six months' probation. (GE 2 at 6, .pdf at 52)

At her hearing, Applicant stated she and her children were in their car, and Applicant believed someone was following them. (Tr. 82-83) Applicant stopped her car because she wanted to know why they were following her. (Tr. 83) Applicant admitted that stopping and getting out of her vehicle showed poor judgment. (Tr. 84-86) One witness stated Applicant pulled into a parking lot, walked into the yard, and cursed and threatened people to come out and fight her. (Tr. 87; GE 6 at 43) Applicant denied that she threatened anyone. (Tr. 88) Applicant was subsequently in an altercation with several women who were following her, and Applicant and several others were maced by the police. (Tr. 80-82; AE F at 28) Applicant was unsure why she was maced. (Tr. 81-82) In 2017, the charge of disturbing the peace was nolle prossed. (HE 2 at, .pdf at 14-15)

SOR ¶ 1.f alleges in about February 2016, Applicant was arrested and charged with simple battery. She was found guilty and sentenced to 60 days of confinement (suspended) and two years of probation. (GE 5 at 48-53, .pdf at 128-133; GE 6 at 32-37, .pdf at 182-187)

At her hearing, Applicant admitted that she exchanged blows with another woman (V). (Tr. 90) V and Applicant have children with the same father, M. (Tr. 93) Applicant stated, "I punched her, and she may have [fallen] to the ground, but she was also holding me, and we were both on the ground punching each other." (Tr. 91) Applicant was accused of kicking V after she was down on the ground, including kicking V's abdomen when she was in a fetal position. (Tr. 89-91; GE 6 at 36, .pdf at 186) The police report stated V was four weeks pregnant and had facial bruises, and abrasions on her arm and leg. (Tr. 89; GE 6 at 36, .pdf at 186) V was taken to the hospital. (Tr. 89) The police report stated that Applicant denied she had ever seen V on the day of the beating. Applicant stated she did not recall making that statement to the police. (Tr. 90) M told the police that Applicant called him and stated that she beat V. (GE 6 at 36, .pdf at 186) Applicant was sentenced to a \$500 fine, \$165 costs, and placed on two years of unsupervised probation. (GE 5 at 49, .pdf at 129) On June 8, 2016, Applicant completed a court-ordered anger management class. (Tr. 97, 117; AE H-1)

SOR ¶ 1.g alleges in about May 2015, Applicant was arrested and charged with unlawful telephonic communications and disturbing the peace. She pleaded guilty to disturbing the peace and was sentenced to a \$100 fine, \$155 court costs, 30 days in jail (suspended), and one-year of unsupervised probation. (GE 5 at 33-47, .pdf at 113-119; GE 6 at 26-31, .pdf at 176-181)

A police report stated that Applicant went to see W; however, he would not exit his residence to see her. (GE 6 at 31, .pdf at 181) Ms. G, W's girlfriend, told the police that she observed Applicant putting sugar inside W's gas tank. (GE 6 at 29, 31, .pdf at 179, 181) W declined to support the charge of damage to his property. *Id.* G also accused Applicant of sending her unwanted text messages. *Id.* At her hearing, Applicant stated she had a dispute with Ms. G, and it led to mutual allegations of harassment related to the charge in SOR ¶ 1.g. (Tr. 95-96)

SOR ¶ 1.h alleges in about November 2013, Applicant was charged with disturbing the peace for her actions in about August 2013. In December 2013, the prosecutor declined to prosecute the matter further. (GE 5 at 28-32, .pdf at 108-112; GE 6 at 22-25, .pdf at 172-175) At her hearing, Applicant stated she was in a housing-related dispute. (Tr. 96-97)

SOR ¶ 1.i alleges in about March 2012, Applicant was charged with disturbing the peace following an altercation with her mother in about February 2012. She pleaded guilty to a charge of threatening, profane, obscene, or abusive language, a misdemeanor, and paid a fine. (GE 5 at 23-27, .pdf at 103-107) Her sentence was a \$75 fine and \$140 in court costs. *Id.*

SOR ¶ 1.j alleges in about January and February 2012, Applicant was reported to the police for making and sending harassing or threatening phone calls and text messages. At her hearing, Applicant stated she was in disputes with her mother and sister about the care her father was receiving. (Tr. 105-108) Applicant was yelling at her mother outside her mother's residence. (Tr. 107-108)

