



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



In the matter of:

ISCR Case No. 26-00340

Applicant for Security Clearance

Appearances

For Government: Aubrey De Angelis, Esq., Department Counsel
For Applicant: *Pro se*

08/11/2026

Decision

LOKEY ANDERSON, Darlene D., Administrative Judge:

Statement of Case

On October 2, 2024, Applicant submitted a security clearance application (e-QIP). (Government Exhibit 1.) On April 13, 2026, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline E, Personal Conduct. The action was taken under Executive Order 10865 (EO), *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information*, effective within the DoD after June 8, 2017.

Applicant answered the SOR on April 14, 2026, and requested an expedited hearing before an administrative judge. The case was assigned to me on June 10, 2026. The Defense Office of Hearings and Appeals issued a notice of hearing on July 9, 2026, and the hearing was convened as scheduled on July 15, 2026. The Government offered four exhibits, referred to as Government Exhibits 1 through 4, which were admitted without objection. The Applicant offered one exhibit, referred to as Applicant's Exhibit A, which was admitted without objection. He also testified on his own behalf. The record

remained open until close of business on July 22, 2026, to allow the Applicant the opportunity to submit additional supporting documentation. Applicant submitted seven Post-Hearing Exhibits, referred to as Applicant's Post-Hearing Exhibits A through G, which were admitted without objection. DOHA received the transcript of the hearing (Tr.) on July 27, 2026.

Findings of Fact

Applicant is 54 years old. He is divorced, with three children, two are adults and one who is a minor. He has a high school diploma and about two years of college. He has obtained two Certifications: a Reserve Officer Certification; and a Police Officer Certification. He holds the position of Security Specialist, and is currently on leave pending this security clearance adjudication. He is seeking to obtain a security clearance in connection with his employment.

Guideline E – Personal Conduct

The Government alleged that Applicant is ineligible for a clearance because he engaged in conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations, all of which raise questions about his reliability, trustworthiness, and ability to protect classified information. Applicant began working for his current employer on August 14, 2024.

A. The SOR alleges that Applicant was terminated from his employment at the Police Department on or about March 2022, following an internal affairs investigation into his conduct while on duty. That conduct is discussed below.

Applicant is a Veteran Police Officer with over twenty-five years of service in law enforcement with an exemplary record. In October 1993, he attended the Reserve Police Academy to become a certified Reserve Officer, a non-paid position. Realizing he wanted a career in law enforcement, in 1998, he attended and successfully completed the Basic Police Academy, giving him authority to become a full-time Police Officer. From 1996 to 2001, he worked as a Reserve Deputy Sheriff for a County Sheriff's Office. From 2001 to 2008, he became a full-time Police Officer for the Police Department in City A. From 2008 to March 2022, he was a full-time Police Officer for the Police Department in City B where he worked for thirteen and a half years. He was promoted to a field training officer position responsible for training new officers in the field to ensure that they become fully qualified. During his career in law enforcement, he received a number of awards and commendations for his outstanding service.

From November 2018 to March 2022, Applicant was a Sergeant for the Police Department in City B. As a Sergeant, he was a first-line supervisor, with duties and responsibilities beyond what was required of other officers. Part of his job was to model the department's values for all employees at all times. His duty as a Sergeant was to follow policies and procedures and set a good example for other officers. He supervised officers under his shift, wrote evaluations, and made critical decisions when necessary.

His goal as a Sergeant was to ensure that everyone had a good working environment, making sure that everyone got along, and that any problems were addressed and resolved. One of his jobs was to answer any complaints that have been filed against other officers in the course of their duties. Applicant was then responsible to conduct an investigation, and determine whether the matter needed to be escalated, or if it could be resolved at his level. He explained that he would listen to each person's side of the story, and then bring them into a room together and hash out the issues. (Tr. pp. 24-25.)

Applicant stated that from about September 2019 to February 2021, (for a year and four months), he was on sick leave from work due to a serious shoulder injury requiring three separate surgeries. During his sick leave and time off work, there were several department policy changes and/or training that he was not made aware of, and did not receive. Applicant returned from sick leave in about February 2021.

i. On May 7, 2021, Applicant responded to a request for a Watch Commander due to an ongoing neighbor dispute. Between July 2020 and May 7, 2021, officers had responded at least 30 times to calls reporting disturbances of the peace at this residence. Applicant knew the mother and her son from previous calls. As a previous school resource officer, Applicant had spoken to the son on many occasions, and they had a good rapport.

