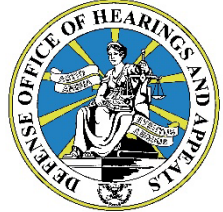




**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 24-02100
)
Applicant for Security Clearance)

Appearances

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

08/13/2026

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines G (Alcohol Consumption), I (Psychological Conditions), E (Personal Conduct), and H (Drug Involvement and Substance Misuse). Clearance is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on April 23, 2023. On December 31, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines G, I, E, and H. The DCSA acted under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017.

Applicant answered the SOR in an undated document and requested a hearing before an administrative judge. Department Counsel was ready to proceed on March 30,

2026. The case was assigned to me on May 19, 2026. On June 1, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled to be conducted by video teleconference on July 14, 2026. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 8 were admitted in evidence without objection.

Applicant testified but did not offer the testimony of any other witnesses or present any documentary evidence. I kept the record open until August 3, 2026, to enable him to submit documentary evidence. He timely submitted Applicant's Exhibits (AX) A and B, which were admitted without objection. DOHA received the hearing transcript on July 23, 2026, and the record closed on that date.

Findings of Fact

In Applicant's answer to the SOR, he admitted the allegation in SOR ¶ 1.a in part, but he denied all the other allegations. His limited admission is incorporated in my findings of fact.

Applicant is a 48-year-old access patrol officer employed by a federal contractor since July 2022. He was previously employed in the private sector from January to July 2022 until he left by mutual agreement because of the conduct alleged in the SOR. He has a high school education. He married in 2003 and divorced in 2006. He married again in 2013 and divorced in June 2022. He has no children. He received a security clearance in October 2002, which was revalidated in July 2012.

The evidence regarding the allegations in the SOR is summarized below.

SOR ¶ 1.a (Guideline G): Applicant was terminated from employment for destruction of client property. He was transported to a hospital, where his blood-alcohol content was 0.2%. After being accepted for psychiatric admission, he was discharged at his request and advised to avoid alcohol.

This allegation is established. On the evening of January 9, 2022, Applicant returned from patrol duty and told his supervisor that he "couldn't handle it anymore," and that he did not want to live any longer. He had attended a memorial service for a lost loved one and had consumed three alcoholic drinks before going to work. (GX 6 at 2) When he arrived at work, he asked his supervisor to have an ambulance take him to a hospital because he needed help. He started to slam his head against a metal key box on the wall of the room until his supervisor restrained him. When emergency service personnel arrived, they found Applicant curled up on the floor and crying. His supervisor later discovered that he had kicked holes in the walls of a room in the work area, smashed the glass on a cubicle, and scattered several items around the area. (GX2; GX 3)

Applicant was transported to a hospital and kept under observation for about 48 hours. He declined a transfer to a psychiatric unit. He was still under the influence of

alcohol, with a blood-alcohol content (BAC) of 0.20%. The hospital records show that he requested a psychiatric evaluation, but he denied making such a request. (Tr. 27) He was advised to obtain counseling, but he did not follow that advice because he thought it was too expensive, and he did not believe that he needed it. (GX 5; Tr. 16) Next day, he returned to his job site to retrieve his automobile, and he was informed that his employment had been terminated. (GX 6 at 2)

At the hearing, Applicant testified that he was under stress before the incident. Between 2009 and 2021, his father, a niece, a nephew, and a cousin had passed away. He also was overworked. He was working 70 hours a week and had worked the night shift for two or three days before the incident. (Tr. 17, 20) In his answer to the SOR, he claimed that he had consumed only one drink during the afternoon before the incident. At the hearing when asked how one drink could have resulted in a BAC of .20, he testified that it was a “really big” drink. (Tr. 24)

SOR ¶ 1.b (Guideline G): Applicant continued to consume alcohol, not in accordance with treatment advice, following his discharge from the hospital; and SOR ¶ 1.c: Applicant has consumed alcohol, at times in excess and to the point of intoxication, from about 2019 to at least August 2025.