On May 21, 2012, Applicant went to court on a disturbing the peace charge, and she pleaded guilty to the amended charge of "language inciting violence". (HE 2 at 10, .pdf at 229) In her SOR response, Applicant stated:

On February 1, 2012, I received a citation for language inciting violence during a family dispute between my mother and me while my parents were separating. The situation involved raised voices while law enforcement was present. At that time, I exercised poor judgment in how I handled the disagreement, and I accepted responsibility for my actions. I paid the required fine and court costs totaling 215 dollars and the case was closed. This experience became an important lesson that influenced how I handle conflict today. (HE 2 at 22, .pdf at 241)

Offenses over 15 years before Applicant's hearing

SOR ¶¶ 1.k, 1.l, 1.m, 1.n, and 1.o occurred in 2008 and 2009 when Applicant was 18 or 19 years old. In those instances, several different people made statements to the police about Applicant making threats to harm them, to damage their property, or that she

was in a verbal or physical altercation with them. (GE 6 at 1-12, .pdf at 152-162) None of these complaints resulted in convictions.

SOR ¶ 1.k alleges in about July 2011, Applicant was charged with simple battery and simple criminal damage to property, for actions taken by her in about April 2009. On February 17, 2012, Applicant's charge (property damage) was nolle prossed. (GE 5 at 1-12, .pdf at 81-92; HE 2 at 11, .pdf at 230) Applicant stated:

On April 13, 2009, I voluntarily turned myself in after being informed that a warrant had been issued for charges, I was previously unaware of. These charges involved allegations of property damage and assault; however, the case was dismissed due to lack of evidence and because the individual who made the allegations could not be located. I had no fines or court costs and was issued a refund of my cash bond. (GE 6 at 22, .pdf at 241)

At her hearing, Applicant stated on August 17, 2009, she had a dispute with a former partner regarding personal property. Applicant contacted him and used inappropriate language during communications. (Tr. 115) In July of 2011, she was charged with damage to private property. (Tr. 115)

SOR ¶ 1.l alleges in about January 2011, Applicant was reported to the police for making harassing phone calls. **SOR ¶ 1.m** alleges in about August 2009, she was arrested and charged with unlawful telephonic communications. The prosecutor declined to prosecute the offense after the alleged victim could not be located. **SOR ¶ 1.n** alleges in about August 2009, Applicant was arrested on suspicion of having made threatening phone calls in about July 2008.

Applicant's coworker, LM, believed Applicant was having a relationship with her former boyfriend. (Tr. 110-111) Applicant stated LM accused her of threatening to slash her tires and making harassing telephone calls; however, Applicant stated she never talked to LM, and she never had an altercation with LM. (Tr. 110, 115) Applicant denied that she was arrested for allegations from LM. (Tr. 113)

SOR ¶ 1.o alleges in about July 2009, the police were dispatched to Applicant's place of work because of a dispute between Applicant and another individual concerning work assignments. Applicant stated she was working in a fast-food establishment, and she had a verbal dispute with a coworker. (Tr. 113-114)

Personal Conduct

Applicant disclosed her terminations from employments in SOR ¶¶ 2.a through 2.e on her SCA and discussed them in her follow-up OPM background interview. There are no records of investigation by her employers or statements of supervisors supporting the basis for the terminations.

SOR ¶ 2.a alleges in about February 2024, Applicant was dismissed from her employment for policy/compliance reasons. In her SCA, she stated she was, “Fired and the reason was due to company policy. A service was added to the customer account and during the call I asked for assistance, but it wasn’t handled properly.” (GE 1 at 11)

At her hearing, Applicant stated she was working with a customer to provide services, and after her employer reviewed a recording of the call, her employment was terminated because she did not have permission to change the terms of the customer’s agreement. (Tr. 31) Applicant’s supervisor at the time she was terminated provided a statement of support for Applicant. (Tr. 29; AE F-2)

SOR ¶ 2.b alleges in about August 2021, Applicant was dismissed from her employment in relation to a customer service call she handled. In her SCA she stated, “I was terminated due to allegations from a customer. There was never any proof I did anything wrong, but due to [her employer’s] policy I was terminated.” (GE 1 at 12)

