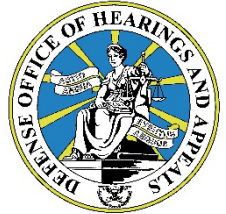




**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
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)
Applicant for Security Clearance)
_____)

ISCR Case No. 25-01276

Appearances

For Government: John Renehan, Esq., Department Counsel
For Applicant: *Pro se*

08/11/2026

Decision

FOREMAN, LeRoy F., Administrative Judge:

Applicant mitigated the security concerns under Guideline H (Drug Involvement and Substance Misuse) and Guideline J (Criminal Conduct). He did not mitigate the security concerns under Guideline E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on September 12, 2024. On January 21, 2026, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines H, E, and J. Applicant answered the SOR on March 25, 2026, and requested a decision on the written record in lieu of a hearing. Department Counsel submitted the Government's written case on May 18, 2026. A complete copy of the file of relevant material (FORM) was sent to Applicant, who was given an opportunity to file objections and submit material to refute, extenuate, or mitigate the Government's evidence. He received the FORM on May 22, 2026, and responded on June 21, 2026. The case was assigned to me on July 14, 2026.

The Government's FORM consists of the SOR (Government Exhibit (GE) 1); Applicant's answer to the SOR (Answer), which includes seven pre-marked attachments I have relabeled as Applicant Exhibits (AE) A-G (GE 2); and the documents submitted in support of the allegations in the SOR (GE 3-6). GE 3 through 6 are admitted into evidence, without objection. Applicant's response to the FORM (Response) is an eight-page document which supplements his Answer and contains his written arguments for mitigation. It will be considered, without objection.

Applicant's exhibits included in GE 2 are as follows: AE A is Appendix I, drug test results; AE B is Appendix II, character letter; AE C is Appendix III, performance review for calendar year 2024; AE D is Appendix IV, performance review for calendar year 2025; AE E is Appendix V, undergraduate academic transcript; AE F is Appendix VI, graduate academic transcript; and AE G is Appendix VII, standard player agreement (cover and signature pages only).

As part of the FORM, the Government moved to amend the SOR, adding the following allegation as ¶ 2.e under Guideline E:

You falsified material facts during a May 6, 2025 interview with an authorized investigator for the U.S. Department of Defense when you stated that you left the [service academy] voluntarily and were not discharged under any negative circumstances. In truth, you were separated from [service academy] for [a conduct-related basis] and received a misconduct discharge, as set forth in subparagraph 1.a.

In his Response, Applicant did not object to the SOR amendment and admitted the allegation in SOR ¶ 2.e.

Some details, including dates of attendance at a service academy, were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

Findings of Fact

Applicant is in his twenties, has never married, and has no children. (GE 4) He attended a service academy preparatory program (prep school) for a year prior to attending the service academy. Upon successful completion of the prep school, he received an uncharacterized discharge, took a new oath, and became an attendee at the service academy. (GE 3 at 8; GE 4 at 11; GE 5 at 3, 14)

Applicant may have undergone a security investigation when he entered the prep school, and possibly received a clearance, but related documents are not part of the evidence. (GE 5 at 3) He submitted an SCA while in his fourth year at the service academy. (First SCA; GE 3) Although his academic classes extended five months past the submission of his first SCA, he did not graduate. Instead, he was administratively separated for reasons that will be discussed below. (GE 2 at AE B, AE G) After being administratively separated, he attended a university and received a bachelor's degree. (GE 4 at 10-11) He began employment with his current sponsor in August 2024 and

submitted an SCA on September 12, 2024 (2024 SCA). (GE 4 at 12) He has taken graduate-level coursework while working full time. (GE 2)

Drug involvement and substance misuse, and criminal conduct

Related to Applicant's time at the service academy, the SOR alleges under Guideline H that Applicant used cocaine during the summer between his second and third year (SOR ¶ 1.b), and that he tested positive for cocaine on a urinalysis test administered in the winter¹ of his fourth year (SOR ¶ 1.a). In his Answer, Applicant admits the allegations. (GE 2)

Both SOR ¶¶ 1.a and 1.b also contain a second sentence alleging that Applicant was separated from the service academy on a conduct-related basis about five months after he tested positive. He received a discharge from the military service with a characterization of General (Under Honorable Conditions). His discharge is not relevant with respect to security concerns under Guideline H. But it is relevant to Guideline J, as both SOR ¶¶ 1.a and 1.b are cross-alleged under Guideline J. In his Answer, Applicant admits the allegations under Guideline J (SOR ¶ 3.a). (GE 2)

Applicant's admissions under Guideline H and J are consistent with the evidence.^{2,3} While attending the prep school and the service academy, he was subjected to 21 random urinalysis tests. (GE 2 at 11-12, AE A) He tested positive for cocaine on a urinalysis collected after returning from winter break in his fourth year, shortly before he submitted his first SCA. (GE 2; GE 6)

During the law enforcement investigation into the positive urinalysis, Applicant told investigators that he knowingly consumed cocaine about two years prior. At the time, he denied consuming cocaine in the time frame leading up to the positive urinalysis test. (GE 6 at 9)

In the spring of his fourth year, the law enforcement office referred Applicant to his chain of command for disciplinary or administrative action related to two offenses. The first offense was wrongful use of cocaine, not detected by urinalysis, [during the summer between his second and third year]; the second offense was wrongful use of cocaine, detected by urinalysis, [winter of his fourth year]. Both offenses cited violation of article

¹ Urine sample collected on January 2; results certified on January 27. (AE A)

² Applicant's New Year's Eve cocaine use is not alleged in the SOR. As unalleged misconduct, it will not be considered for disqualification under Guideline H or J. However, conduct unalleged in an SOR may be considered: (a) to assess an applicant's credibility; (b) to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole person analysis. ISCR Case No. 03-20327 at 3 (App. Bd. Oct. 26, 2006).

