



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



In the matter of:

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ISCR Case No. 25-01539

Applicant for Security Clearance

Appearances

For Government:

John B. Renehan, Esq., Department Counsel

For Applicant:

Pro Se

07/27/2026

Decision

CEFOLA, Richard A. Administrative Judge:

Applicant did not mitigate the security concerns under Guideline E (Personal Conduct), Guideline G (Alcohol Consumption), and Guideline J (Criminal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a Questionnaire for National Security Positions on April 30, 2024 (Questionnaire). On March 25, 2026, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline E (Personal Conduct), Guideline G (Alcohol Consumption), and Guideline J (Criminal Conduct). The action was taken under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense (DoD) Directive 5220.6, *Defense Industrial Personnel Security*

Clearance Review Program (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within DoD after June 8, 2017.

On April 24, 2026, Applicant responded to the SOR in writing (Answer) and requested that this case be decided on the written record in lieu of a hearing. In his Answer, he admitted to SOR ¶¶ 1.a and 1.b. He admitted to SOR ¶ 1.c, with explanation, and denied SOR ¶ 1.d. Applicant did not respond to SOR ¶ 2.a, which must be interpreted as a denial. In addition, Applicant denied SOR ¶¶ 3.a – 3.c.

On June 11, 2026, Department Counsel submitted the Government's written case in a File of Relevant Material (FORM). A complete copy of the FORM, consisting of Government's Exhibits (GE) 1 to 7, and the Government's arguments in support of the SOR, was received by the Applicant on June 12, 2026. He was afforded 30 days to file objections and submit material to refute, extenuate, or mitigate the security concerns, but did not respond. The case was assigned to me on July 20, 2026, and all exhibits were admitted without objection.

Findings of Fact

Applicant is 41 years old. He has worked for a defense contractor since 2024 as a quality inspector and applied for a security clearance in connection with this employment. He married in November 2019 and separated in December 2020. He and his wife filed for divorce in March 2022, but the case remains pending. He has two minor children and has lived with a cohabitant since March 2021. He has completed some college coursework. (GE 3 at 5, 11, 17-18, 29; GE 5 at 3-5, 9)

SOR Paragraph 1 (Guideline G: Alcohol Consumption)

The Government alleged that Applicant is ineligible for a security clearance because of excessive alcohol consumption. The following findings of fact pertain:

1.a. Driving Under the Influence (DUI) – February 14, 2021: Applicant admitted the allegation as drafted in the SOR but omitted this incident from his Questionnaire. He subsequently failed to disclose it to a defense investigator during an interview on June 12, 2024, until confronted. He explained having driven home from dinner, where he had consumed "one mixed drink and five beers." He described feeling "buzzed, but not fully intoxicated." At approximately 12:30am, Applicant was observed by a sheriff's deputy to be driving erratically, including crossing the center lane divider. During the ensuing traffic stop, Applicant was observed to have a strong odor of alcohol, slurred speech, and bloodshot eyes. He struggled with the field sobriety test and was found to have a blood alcohol content (BAC) of .233 following a breathalyzer evaluation. He was subsequently arrested and later charged with DUI (second offense). The charges were dismissed on March 22, 2021, however, when the breath technician failed to appear in court on behalf of the state. (Answer; GE 5 at 6, 17-23; GE 6 at 9-10)

1.b. DUI – February 17, 2010: Applicant admitted the allegation as drafted in the SOR but omitted this incident from his Questionnaire. He subsequently failed to disclose it to a defense investigator during an interview on June 12, 2024, until confronted. He explained that he drove home after “a night of drinking alcohol” and was stopped by a sheriff’s deputy. After failing a field sobriety test, he took a breathalyzer test and was determined to have a BAC above the legal limit. He was subsequently arrested and later charged with DUI. He was convicted and sentenced to a year of probation, six months of community service, and having a breathalyzer installed in his vehicle for one year. (Answer; GE 5 at 6-7; GE 6 at 7-9)

1.c. Excessive alcohol consumption from 2006 - 2025: In his response to interrogatories certified on October 20, 2025, Applicant described drinking five vodka shots on weekends, though sometimes he would drink six to seven shots, which would make him intoxicated. During an interview with a defense investigator on June 12, 2024, certified as accurate by Applicant on February 25, 2026, he described getting intoxicated on weekends, drinking 10 seltzer alcohol drinks and a pint of vodka. In his Answer, he qualified this to be an estimation and not an exact number. Applicant acknowledged “having consumed alcohol to the point of intoxication sporadically on weekends,” but denied that it occurred “every weekend” or even frequently. He noted, “it takes one liter of vodka to make him intoxicated,” and explained that when intoxicated he will “stagger, slur his speech, pass out/black out.” In his October 20, 2025, interrogatory responses, however, when queried about the date of his last blackout, he wrote, “none.” Applicant stated that he has never received any evaluation or treatment due to alcohol consumption and opined that he does not have a problem with alcohol. He intends to continue consuming alcohol in the future. (Answer; GE 4 at 4-5, 7; GE 5 at 7)

1.d. Weekly intoxication: See SOR ¶ 1.c discussion above.