At her hearing, Applicant stated that during training, she was told that if a customer used profanity or made a racist comment during a telephone call, customer service representatives were supposed to warn the customer not to continue the offensive comments, and if he or she continued, the call would be terminated. (Tr. 33) She stated she told a customer that used the “N word” that the call would be terminated if her or she continued; the customer continued to use the N word; and Applicant terminated the call. (Tr. 33) Applicant’s employer told Applicant that she was fired because she terminated the call without permission. (Tr. 34)

Applicant stated the real reason she was fired was because that particular customer called back and “that I called them while I was working. I was supposed to have reached out and called them and threatened them, which never occurred.” (Tr. 34-35) She did not believe the call was recorded. (Tr. 35)

SOR ¶ 2.c alleges in about September 2020, Applicant was dismissed from her employment for policy or compliance reasons. In her SCA, she stated she was fired; however, “I can’t recall the reason for my termination.” (GE 1 at 14)

At her hearing, Applicant stated her employer told her that she was terminated for compliance reasons; however, Applicant believed the real reason she was terminated was because she had an illness and needed time off for her health. (Tr. 36-37, 102) Applicant stated she could not remember the details of the alleged compliance issue. (Tr. 36-38)

SOR ¶ 2.d alleges in about December 2016, Applicant was dismissed from her employment following an interpersonal conflict with her supervisor. In her SCA, she stated she was, “Fired but it wasn’t due to any company rules.” (GE 1 at 15)

At her hearing, Applicant stated she had a personal relationship with a supervisor. (Tr. 39) She made a complaint about the supervisor; the supervisor found out about it; the supervisor made a complaint about her; and management fired her. (Tr. 39) She stated she “was basically let go because they found it favorable that it was possibly best for us not to work together, I would say, so they terminated me basically because of that. They didn’t have an actual reasoning for it.” (Tr. 40) She also had some interpersonal conflict with another supervisor. (Tr. 41-43) At the time, she was pregnant and “overly emotional.” (Tr. 44)

SOR ¶ 2.e alleges in about December 2014, Applicant was dismissed from her employment following a disagreement with her supervisor. In her SCA, she stated she was, “Fired due to a disagreement with the hiring manager.” (GE 1 at 16)

At her hearing, Applicant stated there was a dispute over a \$50 shortage, and the \$50 was found. (Tr. 44) Then she had a dispute with her supervisor over scheduling because she had a child in daycare, and she quit her employment. (Tr. 44) She stated she may have told the investigator that she was fired, and she may not have mentioned that she quit. (Tr. 45) Applicant stated, “I would definitely say I allowed my ego more than anything to get the best of me because I was offended, accused of being -- I was accused of theft for 50 dollars, and I would say I allowed that to [affect] my judgment.” (Tr. 46)

SOR ¶ 2.f cross alleges the information as set forth in SOR ¶¶ 1.a through 1.o., *infra*.

Applicant explained why she believes that she will handle future confrontations with others better:

I remove myself from conflict before I allow myself to get upset or before I allow myself to continue to hear something that I disagree with or something that I have a problem with, I pretty much remove myself from any type of conflict in general. Just growth over the time frame of years, responsibilities. I know that I have a lot to lose and it’s just. I can handle myself in a more professional manner. . . . Me just doing better for myself and . . . from separating myself from people who I can see don’t want to progress or want to do something different in life because I don’t want to continue to have these types of incidents where I have to literally explain my actions to someone, even though I can understand why, it just makes you look like a bad person.

In general, I take the time to think about what can actually happen before I react to anything, so that’s basically how I’ve been going about it. Like I stated, maturity over the years. At first, when I was younger, I didn’t take a lot serious[ly] and . . . what you do in your past will come back to bite you in your future. I didn’t take a lot of incidents seriously, so my reactions basically came out of immaturity.