³ Applicant stated in response to Government interrogatories (GE 5) that the summer between his second and third year at the service academy was the date of his first cocaine use. Service academy paperwork (GE 6) indicates a UCMJ violation for cocaine use that occurred during that time period.

112a of the Uniform Code of Military Justice (UCMJ). Administrative action was taken. In the autumn after what would have been Applicant's graduation from the service academy, a government official directed Applicant's discharge from the military service and also directed that Applicant be required to reimburse the government for the cost of his education benefits, the amount of which was separately determined to be about \$254,844. (GE 6; GE 5 at 12-15)

In May 2025, eight months after completing the 2024 SCA for his employer, Applicant had a subject interview with an authorized security investigator. During the interview, discussed below in connection with Guideline E, Applicant admitted testing positive for cocaine in the winter of his fourth year and to using cocaine one time in the summer between his second and third year. Applicant described his earlier use as "experimental," and said that he used with former friends at a friend's house. He said he obtained the cocaine from a friend and used a small amount through his nose. He declined to name the former friends but said he was no longer in contact with them. He told the investigator that he had no future intent to use cocaine and wanted to live a healthy lifestyle. (GE 5 at 7-8)

In his December 2025 response to Government interrogatories and in his Response, Applicant admitted using cocaine both during the summer between his second and third year and on New Year's Eve during his fourth year, which was three days prior to his positive urinalysis test. He stated that he does not intend to use cocaine or other illegal drugs in the future. He said he was not required to take a preemployment drug test for his current employer, and he has not been subject to random drug testing. (GE 5)

In his Answer, Applicant described his cocaine use as "limited" and "experimental." He described the period between his second and fourth year at the service academy as "a discrete, time-limited period of poor judgment," and said there has been no recurrence of drug use of any kind since his positive urinalysis. He noted that, in addition to undergoing urinalysis testing at the service academy, he was subject to random testing as an athlete at a university. He added that he attended a 10-hour drug education program at the service academy, and that he was evaluated by a licensed counselor and did not meet criteria for substance abuse or dependency. He also stated that he "distanced himself from environments and associations" that might risk exposure to illegal drugs. He is willing to submit to random drug testing. (GE 2 at 1-3)

In his Response, Applicant explained that the consequences he faced as a result of his drug use in the service academy forced him to confront the fact that "a series of poor decisions had jeopardized goals he had spent years pursuing." Since then, he has embarked on a journey of self-reflection and a reassessment of his judgment and maturity. He emphasized that it has been several years since his last drug use and that he was subject to random drug testing during his entire period as an athlete at the university. He graduated and earned his degree and conducted post-graduate work with no issues. He acknowledged the concern raised by his drug use and criminal conduct and stated that he has established a new track record of law-abiding behavior as demonstrated by his athletic achievement, continuous employment, and strong performance evaluations.

Personal conduct

The SOR alleges that Applicant falsified Sections 23, 15, and 13A of his 2024 SCA when he failed to disclose, respectively, his drug use (SOR ¶ 2.d), military history (SOR ¶ 2.b), and employment history (SOR ¶ 2.c). The SOR amendment alleges that he falsified material facts during his 2025 interview when he denied that any negative circumstance led to his separation from the service academy (SOR ¶ 2.e). In addition, both of the Guideline H allegations are cross-alleged under Guideline E. They are placed within an allegation that also alleges Applicant is required to reimburse the Government for the cost of his education, in the amount of \$254,844 (SOR ¶ 2.a).

Considering his Answer and Response, Applicant admits the allegations in SOR ¶¶ 2.a, 2.d, and 2.e, and denies the allegations in SOR ¶¶ 2.b and 2.c. (GE 2) His Response appears to make partial admissions about SOR ¶¶ 2.b and 2.c but stops short of acknowledging deliberate falsifications or omissions. A full assessment of these allegations requires a detailed review of facts and context related to SOR ¶¶ 2.b through 2.e.

Alleged falsification of Section 23 – Illegal Use of Drugs (SOR ¶ 2.d)⁴

The evidence confirms Applicant's admission that he deliberately falsified information about his cocaine use on his 2024 SCA. The SCA asked:

In the last seven (7) years, have you illegally used any drugs or controlled substances? Use of a drug or controlled substance includes injecting, snorting, inhaling, swallowing, experimenting with or otherwise consuming any drug or controlled substance.

In response, Applicant marked, "No." (GE 4 at 29)

In his Answer, Applicant asserts that this falsification was his "only instance of material omission in any official proceeding, and his overall record of honesty and integrity . . . confirms that this omission was aberrational and inconsistent with his character." (GE 2 at 5-6) The evidence, however, reflects other instances, not alleged in the SOR, in which Applicant deliberately denied using illegal drugs. This unalleged misconduct will not be used for purposes of disqualification. The instances are discussed here to provide full context and for authorized uses such as assessing mitigation and conducting the whole-person analysis.

Approximately one week after his cocaine use on New Year's Eve during his fourth year at the service academy, Applicant completed an SCA that contained an identical question about illegal drug use. On that occasion, he also answered, "No." (GE 3 at 24-

⁴ SOR ¶ 2.d alleges that Applicant, "deliberately failed to disclose your *use of cocaine* as set forth in subparagraphs 1.a and 1.b . . ." (Emphasis added) But SOR ¶ 1.a addresses Applicant *testing positive for*, rather than *using*, cocaine. Regardless, notice pleading principles apply to the SOR and the case documents make clear that Applicant was not confused by the wording of SOR ¶ 2.d, particularly since, in his Answer, he admitted using cocaine a few days prior to the positive urinalysis test.