At the time the call came in, Applicant and two junior officers were covering the shift. Upon arriving at the scene, Applicant saw that his junior officer had arrived first, and that he and the juvenile were upset with each other. The juvenile, who stands about 5'8 and is 185 pounds, is big. He had his fist clenched and his chest puffed out yelling loudly at the junior officer. Applicant stated that he observed his officer point at the juvenile to get back. Applicant could hear a guy yelling get back, get back, get back, at the top of his voice. Applicant then saw the juvenile advancing towards the officer in a fighting stance. Believing that a physical altercation was about to occur, Applicant placed himself between the officer and the juvenile. Applicant then raised his voice and told the juvenile to "shut up and get back" several times, and then Applicant got close to the juvenile, and told him, "don't ever step up on my officer again. If you do, see what happens, if you do it again, I dare you", or something to that effect. There is evidence in the record indicating that Applicant also told the juvenile that, "I am tired of this, I am tired of dealing with this, you wanna go? How old are you?" Also, apparently during this exchange, the juvenile claims that Applicant spit in his face. Applicant denies this, but admits that it could have happened while he was talking to the juvenile, but it was not done deliberately. (Government Exhibit 3, and Tr. pp. 32-37, and 51-53.)

Applicant explained that the reason he said what he said to the juvenile was to get his attention off his junior officer, and onto him. Applicant stated that he thought this would de-escalate the situation. When the juvenile failed to comply with instructions to calm down, Applicant placed the juvenile in handcuffs. At that point, the juvenile's two sisters came out of the house and started yelling at the Applicant. Applicant told them to back up or they would be going too. They stepped back. The mother came towards the Applicant, and the other officer cuffed her. Applicant put the juvenile in the back of his

patrol car and they started talking. They both apologized to each other. The juvenile calmed down enough, and Applicant eventually uncuffed him. At that point, Applicant made the determination to cite him, and not take him to juvenile hall. The juvenile was cited for obstructing and delaying an investigation, and was released on the scene. (Tr. pp. 32-37)

Applicant stated that at his arbitration hearing, he learned for the first time that before he arrived on the scene on May 7, 2021, the junior officer had knocked on the door of the house and was there to conduct a welfare check on the seventeen-year-old male juvenile and his sisters. The juvenile told the officer that he could not come into the house until he called his mother. The officer waited. The juvenile called his mother, and his mother showed up and saw the neighbor who had called in the welfare check, and who had also called in a complaint against her the night before. The mother and the neighbor engaged in a verbal argument. At some point the juvenile wanted to protect his mother from the neighbor, and the officer on the scene grabbed the juvenile and put him in a wrist lock of some sort causing pain, and told him to get back in the house. The junior officer also shoved the mother at some point. The mother was also cited. (Tr. pp. 37-38.)

Applicant stated that as the Sergeant in Charge, whenever there is some sort of force used, an Incident Review must be completed. The Sergeant takes a statement from everyone and makes sure that the force used falls within Department policy. If not, then the matter goes into an Internal Affairs Investigation. Applicant was totally unaware of the incident that occurred before he arrived on the scene, and so he did not write up an Incident Review. (Tr. p. 38.)

Five to ten minutes after Applicant left the scene on May 7, 2026, another call came in from the neighbor alleging that the mother was causing a disturbance. Applicant was still in the area. When he arrived, the mother and the neighbor were yelling obscenities and cussing at each other. The neighbor had obtained a Criminal Protective Order against the mother that had not been served yet. Applicant told the neighbor that because it was a civil order he was not allowed to serve it. Applicant told the mother about it, and she just wanted to leave the premises. Applicant told her that she was free to go, and the mother and her children left the scene. At the end of the Applicant's shift, dispatch over the air told him that there was someone in the Emergency Room complaining that they were assaulted. It was the mother who claimed she was assaulted. Applicant stated that there was no force used against her during the arrest and there was no physical touching of any kind. (Tr. p. 41.)

Applicant listened to a 15 to 20 second audio recording of himself yelling at the juvenile as part of the evidence considered in the decision to terminate the Applicant. Applicant admits that he could have handled the situation better after he listened to the recording. He realizes that his actions showed his subordinates the wrong way to handle the situation. Applicant admits that what he said to the juvenile was inappropriate. He stated that it was brought on by frustration with how many times they have been over to that house for neighbor complaints; where the juvenile is cussing at his mother; where the mother is cussing at her children; as well as their general demeanor and attitudes.