Growing and becoming older, I noticed that a lot of my actions when you look at it in black and white, it makes me look like an angry person or a person who can't control her emotions, and I can separate my emotions fairly well. My sense of judgment has become a lot better, so over the years, I would just say development and maturity knowing that I have other things to actually provide for outside of myself. . . . Because, I mean, we're all human and we do have emotions, but being able to judge when to take myself out of a situation is also something that I have been, I would say, practicing before the '23 incident, but that is definitely something that I've been working on for quite some time just over the course of years, all of this stuff basically, which looks horrible. (Tr. 118-120)

Applicant's Closing Written Statement

In her closing written statement, Applicant stated:

Over the course of my life and career, I have grown significantly in maturity, judgment, emotional control, and personal responsibility. While I acknowledge the concerns outlined in the Statement of Reasons, those incidents do not reflect the person, employee, mother, or professional I am today. Many of the incidents occurred during emotionally difficult periods in my life involving unhealthy relationships, family conflict, stress, and immaturity in how I handled interpersonal situations. As I have matured, I have developed better conflict resolution skills, greater emotional awareness, and a much stronger understanding of accountability and professionalism.

Today, I am the mother of two children who depend on me for stability, guidance, and support. My role as a parent has been one of the greatest motivating factors in my personal growth. Providing a safe, stable, and responsible environment for my children has required me to make major changes in how I approach stressful situations and interpersonal conflict. I now avoid unnecessary confrontation, remove myself from unhealthy environments, and make decisions with long-term consequences in mind.

Professionally, I have worked in customer service and technical support roles for over 13 years. Throughout my career, I have regularly handled sensitive customer and organizational information requiring trust, confidentiality, professionalism, and adherence to compliance standards. Currently, through my work supporting the Department of Veterans Affairs, I assist users while working in environments that require the handling of sensitive information and strict compliance with security procedures. This experience has reinforced the importance of integrity, accountability, discretion, and responsible conduct.

I understand the seriousness of holding a security clearance and the responsibility that comes with access to sensitive information and systems. My career goals, ability to provide for my family, and future professional opportunities are directly connected to maintaining the trust placed in me. Because of this, I have become much more mindful of my actions, decision-making, personal associations, and how I respond to stressful situations. I fully understand that clearance holders are expected to maintain a higher standard of conduct both professionally and personally.

In response to past incidents, I have taken meaningful rehabilitative steps. I successfully completed anger management courses and have attached my certificate of completion as evidence of my commitment to personal growth and improved conflict resolution. I also successfully completed all probationary and court-ordered requirements associated with prior matters, with no violations or further legal complications. Since the 2023 incident referenced in the Statement of Reasons, I have had no additional arrests, charges, or criminal conduct. Documentation confirming successful completion of probation and court requirements has been attached as part of my response package.

Additionally, I have maintained stable employment and continued to work in positions involving responsibility, trust, customer interaction, and sensitive information. I have also included character reference letters from individuals familiar with my integrity, professionalism, trustworthiness, and personal growth over time.

I take full responsibility for my past mistakes and recognize that some situations could have been handled more appropriately. However, those incidents do not define my current character or the responsible person I have become. Through maturity, rehabilitation, parenthood, professional experience, and personal growth, I have worked hard to build a stable and productive life. I respectfully submit that my current conduct, rehabilitation efforts, work history, and commitment to responsible behavior demonstrate that I am reliable, trustworthy, and capable of safeguarding sensitive information in the interest of national security. (AE C)

Character Evidence

Applicant provided 13 character statements from a minister, family members, friends, associates, coworkers, and managers. (HE 2; AE F) The general sense of the character statements is that she is dependable, professional, sincere, trustworthy, and honest. She has shown increased maturity and responsibility. She provided an excellent performance evaluation. (AE G-3)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy” to have access to such information. *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, this decision should not be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Criminal Conduct

AG ¶ 30 provides the security concern arising from criminal conduct stating, “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 lists conditions that could raise a criminal conduct 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 individual was formally charged, prosecuted, or convicted.

AG ¶¶ 31(a) and 31(b) are established. Discussion of the disqualifying conditions is in the mitigating section *infra*. AG ¶ 32 lists conditions that could mitigate criminal conduct security concerns:

- (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.