25) In the month following his positive urinalysis, Applicant disputed the test results and told military law enforcement investigators that he had not used cocaine in the time frame leading up to his positive urinalysis test. (GE 6 at 9)

In May 2025, Applicant denied using cocaine when he was interviewed by a security investigator. The investigator wrote: "Subject was asked multiple times if he has used any illegal drugs or controlled substances in the last 7 years. Subject answered no." The investigator then asked Applicant if he had used cocaine while attending the service academy. The investigator reflected Applicant's response that in the winter of his fourth year, "Subject took a drug test and . . . tested positive for cocaine. This was a standard drug test . . . after returning from winter break. Subject disagreed with the results and disputed the drug test." (GE 6 at 6) Later during the interview, Applicant admitted using cocaine in the summer between his second and third year, but he never acknowledged use leading up to the urinalysis test. (GE 5 at 5) When asked why he did not reveal his cocaine use on the SCA, Applicant responded to this effect: "Subject believes his use of cocaine was used against him while at the [service academy]. As a result, Subject was not eager to offer his cocaine use during this investigation." (GE 5 at 5-6)

In his Answer, Applicant said his failure to disclose drug use on the 2024 SCA stemmed from "fear of adverse career consequences, immaturity, and a serious lapse in judgment" that he deeply regrets. He stated that since making this admission, he committed himself to candor in all matters regardless of personal consequences. (GE 2 at 5)

Alleged falsification of Section 15 – Military History (SOR ¶ 2.b)

Applicant denied that he falsified information about his military history on his 2024 SCA. The SCA asked: "Have you **EVER** served in the U.S. military?" Applicant responded, "No." (GE 4 at 14) While answering "No" to this question, he noted attendance at the service academy in Section 12, covering his educational background. (GE 4 at 11)

The identical question had appeared in Applicant's first SCA. On that occasion, Applicant answered, "Yes." (GE 3 at 11) That "Yes" answer triggered additional questions that required more answers. The additional questions, and Applicant's responses, covered his time at the prep school and the service academy. He indicated "Active Duty" and "Active Reserve" status to cover the entire periods of his prep school and service academy attendance up to that point. He was also asked about military discipline:

In the last 7 years, have you been subject to court martial or other disciplinary procedure under the Uniform Code of Military Justice (UCMJ), such as Article 15, Captain's mast, Article 135 Court of Inquiry, etc.?

Applicant answered, "Yes," and then, in response to the series of questions that followed, he reported that while in prep school he was disciplined under Article 15, UCMJ. (GE 3 at 11-12)

Applicant's May 2025 security interview also delved into his military history. Summarizing the start of that discussion, the investigator wrote, "Subject does not have any military service to report." The investigator confronted Applicant with an "uncharacterized" military discharge on a date that falls between his prep school and service academy attendance. Applicant associated that with his discharge from the prep school prior to his entrance into the service academy, and he said he believed he had held an enlisted status. About his time at the service academy, Applicant told the investigator that he did not view it as military service and that he was not active duty. (GE 5 at 3)

The interview continued, with the investigator raising a series of incidents noted as "discipline." One such incident was the nonjudicial punishment Applicant had received at the prep school, as Applicant had reported on his first SCA. Applicant said that he did not list this on the 2024 SCA because he forgot about it. (GE 5 at 5) The other incidents relate to violations of conduct regulations that appear to have been handled under the service academy's administrative conduct system, with Applicant receiving demerits and marching hours. (GE 5 at 4-5)

In his interrogatory response, as part of reviewing and correcting the interview summary, Applicant explained the uncharacterized discharge. He confirmed that it occurred between the prep school and the service academy. He wrote, "Every [attendee] at the preparatory school received this standard discharge upon graduation from [prep school] and before entering the academy because a different oath is taken." (GE 5 at 3)

In his Answer, Applicant denied that his "No" response to the question about whether he had ever served in the military was a deliberate falsification or concealment of material facts. (GE 2) He pointed out that he disclosed on the 2024 SCA that he attended the service academy. Referring to himself, he wrote, "Applicant reasonably and in good faith believed that the disclosure of [service academy] attendance fully and accurately communicated his military affiliation and [attendee] status, including the commencement of service in an active-duty equivalent capacity in [date he began his service academy attendance]." He continued, "On this basis, Applicant did not believe it was necessary to separately enumerate his [attendee] status in response to the specific military service question." He wrote that his listing of service academy attendance "constitutes unequivocal evidence of a good-faith effort to ensure that investigators possessed complete and accurate information regarding his military affiliation." He concluded by saying that the alleged omission resulted from "a reasonable interpretive judgment regarding the scope of the question" rather than an attempt to deceive investigators." (GE 2 at 4)

In his Response, Applicant states that he understands why the inconsistencies in his first SCA and his 2024 SCA can appear to reflect "an intentional effort to erase his military history from the record," but insists that was not the case. He again highlights his disclosure of his service academy attendance as proof that he was not trying to conceal his military history. He explains,

What changed between the two filings was not what Applicant disclosed about his attendance at [service academy], but how he categorized that period within the form's separate military-service and employment sections. During his time at [service academy], Applicant understood his status as that of an active-duty servicemember, and he reported it that way in his [first SCA]... After his separation... he came to understand more about the legal and administrative status that [attendees] occupy, a status that does not map cleanly onto either traditional active-duty service or ordinary civilian employment, his own understanding of how to characterize that period shifted.