SOR Paragraph 2 (Guideline J: Criminal Conduct)

The Government alleged that Applicant is ineligible for a security clearance due to certain criminal activity. The following findings of fact pertain:

2.a. Cross-allegations with subparagraphs 1.a and 1.b: See SOR ¶¶ 1.a and 1.b discussion above.

SOR Paragraph 3 (Guideline E: Personal Conduct)

The Government alleged that Applicant is ineligible for a security clearance because he had engaged in conduct that involved questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations. The following findings of fact pertain:

3.a. False Statement ONE in 2024 Questionnaire: On April 30, 2024, Applicant submitted his Questionnaire wherein at Section 22 – Police record, he answered, “No,”

to questions asking if, in the last seven years: he had been issued a criminal citation; been arrested, charged, convicted, or sentenced of a crime; or been on probation. The instructions to this section direct applicants to “report information regardless of whether the record in your case has been sealed, expunged, or otherwise stricken from the court record, or the charge was dismissed.” Applicant denied the allegation as drafted in the SOR, explaining that he misunderstood the difference between the terms “charged” and “convicted.” As noted above in SOR ¶ 1.a, Applicant was arrested on February 14, 2021, and subsequently charged with DUI. During an interview with a defense investigator on June 12, 2024, certified as accurate by Applicant on February 25, 2026, he explained that the charges were dropped/abandoned. Likewise, in his Answer he noted that “all charges [were] dropped.” (Answer; GE 3 at 27; GE 5 at 5)

2.b. False Statement TWO in 2024 Questionnaire: On April 30, 2024, Applicant submitted his Questionnaire wherein at Section 22 – Police Record, he answered, “No,” to questions asking if he had EVER been charged with a felony or charged with an offense involving alcohol or drugs. Applicant denied the allegation as drafted in the SOR, explaining again that he misunderstood the difference between the terms “charged” and “convicted.” As noted above in SOR ¶¶ 1.a and 1.b, Applicant was arrested on February 17, 2010, after which he was both charged and convicted of DUI. He was likewise arrested on February 14, 2021, after which he was charged with DUI. During an interview with a defense investigator on June 12, 2024, certified as accurate by Applicant on February 25, 2026, he explained that the charges were dropped/abandoned. Likewise, in his Answer he noted that “all charges [were] dropped.” (Answer; GE 3 at 27; GE 5 at 5)

2.c. False Statement in interrogatory response: On October 20, 2025, Applicant submitted responses to interrogatories wherein he was asked, “Has your use of alcohol ever... resulted in intervention by law enforcement...?” Applicant answered “Yes,” then elaborated “DUI 2008.” Applicant denied the allegation as drafted in the SOR, explaining again that he omitted reference to his 2021 DUI arrest because he misunderstood the difference between the terms “charged” and “convicted.” He went on to explain that “it was my understanding, however incorrect at the time, that since my case was completely dismissed, and all charges dropped, that it meant the same as not being convicted, and did not need to be included.” (Answer; GE 4 at 7)

Whole Person and Mitigating Evidence

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

Policies

When evaluating an applicant’s suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines. In addition to brief

introductory explanations for each guideline, the adjudicative guidelines (AG) list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's national security eligibility.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of applicable guidelines in the context of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of national security is the paramount consideration. AG ¶ 2(b) requires, "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. I have not drawn inferences based on mere speculation or conjecture. Directive ¶ E3.1.14, requires the Government to present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, "The applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision."

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants national security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information.

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

Analysis

SOR Paragraph 1 (Guideline G: Alcohol Consumption)

The security concerns relating to the guideline for alcohol consumption are set out in AG ¶ 21, which reads as follows:

Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual's reliability and trustworthiness.

The facts of this case establish the following potentially disqualifying conditions set forth in AG ¶ 22 to the allegations under Guideline G:

(a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder; and

(c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline G. The guideline includes the following conditions in AG ¶ 23 that could potentially mitigate security concerns arising from Applicant's alcohol consumption:

(a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment; and

(b) the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

It is beyond the purview of this analysis to diagnose if, or to what extent, Applicant may have some version of an alcohol use disorder. But in examining the likelihood of recurrence of an alcohol-related incident (ARI), it is both relevant and appropriate to note that Applicant was able to drive a motor vehicle in 2021 with a BAC nearly four times the legal limit and only felt "buzzed" – not intoxicated. It is also relevant and appropriate to note that Applicant described that it takes an entire liter of vodka – roughly 22 standard U.S. 1.5 ounce "shots" – to make him feel intoxicated. This certainly constitutes some evidence of an increased alcohol tolerance and maladaptive alcohol use.