These allegations are established. At the hearing, Applicant testified that after the incident in January 2022, he stopped drinking completely for about eight months. He testified that he did not believe that a program like Alcoholics Anonymous would be helpful, but that his involvement in his church had helped him gain control of his alcohol consumption. (Tr. 32) He has resumed his involvement with his church, which had declined because of his long working hours. (Tr. 16) He testified that he now limits his drinking to weekends and consumes wine instead of beer or malt liquor. He did not say how much wine he consumes on weekends. (Tr. 34-36)

SOR ¶ 1.d (Guideline G, cross alleged under Guideline I in SOR ¶¶ 2.a-2.c): In August 2025, Applicant was diagnosed by a licensed clinical psychologist with Alcohol Use Disorder, Severe.

These allegations are established. On August 26, 2025, Applicant was evaluated by a licensed clinical psychologist at the request of DCSA. He told the psychologist that before the January 2022 incident, he had been awake for most of the weekend, had obtained only about 12 hours of sleep, and had been consuming alcohol. He admitted that he was “mildly inebriated” when he reported for work. He told the psychologist that he was drinking four to five days a week, sometimes daily, and more often on weekends, and that he typically consumed two cans of malt liquor per session. Based on the high alcoholic content of malt liquor, the psychologist concluded that Applicant was consuming the equivalent of at least 12 to 15 drinks per week. The psychologist’s comments included the following:

Since the January 2022 psychiatric crisis, there is no indication of further psychiatric decompensation of psychotic symptoms. While a milder form of bipolar disorder cannot be entirely ruled out, the subject's difficulties are more consistently explained by poor coping mechanisms, limited psychological insight, and a severe alcohol use disorder, as evidenced by both his historical pattern of consumption and current self-reported drinking behaviors. Additionally, the subject's pattern of interpersonal conflict, especially within intimate partner relationships, underscores ongoing psychosocial instability. . . . The subject meets criteria for alcohol use disorder, severe, as evidenced by both records and clinical interview.

(GX 8)

SOR ¶ 3.a (Guideline E) (cross-alleging SOR ¶¶ 1.a-1.c) and ¶¶ 3.b-3.f, alleging falsifications during the security clearance process.

These allegations are established. When Applicant submitted his SCA in April 2023, he answered "No" to the question whether he had ever been hospitalized for a mental health condition. (GX 1 at 24) In his answer to the SOR and at the hearing, he denied intentional falsification, because he was hospitalized for only one day, and he said that he believed he was not required to disclose his hospitalization unless he had been hospitalized for at least a week. At the hearing, he admitted that he would answer "Yes" to the question if he submitted another SCA. (Tr. 46)

In the April 2023 SCA, Applicant also answered "No" to the question whether his use of alcohol had a negative impact on his work performance or professional or personal relationships. (GX 1 at 27) In his answer to the SOR, he stated that he did not think about the January 2022 incident when he submitted his SCA. He stated, "I mainly thought I was sent to the hospital because of what my co-worker said had transpired, not because of alcohol or being under the influence of alcohol." At the hearing, he testified that he misread the question and did not intentionally falsify his answer. He declined to admit that he was drunk when the incident occurred. (Tr. 49-50)

When Applicant was admitted to a hospital in January 2022 and in response to DOHA interrogatories in March 2025, Applicant disclosed that he had consumed an edible marijuana gummy that he received from his grandmother in March 2019. (GX 7 at 3) In his April 2023 SCA, Applicant answered "No" to the question whether he had used any illegal drugs or controlled substances in the last seven years. (GX 1 at 26) He did not disclose his consumption of the marijuana gummy. In his answer to the SOR and at the hearing, he stated that he did not think about his consumption of the gummy when he submitted his SCA. (Tr. 56)

In response to DOHA interrogatories in March 2025, Applicant answered "No" to a question whether he had ever consumed alcoholic beverages before going to work. (GX 6 at 16) In his answer to the SOR, he stated that he answered "No" because he did not

believe he was under the influence of alcohol when he went to work in January 2022. He gave the same answer at the hearing. (Tr. 50)

SOR ¶¶ 4.a and 4.b: illegal drug use while holding a sensitive position.