Applicant's Response also contains other statements that are relevant to whether his falsifications or omissions were deliberate. Addressing both his military service and employment responses, and once again referring to himself, he wrote:

By the time he completed his September 2024 [SCA], he had concluded, incorrectly, that his disclosure of [service academy] attendance in the education section adequately captured that period of his life, and that it was therefore unnecessary to separately report it as military service or employment. That conclusion was wrong.

Later, he added this statement about his SCA entries: "[They] plainly created an inaccurate record, and Applicant does not dispute that." (Response at 4) Then, as part of his conclusion, he said that he "acknowledges the inaccuracies in his reporting of his military service and employment history and has addressed them directly in this [Response]." (Response at 6) These statements relate not only to his SCA entry about military service, but also to his SCA entry about employment activities, which is discussed next.

Alleged falsification of Section 13A – Employment Activities (SOR ¶ 2.c)

Applicant denied that he falsified information about his employment activities on his 2024 SCA. The instructions for this section state:

List all of your employment activities, including unemployment and self-employment, beginning with the present and working back 10 years. The entire period must be accounted for without breaks. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. . . .

In his first of two entries, Applicant listed his position with his current employer that began in August 2024. This position was entered under the sub-heading, "Non-Military Employment." In the second entry, Applicant listed "Unemployment" for a period of years preceding August 2024, which period included his attendance at the prep school and the service academy. At the end of the list, under the heading "Summary," the instructions are reprinted, including the requirement to list military duty, followed by this question: "Do

you have an additional employment activity to enter?" Applicant answered, "No." (GE 4 at 12-13)

The identical question and instructions had appeared on Applicant's first SCA. On that occasion, Applicant listed one employment activity covering the period [begin prep school date] to "Present" (first SCA date). Asked to select the employment activity, he selected "[Reserve]." In the explanation block, he listed his attendance at the service academy and described it as "technically reserve." Under the sub-heading "Military Employment," Applicant noted it was on a full-time basis, with the assigned duty station at the service academy location and his associated attendee title. After additional information blocks, the SCA branched into a sub-topic:

Received Discipline or Warning For this employment, **in the last seven (7) years** have you received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as a violation of security policy?"

Applicant checked "No." (GE 3 at 9-10)

During his security interview, Applicant explained the "Unemployment" entry from his 2024 SCA. He told the investigator that he was unemployed "due to being a full-time student," and that his activities were "taking classes and playing [sport]." (GE 5 at 3)

In his Answer, Applicant explained that, elsewhere on the SCA, he had listed attendance at the service academy. Again, referring to himself, he wrote: "Applicant did not, at that time, believe that his status . . . constituted 'employment' withing the meaning of Section 13A, which he understood to contemplate civilian employment rather than service as [an attendee at a service academy]." (GE 2 at 4)

In his Response, Applicant provides a similar explanation, as discussed above, indicating that between his first SCA and his 2024 SCA, "his own understanding of how to characterize that period shifted," because he learned that the status of service academy attendees "does not map cleanly onto either traditional active-duty service or ordinary civilian employment" To support this, he points out that when the question was put to him directly during his interview, he did not deny attending the service academy and stated that "he had been in the [Armed Forces] during that period. He did not attempt to fabricate dates, conceal the institution, or construct a false account of where that time in his life had gone." His Response, however, does not address the false account he told the investigator about the circumstances under which he left the service academy, which is discussed next.

As noted above, in his Response, Applicant states he could understand why his answers in his 2024 SCA could appear to be "an intentional effort to erase his military history from the record." He acknowledges that his decision not to report his military service and employment was "wrong," and that doing so "plainly created an inaccurate record" (Response at 4)

Alleged falsification during interview – discharge and separation (SOR ¶ 2.e)

Applicant admitted the allegation as amended in SOR ¶ 2.e, which alleged:

You falsified material facts during a May 6, 2025 interview with an authorized investigator for the U.S. Department of Defense when you stated that you left the [service academy] voluntarily and were not discharged under any negative circumstances. In truth, you were separated from [service academy] for [a conduct-related basis] and received a misconduct discharge, as set forth in subparagraph 1.a.

The interview summary reflects the discussion between the investigator and Applicant. The investigator wrote, “The reason for [Applicant] leaving the [service academy] was because he decided that military service was not for him and transferred to [university].” After noting that Applicant received minor security infractions, the summary continues: “Subject did not experience any other issues or problems while attending the [service academy]. Subject voluntarily left the [service academy] and was not discharged under any negative circumstances.” (GE 5 at 6)

Later during the interview, after Applicant was confronted, it came to light that he had been separated from the service academy after testing positive for cocaine. Applicant told the investigator that he, in the investigator’s words, “[did] not recall the explanation he received for the outcome,” and that he did not list this incident on the SCA “because he didn’t believe it was relevant.” (GE 5 at 6)

In his interrogatory response, Applicant wrote, “I was dismissed . . . for misconduct.” (GE 5 at 6, 9) He asserted the “incidents were isolated and not representative of [his] overall conduct or reliability.” (GE 5 at 9) In his Response, Applicant admits the falsification as alleged in SOR ¶ 2.e and offers no excuse. He states that while this falsification occurred several months after submission of his SCA, he promises it represents “the final stage of [his] transition toward full disclosure.” He insists that since the interview, his disclosures in his interrogatory response and Answer have been complete and accurate and hopes his Response serves to “finalize that process of complete transparency.” He recognizes that the timing of his admissions was after he was confronted with developed information he could no longer deny. To that he says,

This [Response] is not an attempt to minimize consequences or preserve a preferred narrative; it is the point at which Applicant has chosen to abandon every incomplete explanation and accept the full record as it is, including the facts most damaging to his case. Applicant understands that delayed truthfulness is not the same as candor, and that future eligibility for access to classified information depends not on his intentions, career goals, or technical ability, but on whether he can be trusted to disclose adverse information when disclosure is personally costly.