(Tr. pp. 41 and 42.) Applicant looked into it and believes the department has been to that house 34 times for neighbor complaints this year. The mother has problems with all of her neighbors. (Tr. pp. 40-45, and 56.)

Applicant admits that he used inappropriate and unprofessional language with a minor. He denies that he failed as a Supervisor to properly de-escalate the situation. He does realize that he could have handled the volatile situation in a more professional and productive manner. He believes that he did de-escalate the situation. (Applicant's Response to the SOR, and Tr. p. 44.)

ii. On May 21, 2021, Applicant responded to a call regarding a man in his 30's who had physically threatened his family, and was suspected of being under the influence of narcotics. Upon Applicant's arrival, two officers were on the scene. Applicant saw one officer in a full sprint on the outside of the residence running towards the backyard. Applicant walked up to the front door and met the man's mother. She told the Applicant to wait outside because her son liked to go out the bedroom window. When the two officers detained the man and removed him from the residence, he was asking for water and refused to get into the patrol car before he received water. Applicant contends that the man was physically aggressive and resisting. Several officers describe that the man was physically resistive, with legs planted, bracing himself so he would not move, preventing the officers to get him into the car. One officer did not observe the Applicant being resistant or obstructive at that time. This officer reported that the Applicant reached his arms over the passenger side rear door, wrapped them around the man and placed him in a choke-hold. The Applicant and the man fell to the ground. The Applicant continued to hold him in a choke-hold. The other officer observed that the man was unable to talk, was having difficulty breathing, and was turning red. Concerned that the man would be seriously hurt if she did not intervene, this officer told the Applicant several times to let him go. In response, the Applicant pointed to this officer and said, "You don't talk to me that way, you let him go." This officer stood back and put her hands in the air. After Applicant released the man from the choke-hold, he was extremely agitated and angry. When he got up from the ground, he charged toward this officer and started yelling and cussing at this officer. He stated that this officer was nobody to speak with him that way and that this officer was to leave the scene. This officer told him that the situation could be discussed at the station, and this officer asked the Applicant to calm down. It is reported that Applicant became angrier and more upset. At this point, another officer stepped in. Applicant then went to the patrol vehicle to compose himself while other officers placed the man into another unit. (Government Exhibit 3.)

Applicant testified that he intervened to calm the man down who was exhibiting violent behavior and was resisting arrest, so he put him in a headlock, and tried to use pain compliance and pressure point techniques around the man's neck to gain control. A pressure point technique behind the ear and around the jaw effectively resulted in the man being placed in handcuffs. While attempting to do this, Applicant's feet went out from under him and he fell on his back. Applicant stated that he could hear someone saying, let him go, let him go, let him go. Applicant found out it was an officer telling him to let the man go. This upset the Applicant. After the man was up off that ground and

into custody, the Applicant told the officer, "Never fucking do that again. I am a three striper. You are a slick sleeve. You have no right to order me." Now looking back, Applicant realizes that he allowed his emotions to get the best of him. He was unprofessional to a subordinate. He lashed out at the officer. He cussed at her and did so in front of other officers. He should have discussed the matter with her in a calm fashion back at the station, and not in public. He realizes that he should have done things much differently. He owns his mistakes and is remorseful. He did not get the chance to apologize to the officer, but he wishes that he had. Applicant was placed on administrative leave that night and was on leave for 10 months before a determination was made to terminate his employment. (Tr. pp. 66-67.)

Applicant testified that he used reasonable force given the circumstances, and that he followed Department policy according to the police manual authorizing him to use a headlock. He claims that he did not use a carotid restraint, or a choke-hold to control the suspect. The carotid restraint prevents oxygenated blood from entering the brain. It pinches off both carotid arteries where blood flow is restricted to the brain causing the person to pass out. (Tr. p. 71.) A choke-hold is where you physically put your hands around someone's throat, windpipe, or larynx and squeeze. Applicant stated that he was simply trying to put the man in a headlock. A headlock is where he puts his bicep around the left side of the person's neck with his hand and drops his weight. Based upon his experience, a person will not be choked out on a neck restraint or a headlock. (Tr. p. 72.) In any event, whatever he did, the Department found that Applicant's force was considered to be unreasonable. Applicant now understands that there is no longer any authorized method to take down a person using the neck under any circumstances. (Tr. pp. 73-81).