In ISCR Case No. 22-00761 at 7 (App. Bd. May 27, 2025) the Appeal Board discussed the evidentiary standard for proving the allegations in the SOR as follows:

It is well-established that DOHA security clearance adjudications are administrative proceedings, and the “beyond a reasonable doubt” burden of proof associated with criminal proceedings is not applicable. Similarly, the “preponderance of the evidence” standard in civil proceedings such as a [temporary restraining order] is not applicable. Instead, the Government must prove any controverted facts by substantial evidence — that is, more than a scintilla, but less than a preponderance of the evidence.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant’s responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant’s security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. “Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.” Directive, Enclosure 2, [App. A] ¶ 2(b).

SOR ¶ 1.a alleges in about September 2023, Applicant was arrested and charged with simple burglary of an inhabited dwelling, a felony. The charge was reduced to disturbing the peace, a misdemeanor, and she pleaded guilty to disturbing the peace. She was sentenced to a \$50 fine and 90 days in jail (suspended). The evidence establishes that she used a metal bar to break into B’s residence to retrieve her personal property. The evidence does not establish that she intended to commit a felony after she broke into the dwelling. The disturbing the peace crime is established.

SOR ¶ 1.b alleges in about November 2022, Applicant was charged with criminal trespass onto M’s property. Applicant was told not to deliver her children to M’s residence because she had previously entered M’s residence without his permission. She went onto his property when her vehicle went into his driveway. She lied at her hearing when she

falsely denied that her car went onto his driveway. The crime of criminal trespass is established.

SOR ¶ 1.c alleges in about June 2021, Applicant was reported to the police for making a harassing phone call. SOR ¶ 1.d alleges in about August 2018, Applicant was reported to the police for making harassing or threatening phone calls and sending harassing or threatening text messages. SOR ¶¶ 1.c and 1.d did not result in Applicant's arrest or charges, and they are refuted.

SOR ¶ 1.e alleges in about July 2016, Applicant was arrested and charged with disturbing the peace. After she satisfied a diversion/probation program, the prosecutor declined to prosecute the matter further. In her SOR response, Applicant admitted the offense. The criminal offense in SOR ¶ 1.e is established.

SOR ¶ 1.f alleges in about February 2016, Applicant was arrested and charged with simple battery. She was found guilty and sentenced to 60 days' confinement (suspended) and two years' probation. In her SOR response, Applicant admitted the offense. The criminal offense in SOR ¶ 1.f is established.

SOR ¶ 1.g alleges in about May 2015, Applicant was arrested and charged with unlawful telephonic communications and disturbing the peace. She pleaded guilty to disturbing the peace and was sentenced to a \$100 fine, \$155 court costs, 30 days in jail (suspended), and one-year of unsupervised probation. In her SOR response, she denied SOR ¶ 1.g; however, she did not discuss the offense. The criminal offense of disturbing the peace is established. The offense of unlawful telephone communications was dismissed and is not established.

SOR ¶ 1.h alleges in about November 2013, Applicant was charged with disturbing the peace for her actions in about August 2013. There was sufficient evidence to result in a criminal charge. In her SOR response, she denied the offense. She did not provide sufficient evidence to refute SOR ¶ 1.h.

SOR ¶ 1.i alleges in about March 2012, Applicant was charged with disturbing the peace following an altercation with her mother in about February 2012. She pleaded guilty to a charge of threatening, profane, obscene, or abusive language, a misdemeanor, and her sentence was a \$75 fine and \$140 in court costs. In her SOR response, she admitted the offense, and the offense is established.

SOR ¶ 1.j alleges in about January and February 2012, Applicant was reported to the police for making and sending harassing or threatening phone calls and text messages. At her hearing, Applicant stated she was in disputes with her mother and sister about the care her father was receiving. Applicant was yelling at her mother outside her mother's residence. On May 21, 2012, Applicant went to court on a disturbing the peace charge, and she pleaded guilty to the amended charge of "language inciting violence". This offense of language inciting violence is established.

For SOR ¶¶ 1.k, 1.l, 1.m, 1.n, and 1.o, the police reports indicate in 2008 and 2009 when Applicant was 18 or 19 years old, several different people made statements to the police about Applicant making threats to harm them, to damage their property, or that she was in a verbal or physical altercations or both. These offenses are not recent; she has not engaged in similar conduct since 2016; they are unlikely to recur; and they are mitigated under SOR ¶¶ 31(a).