Cross-allegation and reimbursement (SOR ¶ 2.a)

As described in connection with the facts related to Applicant's alleged drug involvement and criminal conduct, a government official directed Applicant's discharge from the military service with the characterization of General (Under Honorable Conditions). He was also directed to reimburse the government for the cost of his education benefits, the amount of which was separately determined to be \$254,844.48. (GE 6; GE 5 at 12-15)

The breakdown of educational costs subject to recoupment was provided to Applicant. The record does not contain information about the current status of this debt. Applicant admits the debt and states that he has not been contacted or made any payments towards the debt. The record contains no evidence that anyone has contacted Applicant to recoup or collect the amount indicated. (GE 2; GE 5 at 11, 14-15)

Whole Person Evidence

Applicant provided a recommendation letter written by his former athletics coach. The letter was for the purpose of recommending that Applicant be "able to participate with the [university sport] team" The former coach described Applicant as an "industrious and humble student" who was beloved for his "work ethic, competitiveness, and care for those around him." He stated that Applicant had "owned his mistake, shown remorse and has a desire to move forward." (GE 2 at AE B) Applicant also provided his 2024 and 2025 work performance reviews, which highlight that he has "excelled in the short time he has been [at the company]" and has been a "high performer despite being novice" and made "significant achievement" in certain areas. (GE 2 at AE C, AE D)

In his Response, Applicant states that "he remains committed to serving in the national-security ... domain, but he understands that participation in that mission is a privilege conditioned on complete honesty, strict compliance, and sound judgment, whether in cleared or uncleared work."

Policies

This case is adjudicated 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) implemented by the DOD on June 8, 2017.

"[N]o 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 War 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 § 2.

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, an administrative judge applies these guidelines 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 and 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 that 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 made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of War 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. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531.

Analysis

Guideline H, Drug Involvement and Substance Misuse

The concern under this guideline is set out in AG ¶ 24:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any "controlled substance" as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

The following disqualifying conditions are potentially applicable under this guideline:

AG ¶ 25(a): any substance misuse (see above definition);

AG ¶ 25(b): testing positive for an illegal drug; and

AG ¶ 25(c): illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.

The evidence establishing Applicant's drug use and positive drug test alleged in SOR ¶¶ 1.a and 1.b is sufficient to establish disqualifying conditions AG ¶¶ 25(a), 25(b), and 25(c). (GE 2 at 2, 11, AE A; GE 5 at 5-6, 16, 18; GE 6)

The SOR language included in both SOR ¶¶ 1.a and 1.b, which alleges Applicant's separation from the service academy and discharge from military service, is the consequence of his drug use and is not disqualifying under Guideline H. It is appropriately cross-alleged under Guideline J. See *infra*, Guideline J discussion.

The following mitigating conditions are potentially applicable:

AG ¶ 26(a): the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; and

AG ¶ 26(b): the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this

problem, and has established a pattern of abstinence, including, but not limited to:

- (1) disassociation from drug-using associates and contacts;
- (2) changing or avoiding the environment where drugs were used; and
- (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility.

The Appeal Board has declined to establish a bright-line rule as to the recency of drug use. “The extent to which prior drug use has become mitigated through the passage of time is a question that must be resolved based on the evidence as a whole.” ISCR Case No. 24-00571 (App. Bd. Mar. 6, 2025). An administrative judge must evaluate the evidence and reach a reasonable conclusion as to the recency of drug-related conduct for purposes of mitigation. *Id.*

In his Response, Applicant unequivocally admits his cocaine use and asserts that the negative repercussions of his use and positive test, to include his discharge from the service academy, served as a precipice for him to reevaluate his decisions and make better life choices. He attended university and participated in the athletics program where he was subjected to random drug testing. Although the record is devoid of documentation corroborating Applicant’s assertion regarding the university drug testing, he graduated successfully and continued to play athletics professionally after graduation, making a positive drug test at university unlikely. He has maintained employment and received positive performance evaluations from his current employer sponsor. He attests that he has never used any drugs since his last positive test and that he has no intention of illegally using controlled substances in the future.

Applicant insists that he has only used cocaine twice and that his last use was several years ago. He acknowledged his drug involvement and listed actions he has taken to overcome the problem and establish a pattern of abstinence. These include attending a ten-hour drug education program and participating in a random drug-testing program while he was a university athlete. He states that he has “distanced himself from environments and associations” that might risk exposure to illegal drugs. Although he did not submit a signed statement of intent as contemplated under AG ¶ 26(b)(3), his expressed intent in his Response is to abstain from all drug involvement and substance misuse, acknowledging that drug involvement does not align with security worthiness.

Applicant’s representations in the interrogatory response, his Answer, and his Response, as detailed above, are sufficient to find that he has mitigated the security concerns under this guideline. AG ¶¶ 26(a) and 26(b) are established based on the passage of time, infrequency of drug use, acknowledgment of drug use, established pattern of abstinence, and intent to abstain from all future drug use.

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

The following disqualifying conditions are potentially applicable under this guideline:

AG ¶ 16(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;

AG ¶ 16(b): deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative; and

AG ¶ 16(c): credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information.