SOR ¶ 4.a alleges that Applicant admitted using unspecified illegal drugs while hospitalized in January 2022, and SOR ¶ 4.b alleges that he used marijuana while in a sensitive position. Both allegations refer to the same incident, in which Applicant consumed a marijuana gummy in March 2019. When the same conduct is alleged twice in the SOR under the same guideline, one of the duplicative allegations should be resolved in Applicant's favor. See ISCR Case No. 03-04704 at 3 (App. Bd. Sep. 21, 2005). Accordingly, I have resolved SOR ¶ 4.a in Applicant's favor. SOR ¶ 4.b is established by the evidence.

Whole Person Evidence

A former co-worker for four years who is now Applicant's supervisor submitted a statement describing him as dependable, conscientious, respectful, and known for a strong work ethic. (AX A) Applicant's pastor, who has known Applicant for 20 years, submitted a statement describing him as "a responsible and sincere person who takes guidance seriously and follows through with real change." According to the pastor, Applicant "has demonstrated integrity, respect for others, and a commitment to doing the right thing even when it is difficult. (AX B)

Policies

"[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 Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865 § 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 Defense 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* at 531. Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.” See ISCR Case No. 17-04166 at 3 (App. Bd. Mar. 21, 2019). It is “less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge’s] finding from being supported by substantial evidence.” *Consolo v. Federal Maritime Comm’n*, 383 U.S. 607, 620 (1966). “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. 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* at 531.

Analysis

Guideline G, Alcohol Consumption

The concern under this guideline is set out in AG ¶ 21: “Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual’s reliability and trustworthiness.”

The following disqualifying conditions under this guideline are established by Applicant's admissions and the evidence submitted at the hearing:

AG ¶ 22(b): alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder;

AG ¶ 22(c): habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder; and

AG ¶ 22(d): diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder.

AG ¶ 22(b) is established by Applicant's heavy intoxication while at work in January 2022. AG ¶ 22(c) is established by his level of intoxication during this incident. The National Institute on Alcohol Abuse and Alcoholism defines "binge drinking" as "a pattern of drinking that brings a person's blood alcohol concentration (BAC) to 0.08 percent or above," which typically occurs when a man has five or more drinks or a woman has four or more drinks on one occasion. Centers for Disease Control and Prevention, *Fact Sheets – Binge Drinking*, Oct. 7, 2024, www.cdc.gov/alcohol/fact-sheets/binge-drinking.htm. The psychologist's computation of Applicant's drinking pattern reflects moderate to heavy drinking on a regular basis but falls short of binge drinking. However, his level of intoxication at the time he was hospitalized on January 2022 reflects binge drinking on that occasion. AG ¶ 22(d) is established by the psychologist's diagnosis of an alcohol abuse disorder.

The following mitigating conditions are potentially applicable:

AG ¶ 23(a): so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; and

AG ¶ 23(b): the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has established a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

AG ¶ 23(a) is not established. Applicant's alcohol-related conduct in January 2022 was more than four years ago and has not recurred. He stopped drinking for about eight months. However, he had resumed drinking at the time of the psychological evaluation,

and he testified at the hearing that he now drinks wine instead of the more powerful malt liquor. He did not say how much he consumes on weekends. Thus, there is insufficient evidence of a clear and established pattern of abstinence or modified consumption.

AG ¶ 23(b) is not established. Applicant has not acknowledged that he was heavily intoxicated during the incident in January 2022. He continues to insist that he was physically exhausted but not drunk. He has not accepted the diagnosis of an alcohol use disorder. He has not sought support through AA or similar organizations. He submitted no evidence of counseling.