Applicant stated that he was not aware of the new department policy change and did not learn of the policy until after the incident. Following the incident, one of the Sergeants told him that a nation-wide policy that the department had adopted, but had not yet been placed in the department's policy and procedure manual, went into effect while Applicant was on sick leave, and that officers are longer allowed to put their hands around a person's neck, whether it considered to be a headlock, a carotids, a choke-hold, or anything else, all of these techniques that were previous used and considered reasonable under certain circumstances, are now prohibited. (Tr p. 75.) This nation-wide policy was also confirmed by the Chief of the department. (Tr. p. 77.)

Applicant explained that there is a standard department policy that is followed if a complaint is filed against an officer. A Blue Form states the interaction with the officer, the date, the time, the circumstances, detailing the conduct of the officer, and whether they were rude, or if things got physical. The Sergeant would then review the form, and hand it off to the Captain. The Captain would decide if he would pick it up from that point, or if he wanted the Sergeant to handle it. Interviews would be conducted, and a determination would be made to see whether that officer violated any civil rights, department policies, or criminal statutes. (Tr. p. 25-26.)

Applicant denies that he used an unauthorized restraint against a handcuffed suspect forcibly bringing him to the ground, but he admits that he yelled at and used profane language towards a subordinate officer in view of other officials and civilians. (Applicant's Response to the SOR.)

Applicant appeared at an arbitration hearing to determine what punishment would fit the misconduct. It was determined that on May 7, 2021, Applicant used inappropriate and unprofessional language with a minor and failed, as a supervisor to properly de-escalate and handle a violative situation in a professional and productive manner. It was also determined that on May 21, 2021, Applicant used an unauthorized restraint against a handcuffed suspect, forcibly bringing him to the ground, and he yelled and used profane language towards a subordinate officer in view other officers and civilians. Based upon the information uncovered in Internal Affairs investigations into Applicant's conduct on May 7, 2021; and May 21, 2021, Applicant was terminated from his employment with City B's police department on March 10, 2022. Applicant is not eligible for rehire. Collectively, Applicant's conduct demonstrated a pattern of exceedingly poor judgment, poor leadership, and widespread disdain for Department Rules and individuals. (Government Exhibit 3.)

A Post-Review Board thoroughly investigated Applicant's misconduct and considered all of the evidence in the matter. The decision before the board was to determine whether Applicant engaged in physical abuse, or excessive or unreasonable force on May 7, 2021, and May 21, 2021, that warranted a finding clearing him of the incidents, or whether his Police Certification should be temporarily suspended, or permanently revoked. In this case, a determination was made to close the case without further action. Thus, Applicant was allowed to maintain his Police Certification. (Applicant's Exhibit A.)

Applicant submitted a copy of City B's Police Department Use of Force Update, dated December 31, 2019, which provides guidelines on the reasonable use of force, and describes among other things, when the "Carotid Control Hold" is allowed to be used. It states that the proper application of the carotid hold may be effective in restraining a violent or combative individual, however due to the potential injury, the use of the carotid control hold is subject to a number of conditions and requirements that must be in place before it is used. These conditions and requirements are set forth in the update. (Applicant's Post-Hearing Exhibit A.)

In 2003, Applicant received the "Officer of the Year Award" from the Police Department in City A in recognition of outstanding and invaluable service to the community. (Applicant's Post-Hearing Exhibit B.)

In 2003, Applicant received the "21st Annual John Ward Respect for Law Award" from various clubs within the City A, for outstanding service in law enforcement. (Applicant's Post-Hearing Exhibit C.)

In 2015, Applicant received the “Officer of the Year Award” from the Police Department in City B, in appreciation for his dedication to the city. Applicant also received a certificate for this award from the Mayor of the City; a certificate for this award from the City; and a certificate for this award from a Senator in the 16th district. (Applicant’s Post-Hearing Exhibit D.)

In 2016, Applicant received the “21st Annual John Ward Respect for Law Award” from various clubs within City B, for outstanding service in law enforcement. (Applicant’s Post-Hearing Exhibit E.)

In 2016, Applicant received a “Certificate of Special Congressional Recognition” for outstanding and invaluable service to the community from a Congressman. (Applicant’s Post-Hearing Exhibit F.)

A letter from Applicant’s current supervisor dated September 25, 2025, states that Applicant’s job is essential to the safety and security of our nation. Applicant’s contributions have been instrumental in achieving their goals and they recognize the importance of rewarding his work and commitment. He earned a merit raise of 3.5 % effective September 20, 2025. (Applicant’s Post-Hearing Exhibit G.)