Disqualifying condition AG ¶ 16(a) applies to the allegations in SOR ¶¶ 2.b through 2.d, related to falsifications and omissions on Applicant's 2024 SCA. Further, AG ¶ 16(b) applies to the allegation in SOR ¶ 2.e, related to a falsification during Applicant's security interview. None of the disqualifying conditions apply to the allegations in SOR ¶ 2.a, related to the cross-allegations from Guideline H and to the fact that Applicant will be required to reimburse the Government for the cost of his service academy education. Further discussion is with the mitigation analysis, *infra*.

The following mitigating conditions are potentially applicable:

AG ¶ 17(a): the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

AG ¶ 17 (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

AG ¶ 17 (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.

Discussion of Disqualifying and Mitigating Conditions

Falsification of a security questionnaire constitutes misconduct that casts serious doubt on an applicant's judgment, reliability, or trustworthiness. ISCR Case No. 22-00657 at 4 (App. Bd. Apr. 18, 2023). Beginning with an applicant's responses in the application and continuing through the investigative phase, "the security clearance investigation is not a forum for an applicant to split hairs or parse the truth narrowly." An applicant who deliberately fails to give full, frank, and candid answers to the government in connection with a security clearance investigation or adjudication interferes with the integrity of the industrial security program. ISCR Case No. 01-03132 at 2 (App. Bd. Aug. 8, 2002).

In cases involving falsification or omission, the Government must produce substantial evidence that the falsification or omission was deliberate and intended to deceive. ISCR Case No. 07-16511 at 3 (App. Bd. Dec. 4, 2009). In evaluating the evidence regarding the deliberate nature of a false statement or an omission, the administrative judge "must examine the statement or omission in light of the record as a whole." ISCR Case No. 19-03939 at 3 (App. Bd. Feb. 21, 2023). Proof of intent often relies on circumstantial evidence. ISCR Case No. 24-00121 at 3 (App. Bd. Feb. 5, 2025).

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

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).

In cases involving the deliberate omission, concealment, or falsification of material information, an applicant has a “heavy burden in demonstrating evidence of reform, rehabilitation, or changed circumstances sufficient to justify a conclusion that it is clearly consistent with the national interest to grant him access to classified information.” ISCR Case No. 23-01207 at 5 (Mar. 25, 2024).

SOR ¶ 2.b, Section 15 – Military History; SOR ¶ 2.c, Section 13A – Employment Activities; and SOR ¶ 2.d, Section 23 – Illegal Use of Drugs or Drug Activity. Disqualifying condition AG ¶ 16(a) applies to Applicant’s falsifications in sections 13A, 15, and 23 of his 2024 SCA. He admitted to deliberate falsification in Section 23 (SOR ¶ 2.d). But he rationalized his answers in Section 13A (SOR ¶ 2.c) and Section 15 (SOR ¶ 2.b) of the same SCA, admitting to understanding that he failed to provide a full, clear record, while still feigning inadvertence and mistake. His explanation that his omissions and falsifications in Section 13A and Section 15 were not made with the intent to conceal is not credited for reasons discussed below.

Applicant falsified his drug use in Section 23 on his first SCA, which he certified about one week after he used cocaine. He also falsified his response in the same section on his 2024 SCA and continued to conceal his drug use and positive urinalysis during his May 2025 security interview. He admitted his drug use only after he was confronted with accurate information by the investigator. It was only after confrontation that he confessed to intentionally concealing his drug use due to “fear of adverse career consequences, immaturity, and a serious lapse in judgment.”

Applicant intentionally falsified his response in Section 15 when he marked “No” to the question, “Have you **EVER** served in the U.S. military?” (SOR ¶ 2.b). He also purposely omitted his military duty from his employment activities by entering “Unemployment” for the period of time encompassing his service academy military duty (SOR ¶ 2.c).

The “Military History” question was clear, direct, and straightforward. Applicant had marked “Yes” to the identical question in his first SCA. At that time, he described his prep school year as “active duty” and his service academy time as “active reserve.” He saw that his “Yes” answer triggered more questions, including whether he was discharged and had been subject to discipline. Applicant marked “No” to the identical question in Section 15 of his 2024 SCA. In his interrogatory response, Applicant recalled that his transition from the prep school to the service academy involved a discharge and taking “a different oath contract.” He also knew he had been subject to military discipline.

The “Employment Activities” section question was similarly clear. It directs inclusion of “all . . . employment activities” and specifically contemplate military duties: *“If the employment activity was military duty, list separate employment activity periods to show each change of military duty station.”* (Emphasis added) Applicant understood the

Section 13A instructions as demonstrated by his first SCA, where, guided by the same instructions, he listed his service academy military duty and selected “full-time” under the heading “Military Employment.” In his 2024 SCA, Applicant listed his current civilian employment and marked that he had not been warned, reprimanded, or disciplined for misconduct in the workplace. Then, disregarding the instructions, he selected “Unemployment” to cover the time period encompassing his service academy attendance. By doing so, he knowingly bypassed the questions asking about warnings, reprimands, or discipline for misconduct in the workplace.

In his Answer, Applicant claims that, when completing his 2024 SCA, he did not believe that his “status as a [attendee] constituted ‘employment’ within the meaning of Section 13A.” Rather, he wrote, he understood the word to mean “civilian employment rather than service as a [service academy attendee].” He did not explain how such an interpretation matched with the instructions for Section 13A. Nor did he explain why he followed those instructions in his first SCA but not his 2024 SCA.