Guideline I, Psychological Conditions

The concern under this guideline is set out in AG ¶ 27:

Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.

The evidence in the record establishes two disqualifying conditions under this guideline: AG ¶ 28(b): (“an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness”) and AG ¶ 28(c) (“voluntary or involuntary inpatient hospitalization”).

The following mitigating conditions are potentially applicable:

AG ¶ 29(a): the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;

AG ¶ 29(b): the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;

AG ¶ 29(c): recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual’s previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;

AG ¶ 29(d): the past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability; and

AG ¶ 29(e): there is no indication of a current problem.

None of these mitigating conditions are established. Applicant does not believe that he has an alcohol-related problem. He has not sought or received counseling or treatment. He presented no evidence that the diagnosis of a severe alcohol use disorder is erroneous or that it has been resolved. He continues to consume alcohol, and he provided no evidence of the amount or frequency of his consumption.

Guideline E, Personal Conduct

The security concern under this guideline is set out in AG ¶ 15:

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

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(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

AG ¶ 16(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 . . . :engaging in activities which, if known, could affect the person's personal, professional, or community standing.

AG ¶ 16(a) is established. Applicant is not a neophyte in the security-clearance process. He received a security clearance in 2002, and it was revalidated in 2012. He understands the impact of alcohol abuse and drug involvement on eligibility for a security clearance. His explanations for his negative answers to the questions in his 2025 SCA about hospitalization for a mental health condition, the impact of alcohol on his work performance, or use of illegal drugs were not credible. Similarly, his response to a DOHA interrogatory asking if he had ever consumed alcoholic beverage before going to work was contradicted by his testimony at the hearing and was not credible.

AG ¶ 16(c) is not applicable. Applicant's conduct raises concerns under Guidelines E, G and I that are sufficient for an adverse determination.

AG ¶ 16(e) is established. Applicant's single instance of drug involvement eight years ago probably would not affect his personal, professional, or community standing, but his excessive alcohol consumption and diagnosis of a severe alcohol use disorder are sufficient to establish this disqualifying condition.

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; and

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.

Neither mitigating condition is established. Applicant submitted no evidence of efforts to correct his omissions in his SCAs. His falsifications were numerous and recent. Falsifications in an SCA or in responses to interrogatories are not minor, because they undermine the integrity of the security-clearance process. His excessive alcohol consumption was frequent and did not happen under unique circumstances. The evidence falls short of establishing that it is unlikely to recur.

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:

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

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

AG ¶ 25(f): any illegal drug use while granted access to classified information or holding a sensitive position.

All of the above disqualifying conditions are established. Applicant possessed and used a marijuana-laced gummy while holding a security clearance

The following mitigating condition is 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.

This mitigating condition is established. Applicant accepted a marijuana-laced gummy from his grandmother on one occasion that occurred in March 2019, more than seven years ago. There is no evidence that he has used or possessed illegal drugs on any other occasion.

Whole-Person Analysis

Under AG ¶ 2(c), the ultimate determination of whether to grant a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. An administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all the 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 G, I, E, and H in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). After weighing the disqualifying and mitigating conditions under those guidelines and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concern by his marijuana use, but he has not mitigated the security concerns raised by his alcohol consumption, psychological conditions, and personal conduct.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline G (Alcohol Consumption): AGAINST APPLICANT

Subparagraphs 1.a-1.d: Against Applicant

Paragraph 2, Guideline I (Psychological Conditions): AGAINST APPLICANT

Subparagraphs 2.a-2.c: Against Applicant

Paragraph 3, Guideline E (Personal Conduct): AGAINST APPLICANT

Subparagraphs 3.a-3.f: Against Applicant

Paragraph 4, Guideline H (Drug Involvement and
Substance Misuse): FOR APPLICANT

Subparagraphs 4.a and 4.b: For Applicant

Conclusion

I conclude that it 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