Throughout the hearing, I found Applicant’s testimony to be credible. Applicant was candid, sincere, and forthcoming. I also placed great weight on the findings of the Post-Review Board that considered all of the evidence, and after a thorough review of the allegations of serious misconduct, decided to close the case without further action. They note in their decision that a case closure decision may be made for a number of reasons, including a lack of evidence substantiating the alleged conduct by clear and convincing evidence, or a determination that based on the facts known, the conduct itself did not warrant decertification or suspension. (Applicant’s Exhibit A.)

Policies

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant’s eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in 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 a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel.” The applicant has the ultimate burden of persuasion to obtain a favorable 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 access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

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

Analysis

Guideline E – Personal Conduct

The security concern relating to the guideline for Personal Conduct is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information.

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

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack

of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information; and

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

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

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

(3) a pattern of dishonesty or rule violations;

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

(1) engaging in activities which, if known, could affect the person's personal, professional, or community standing; and

(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment.

The Applicant engaged in inappropriate and unprofessional conduct as a Sergeant in the City B police department on May 7, 2021; and on May 21, 2021. He used inappropriate language to a minor; and he failed as a supervisor to properly de-escalate and handle a violative situation during an arrest. He also used an unauthorized restraint against a hand-cuffed suspect, and used inappropriate language towards a subordinate officer in view of other officers and possibly civilians during the course of duty. The evidence is sufficient to raise these disqualifying conditions.

AG ¶ 17 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 17 including:

(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's misconduct as a Sergeant in the Police Department, as outlined above, was highly inappropriate. His actions were unprofessional and violated department policies and regulations. He was severely punished for his behavior. He was terminated from employment with that department as a police officer, and is not eligible for rehire. He admits his mistakes, and understands that he could have done things differently. He accepts responsibility for the consequences of his actions. He has learned from his mistakes. He contends that his bad behavior will never happen again. He is now working in another field involving safety and security for the Government, where he believes he can make a positive contribution.

Applicant admits that as a first-line supervisor, he had an affirmative responsibility to familiarize himself with and adhere to all of the Department's Policies. This obligation is repeatedly set forth in the Department's Manual. Applicant stated that he was unaware of the new policy change that prohibits chokeholds, as he was on sick leave for sixteen months prior to these incidents. There are several problems here. First, as a Sergeant, Applicant had an affirmative duty and responsibility to make himself aware of any policy changes that occur, even while on sick leave. Applicant failed to do this. Second, although the Department acknowledged the nation-wide policy change, no official change was made to the Department policy manual. The Department failed in this regard. In May 2021, the Department had not amended the Department policies to prohibit the carotid chokehold, in fact the department policy specifically authorized the use of the restraint with caution, under certain circumstances. To hold the Applicant to a standard that had not even been implemented into the department policy is unreasonable.

Despite the argument above, Applicant's unprofessionalism was outrageous and is never to occur again. His misconduct will not be tolerated by the War Department or its contractors. His conduct must be professional and appropriate at all times. Just as a police officer, an employee for the Department of War is held to a high standard of decency and professionalism, and is a role model for others. Applicant must show compliance with all Federal laws, DoD rules and regulations, and company policies at all times. The workplace must be a pleasant, peaceful, and safe environment for all.

A security clearance is a privilege and not a right. To be found eligible, it must be clearly consistent with the national interests to grant or continue a security clearance. This decision must be made in accordance with the DoD Directive and its guidelines. Based upon the information presented here, Applicant's misconduct is considered to be isolated incidents that will not recur. He has a long history of good conduct, and he has been a tremendous asset to the department for many years prior to May 2021. He is no longer working as a police officer. He has learned from his past and he has changed his ways. Going forward, he must be careful to follow all laws, rules, and regulations, at all times. He must always be respectful to others and careful to use good judgment in all situations, especially difficult ones. Based upon all of the evidence presented, he is found eligible for access to classified information. The Personal Conduct guideline is found for Applicant.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

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

I considered the potentially disqualifying and mitigating conditions in light of all relevant facts and circumstances surrounding this case. I conclude Applicant has mitigated the Personal Conduct security concerns.

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 F:

FOR APPLICANT

Subparagraph 1.a.

For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue Applicant's national security eligibility for a security clearance. Eligibility for access to classified information is granted.

Darlene Lokey Anderson
Administrative Judge