Applicant denied SOR ¶¶ 2.b and 2.c in his Answer and rationalized his falsifications by pointing to the education section of his 2024 SCA. Applicant argues his way into a deepening spiral of omissions and falsifications. By his reasoning, he omitted his military duty from Section 13A – Employment Activities, because he did not think that section covered military service; but then in Section 15, specifically dedicated to military service, he marked “No” to indicate that he had never served in the military. This is substantial evidence that, by not accurately answering questions regarding employment and military service, Applicant was furthering his efforts to avoid additional and more probing questions that might lead to revealing the facts surrounding his service, separation, and discharge from the service academy.

In his Response, Applicant states that he “does not dispute” that his 2024 SCA entries at issue “plainly created an inaccurate record.” He avers that he “has chosen to abandon every incomplete explanation and accept the full record as it is,” yet stops short when it comes to SOR ¶¶ 2.b and 2.c. He states he understands why his answers in his 2024 SCA appear to be “an intentional effort to erase his military history from the record,” but does not abandon his efforts to “preserve a preferred narrative” as it relates to these two allegations. He does not outrightly admit intentionally falsifying the answers in these sections and instead talks around the truth, saying only that he understands *why* it could be seen that way. By doing so, he continues his efforts to conceal his true intent.

When Applicant completed his first SCA, he was a proud attendee of the service academy, a goal he had spent years pursuing. He had a respectable record, which is why he provided detailed answers regarding his military service and assigned military duties in Sections 13 and 15.⁵ When he completed his 2024 SCA, however, he was a former attendee who had been separated under negative circumstances after his cocaine use was discovered. Although Applicant completed both applications, he was in a very

⁵ Record evidence establishes that Applicant’s first SCA was submitted on January 6, four days after his January 2 urinalysis which returned a positive result that was certified on January 27. (GE 2; GE 3)

different place in his life at the time of each. This is why he provided two very different sets of answers to identical questions.

When completing his 2024 SCA, Applicant was no longer a proud attendee but rather was ashamed of his past and viewed it as a negative mark on his reputation that he wished to forget and did not want to relive. This is established by the explanation he provided the investigator of why he did not disclose the true circumstances surrounding his separation. Speaking with the security investigator, Applicant admitted that he was not eager to acknowledge his cocaine use as part of the security investigation and claimed that he did not believe his separation from the service academy was relevant. It is for these reasons that Applicant avoided volunteering or discussing detailed information about his time at the service academy.

In his Answer, Applicant asserted that listing the service academy elsewhere on his SCA, e.g., as a place he resided or a school that he attended, was full and accurate communication of his military status. He continued his rationalization in his Response when he stated that the characterization of his time at the service academy “does not map cleanly onto either traditional active-duty service or ordinary civilian employment.” This rationalization is inconsistent with the requirement that Applicant not split hairs or parse the truth narrowly. He realized that he could not conceal the fact that he *attended* the service academy, but he rationalized giving responses that were intended to conceal the *circumstances and nature of his separation and discharge* – information that truthful and complete responses would reveal.

In his Response, he insists, as he had in his Answer, that he was not trying to “fabricate dates, conceal the institution, or construct a false account of where that time in his life had gone.” This is true – he did not hide his attendance. But what he failed to admit, and continues to not acknowledge, is that he intentionally avoided truthfully answering questions in the different sections of his 2024 SCA with the intent to conceal the *negative circumstances* surrounding his attendance, drug use, and separation. This is why he only listed it in the education section, because that section is one of the few that would not prompt additional questions that would force him to reveal negative information. He knowingly and intentionally did not list it under Section 13A or 15, because unlike the education section, sections 13A and 15 prompt discipline, warning, termination, and reasons for separation questions. All questions he was trying to avoid answering.

The record contains substantial evidence that Applicant's denial of military service and listing unemployment during that time period on his 2024 SCA was intended to conceal the nature of his military service, discharge, and the facts associated with it. In continuing to deny his true intent in his Response, Applicant continues to perpetuate the “preferred narrative” that he states he is ready to “abandon.”

None of the mitigating conditions are established. Applicant did not make prompt, good-faith efforts to correct the falsification; the offense is not minor, infrequent, or unique; and although he admits to falsifying Section 23, he has not plainly acknowledged his falsification in Section 13A and Section 15.

SOR ¶ 2.e, Falsification during security interview. Disqualifying condition AG ¶ 16(b) applies to Applicant's failure to truthfully disclose, during his security interview, the circumstances that led to his separation from the service academy and his discharge (SOR ¶ 2.e).

After Applicant verified information from the 2024 SCA regarding his attendance at the service academy, the summary reflects the essence of what he told the investigator: "The reason for leaving the [service academy] was because he decided that military service was not for him and transferred to [university]." Continuing, the summary reflects that Applicant had no "issues or problems," other than minor disciplinary actions, and that he "voluntarily left the [service academy] and was not discharged under any negative circumstances." Later in the interview, after being confronted with evidence of his drug involvement and separation from the service academy with a general discharge under honorable conditions, he admitted that the information was all connected to the positive drug test incident. In his interrogatory response, he acknowledged that he was dismissed from the service academy for misconduct, and it appears he provided official documentation of his separation and discharge.

Once again, none of the mitigating conditions apply. In speaking with the investigator, Applicant pressed the false story aligned with his crafted SCA responses. He offered false or misleading information until he was confronted with the true facts that he was forced to admit. His offense was not minor, infrequent, or unique. Even in his own Response, he acknowledged that "delayed truthfulness is not the same as candor, and that future eligibility for access to classified information depends not on his intentions, career goals, or technical ability, but on whether he can be trusted to disclose adverse information when disclosure is personally costly."