Credibility. Applicant failed to disclose that she was charged as alleged in SOR ¶ 1.b on her SCA and to disclose the charge in her follow-up OPM background interview. She stated she did not know she was charged; however, because of her history of being charged, this claim is not credible. In addition, for the criminal trespass offense, Applicant claimed she did not drive onto M's driveway, and this claim is not credible. She did in fact trespass on M's property.

When she described the offense in SOR ¶ 1.a in her SOR response, she failed to mention that she broke into the house to obtain her belongings. At her hearing, she initially denied that she broke into the house. and then she admitted it after she was reminded that the break-in was on video.

For SOR ¶ 1.f, Applicant denied to the police that she had seen V on the day she was convicted of beating V.

These credibility issues will not be considered for disqualification purposes; however, they will be considered in the mitigation and whole-person assessments.

AG ¶ 32(d) partially applies because there is no evidence of criminal conduct after her September of 2023 offense, in which she broke into B's residence, and then was convicted of disturbing the peace. She paid restitution and complied with court-ordered sentencing requirements. She provided 13 character reference statements and a good employment performance evaluation.

None of the mitigating conditions fully apply to all of the disqualifying conduct because Applicant made recent statements, which damaged her credibility. She has not established a sufficient period of abstinence from criminal conduct. Her multiple decisions to commit criminal conduct over the last 15 years is an indication she lacks the qualities expected of those with access to national secrets and continues to cast doubt on her current reliability, trustworthiness, and judgment. Criminal conduct security concerns are not mitigated.

Personal Conduct

AG ¶ 15 provides the security concern arising from personal conduct:

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 following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

AG ¶ 16 provides conditions that could raise a personal conduct security concern and may be disqualifying in this case:

(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:

(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;

(2) any disruptive, violent, or other inappropriate behavior;

(3) a pattern of dishonesty or rule violations; and

(4) evidence of significant misuse of Government or other employer's time or resources; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group.

AG ¶¶ 16(d) and 16(e) do not apply. Applicant's descriptions of the reasons her employments were terminated are of insufficient magnitude to raise a security concern. Her terminations from various jobs may be based on personality issues or performance concerns unrelated to security. There is no evidence to contradict Applicant's descriptions of the reasons she was fired. The specific reasons for termination have not recurred, and do not cast doubt on her current reliability, trustworthiness, and good judgment.

SOR ¶ 2.f cross alleges the criminal conduct information as set forth in SOR ¶¶ 1.a through 1.o. SOR ¶ 2.f is refuted because there is sufficient evidence to revoke her security clearance based on the information in SOR ¶ 1, as discussed *infra*. Personal conduct security concerns are refuted.

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 her conduct and all the 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), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall commonsense judgment based upon careful consideration" of the guidelines and the whole-person concept. My comments under Guidelines J and E are incorporated 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 a 35-year-old technical support specialist, who has worked for her current employer since February of 2026. In 2008, she graduated from high school, and she has completed two semesters of college. She provided 13 character statements from a minister, family members, friends, associates, coworkers, and managers. The general sense of the character statements is that she is dependable, professional, sincere, trustworthy, and honest. She has shown increased maturity and responsibility. She provided an excellent performance evaluation.

The disqualifying and mitigating information is discussed in the analysis section, *supra*. The reasons for denying Applicant's security clearance are more persuasive than the reasons for granting her a security clearance.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. *See Dorfmont*, 913 F. 2d at 1401. "[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant's eligibility for access to classified information." ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No. 12-00270 at 3 (App. Bd. Jan. 17, 2014)).

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence, to the facts and circumstances in the context of the whole person. Personal conduct security concerns are mitigated; however, criminal conduct security concerns are not mitigated.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. With continued effort to comply with rules and laws she may well be able to demonstrate persuasive evidence of her security clearance worthiness.

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 J:	AGAINST APPLICANT
Subparagraphs 1.a and 1.b:	Against Applicant
Subparagraphs 1.c and 1.d:	For Applicant
Subparagraphs 1.e through 1.j:	Against Applicant
Subparagraphs 1.k through 1.o:	For Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraphs 2.a through 2.f:	For Applicant

Conclusion

Considering all of the circumstances presented by the record in this case, it is not clearly consistent with the interests of national security to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is denied.

Mark Harvey
Administrative Judge