Additionally, while the record evidence does not necessarily prove weekly intoxication, it also does not show that intoxication on weekends – when he drinks vodka by the shot – is some kind of anomaly. Applicant denies that this amount or frequency of alcohol use constitutes a problem, and his alcohol use continues unabated. This habitual consumption of alcohol, however, raises concerns about his reliability, trustworthiness,

and judgment, as well as his impulse control. AG ¶ 23(a) and (b) do not apply. SOR ¶ 1.d is found for Applicant as the record evidence does not support the allegation of weekly intoxication; but SOR ¶¶ 1.a. – 1.c are found against Applicant.

SOR Paragraph 2 (Guideline J: Criminal Conduct)

The security concern for criminal conduct is set out in AG ¶ 30:

Criminal activity creates doubt about an Applicant's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

The facts of this case establish the following potentially disqualifying condition set forth in AG ¶ 31 to the allegations under Guideline J:

(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.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline J. The guideline includes the following conditions in AG ¶ 32 that could potentially mitigate security concerns arising from Applicant's criminal conduct:

(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; 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.

Though Applicant's most recent arrest for criminal conduct occurred over five years ago, for the reasons discussed above under Guideline G it cannot be concluded that another ARI is unlikely to recur. Applicant denies having any issue with alcohol, has never received a professional evaluation of his alcohol consumption, and continues to consume alcohol unabated. These factors render AG ¶ 32(a) and (d) inapplicable and therefore SOR ¶ 2.a is found against Applicant.

SOR Paragraph 3 (Guideline E: Personal Conduct)

The security concerns relating to the guideline for personal conduct are set out in AG ¶ 15, which states:

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:

(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and

(b) refusal to provide full, frank, and truthful answer to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

The facts of this case establish the following potentially disqualifying condition set forth in AG ¶ 16 to the allegations under Guideline E:

(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.

Applicant acknowledged the inaccuracies of his responses in the Questionnaires as alleged in the SOR, but asserted that all three were due to his misunderstanding of the difference between "charged" and "convicted." As the Appeal Board has noted, "a person holding a security clearance has a duty to fully disclose conduct of security concern." ISCR 24-00278 at 3 (App. Bd. Jan. 14, 2026). Moreover, a falsification of a security questionnaire constitutes misconduct that casts serious doubt on an applicant's judgment, reliability, or trustworthiness. ISCR 22-00657 at 4 (App. Bd. Apr. 18, 2023). The Appeal Board has further noted that multiple omissions undercut any argument that an applicant's failure to disclose required information was the result of mistake, oversight, or lack of recall. ISCR 21-02729 at 3 (App. Bd. Feb. 15, 2023).

In this case, Applicant made three omissions on two separate documents about essentially the same issue. This undercuts his assertion of misunderstanding each of the separate questions. The burden then shifts to Applicant to mitigate security concerns under Guideline E.

The guideline includes the following conditions in AG ¶ 17 that could potentially mitigate security concerns arising from Applicant's personal conduct:

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

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and

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

Applicant asserts that he misunderstood the two separate questions "Have you been arrested in the past seven years?" and "Have you been charged, convicted, or sentenced of any crime in any court?" because he did not understand the definition of the legal terms "charged" and "convicted." He repeated this explanation for his denial of having ever been charged with an offense involving alcohol or having experienced intervention by law enforcement due to alcohol use. These assertions are difficult to reconcile given Applicant's own use of the word "charge" in reference to his charges having been dropped – both in his interview with a defense investigator and in his Answer. It would certainly appear he knew he had been charged.

But even assuming *arguendo* that such confusion of the terminology was reasonable despite these facts, Applicant provided no explanation for denying having been arrested or having experienced intervention by law enforcement due to his alcohol use. It is additionally noteworthy that Applicant was provided an opportunity to disclose any criminal offenses to the defense investigator, but only did so after being confronted with the DUI information. This likewise undercuts his credibility. Therefore, having examined his omissions in light of the record as a whole, none of the mitigating conditions, individually or collectively, are sufficiently applicable to overcome the issues presented under Guideline E. SOR ¶ 3 is found against Applicant.

Whole-Person Concept

Applying the whole-person concept, the administrative judge must evaluate an applicant's eligibility for national security eligibility by considering the totality of the

applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant national security eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the above whole-person factors and the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. I have given the appropriate weight to Applicant's statements included in his responses to interrogatories, and his Answer.

Because Applicant requested a determination on the written record without a hearing, I had no opportunity to question him or evaluate his credibility and sincerity based on demeanor. Overall, the Guideline E, G, and J issues in the record evidence leave me with questions and doubts as to Applicant's suitability for national security eligibility and a security clearance.

Formal Findings

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

Paragraph 1, Guideline G:	AGAINST APPLICANT
Subparagraphs 1.a – 1.c:	Against Applicant
Subparagraphs 1.d:	For Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Paragraph 3, Guideline E:	AGAINST APPLICANT
Subparagraphs 3.a – 3.c:	Against Applicant

Conclusion

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

RICHARD A. CEFOLA
Administrative Judge