SOR ¶ 2.a – Cross-allegations of Guideline H and J, and recoupment. Disqualifying condition AG ¶ 16(c) does not apply to SOR ¶ 2.a, which cross-alleges SOR ¶¶ 1.a-1.b and adds that Applicant is required to reimburse the Government the cost of his service academy education in the amount of \$254,844.

By its wording, AG ¶ 16(c) must be considered when there is credible adverse information in several adjudicative areas, but such information is not sufficient for an adverse determination under any other single guideline. In the analysis above, an adverse determination has been made under Guideline H, which obviates the need for further evaluation of Applicant's conduct under Guideline E and AG ¶ 16(c).

To the extent that SOR ¶ 2.a purports to require, under Guideline E, independent consideration of Applicant's recoupment requirement, I find that the military's recoupment decision does not raise questions about Applicant's judgment, candor, honesty, or willingness to comply with rules and regulations – all of which are hallmarks of Guideline E security concerns. Rather, the recoupment requirement is simply a consequence of Applicant's other behavior that is fully discussed in this decision. I note that there is no evidence of a demand for payment by the Government or of default on the part of Applicant. SOR ¶ 2.a is found for Applicant.

Guideline J (Criminal Conduct)

The security concern for criminal conduct is set out in AG ¶ 30: “Criminal activity creates doubt about a person’s judgment, reliability, and trustworthiness. By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.”

The following disqualifying conditions are potentially applicable under this guideline:

AG ¶ 31(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; and

AG ¶ 31 (e): discharge or dismissal from the Armed Forces for reasons less than “Honorable.”

Applicant’s admissions, the record evidence of his cocaine use, and his General Discharge under Honorable Conditions from the service academy establish disqualification under AG ¶¶ 31(b) and 31(e) (SOR ¶ 3.a).

The following mitigating conditions are potentially applicable:

AG ¶ 32(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

AG ¶ 32(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.

Mitigation is established under AG ¶¶ 32(a) and 32(d). Here, in addition to the passage of several years since his drug-associated misconduct and his discharge, Applicant has completed his bachelor’s degree, taken courses toward a master’s degree, and established a good employment record. This, coupled with the fact that there has been no recurrence of criminal activity, makes it so that his past criminal behavior no longer casts doubt on his current reliability, trustworthiness, or good judgment.

Whole-Person Concept

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. In applying the whole-person concept, an administrative judge must evaluate an applicant’s eligibility for a

security clearance by considering the totality of the applicant's conduct and all relevant circumstances. An 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.

I have incorporated my comments under Guidelines H, E, and J in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). I also considered the following unalleged conduct: Applicant's cocaine use on New Year's Eve of his fourth year; his failure to disclose drug use in his first SCA; and his initial denial of drug use during his 2025 interview. Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003).

I considered two work performance reports submitted by Applicant. I also considered his character reference letter but determined that its mitigative value is diminished by the fact that it was written for the purpose of supporting Applicant's participation in the university's athletic program rather than for his security worthiness. And, to the extent that it bolstered Applicant's character, even a favorable reputation for honesty and reliability must be discounted in the face of proven acts of falsification. See ISCR Case No. 94-1109 at 4 (App. Bd. Jan. 31, 1996).

It is a well-established principle that the first step on the road to rehabilitation is to fully admit one's misconduct.⁶ Setting aside that Applicant is yet to plainly admit that his false responses in the military and employment history section of his 2024 SCA were with the intent to conceal his involuntary separation and general discharge from the service academy (SOR ¶¶ 2.b.-2.c); to the extent that, as he avows "[His Response] is the point at which [he] has chosen to abandon every incomplete explanation and accept the full record as it is, including the facts most damaging to his case," then it is on June 21, 2026, that he took his first step.⁷ While sincere expressions of remorse are the first steps on the

⁶ ISCR Case No. 04-04264 at 3 n.2 (App. Bd. Sep. 8, 2006); cf. ISCR Case No. 97-0625 at 5 (App. Bd. Aug. 17, 1998) ("By continuing to deny the occurrence of wrongdoing, Applicant continues to refuse to acknowledge his misconduct or accept responsibility for it. An individual must make choices as to whether to own up to his conduct and take full responsibility, or to be evasive.").

⁷ See ISCR Case No. 97-0625 at 5 (Aug. 17, 1998) (an applicant's refusal to acknowledge his misconduct or accept responsibility for it seriously undercuts a finding that the applicant has mitigated his misconduct). Cf. ISCR Case No. 98-0424 at 3 (July 16, 1999) ("An applicant's acknowledgment of the wrongfulness of his or her past misconduct, if found to be credible, has some probative value with respect to a Judge's consideration of whether an applicant has demonstrated reform and rehabilitation. However,

road to rehabilitation, they are not evidence that demonstrates a track record of reform or rehabilitation. ISCR Case No. 94-1109 at 4 (App. Bd. Jan. 31, 1996).

After weighing the disqualifying and mitigating conditions under Guidelines H, E, and J and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns related to his personal conduct.

Formal Findings

I make the following 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:

Paragraph 1, Guideline H:	FOR APPLICANT
Subparagraphs 1.a-1.b:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraphs 2.b-2.e:	Against Applicant
Paragraph 3, Guideline J:	FOR APPLICANT
Subparagraph 3.a:	For Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

LeRoy F. Foreman
Administrative Judge

an acknowledgment of wrongdoing is merely a first step and does not constitute evidence of conduct that demonstrates reform and rehabilitation.").