



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



In the matter of:)
)
) ISCR Case No. 25-01008
)
Applicant for Security Clearance)

Appearances

For Government:
Jenny Bayer, Esquire, Department Counsel

For Applicant:
Caleb N. Byrd, Esquire, Applicant's Counsel

09/02/2026

Decision

CEFOLA, Richard A., Administrative Judge:

On November 1, 2022, Applicant submitted her Electronic Questionnaire for Investigations Processing (e-QIP). On March 19, 2026, the Department of Defense Consolidated Adjudication Facility (DODCAF) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline I. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines effective June 8, 2017.

Applicant answered the SOR (Answer) in writing on April 14, 2026, appended five exhibits to her Answer, and requested a hearing before an administrative judge. The Defense Office of Hearings and Appeals (DOHA) received the request soon thereafter. I received the case assignment on July 1, 2026. DOHA issued a Notice of Hearing on July 6, 2026, and I convened the hearing as scheduled on July 28, 2026. The Government offered Exhibits (GXs) 1 through 5, which were received without objection. Applicant testified on her own behalf, offered Applicant's Exhibits (AppXs) A and B, which were received into evidence (transcript of the hearing (TR) at page 49 line 1 to page 50 line 2),

and asked that the record be kept open until August 27, 2026, for the receipt of additional documentation. Applicant submitted nothing further on her behalf. DOHA received the transcript of the hearing on August 7, 2026. Based upon a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

Findings of Fact

In her Answer to the SOR Applicant neither admitted nor denied the factual allegations in Paragraph 1 of the SOR; and as such, I consider them denied. Applicant is 26 years old, unmarried, and has no children. She has a degree in maintenance information systems and has worked for a defense contractor since March of 2026. (TR at page 5 lines 6~18, at page 13 line 12 to page 14 line 6, and GX 1 at page 24.)

Guideline I – Psychological Conditions

1.a. Since about 2020, Applicant has been diagnosed as suffering from a Bipolar II Disorder and with Post Traumatic Stress Disorder (PTSD). These conditions, in particular the Bipolar II Disorder, result in periods of depression and suicidal ideation. Through mental health counseling, Applicant has been able to reduce her periods of suicidal ideation from weeks to periods of only about two to three days. In high school there were long periods of depression and suicidal ideation. She now has what Applicant describes as “passive” suicidal ideation (PSI), that last only two to three days. Applicant admits to PSI in January of 2025, in February of 2025, twice in March of 2025, in April of 2025, and in August of 2025. Her condition is not curable. (TR at page 14 line 14 to page 26 line 9, at page 27 line 18 to page 28 line 18, at page 28 line 23 to page 59 line 17, at page 62 line 25 to page 65 line 15, GX 3 at pages 8, 69 and 171, Answer at page 3, and AppX B.)

1.b. Applicant was evaluated by a licensed psychologist on April 11, 2025. That psychologist opined that Applicant’s mental health condition could potentially impair her judgement, reliability, and trustworthiness, and affect her ability to securely handle classified information. He further opined that Applicant’s prognosis was guarded as she had yet to demonstrate sustained remission or controlled symptoms. (GX 5.) There is no countervailing psychological evaluation.

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 useful 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. According to AG ¶ 2(a), 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, an "applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision."

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

Section 7 of Executive Order 10865 provides that 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 I – Psychological Conditions

The security concern relating to the guideline for Psychological Conditions is set forth at 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 guideline at AG ¶ 28 contains five conditions that could raise a security concern and may be disqualifying. Two conditions are established:

- (a) behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors, and
- (b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness.

Appellant suffers from Bipolar II Disorder and from PTSD. A duly qualified mental health professional has opined that these conditions may impair Applicant's judgment, stability, reliability, or trustworthiness. Therefore, AG ¶ 28 is established.

The guideline at AG ¶ 29 contains four conditions that could mitigate security concerns. Two conditions may be applicable:

- (a) the identified condition is readily controlled with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan, and
- (b) the individual has voluntarily entered a counseling or 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.

Appellant has sought and is receiving counseling for her conditions. (Answer at Exhibit 3, and AppX B.) Unfortunately, her Bipolar II condition is not curable. She has made great strides in addressing her Bipolar II condition, but there are periods of even passive SI where her judgment is impaired. Therefore, AG ¶ 29 is not established.

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 an applicant's

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

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

AG ¶ 2(b) requires each case must be judged on its own merits. 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 the facts and circumstances surrounding this case. Applicant is clearly respected in the workplace; however, it is unclear if they are aware of Applicant's psychological conditions. (Answer at Exhibit 4, and AppX A.) Overall, the record evidence leaves me with questions or doubts as to Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude Applicant failed to mitigate the security concerns arising from her Psychological Conditions.

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 I: **AGAINST APPLICANT**

Subparagraphs 1.a. and 1.b: Against Applicant

Conclusion

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

Richard A. Cefola
Administrative Judge