



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



In the matter of:)
)
) ISCR Case No. 25-01192
)
Applicant for Security Clearance)

Appearances

For Government: Cynthia Ruckno, Esq., Department Counsel
For Applicant: Colby J. Morton, Personal Representative

09/02/2026

Decision

DRISKILL, A. M., Administrative Judge:

Applicant 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 February 4, 2024. On December 22, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline E. Applicant answered the SOR on March 2, 2026, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on May 19, 2026. The case was assigned to me on June 2, 2026. On June 3, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled to be conducted on July 9, 2026.

I convened the hearing as scheduled, however, shortly after going on the record it was discovered that Applicant's Personal Representative had not received the Government's voluminous disclosure package, which totals 819 pages (of the 441 pdf pages, 126 pdf pages contain four pages shrunk onto one page). I continued the hearing to allow sufficient time for transmittal and review of the package. On July 13, 2026, DOHA notified Applicant that the hearing was rescheduled to be conducted on July 24, 2026. I

convened the hearing as rescheduled. Government Exhibits (GE) 1 through 12 were admitted in evidence without objection. Applicant testified but did not present the testimony of any other witnesses. He submitted Applicant's Exhibits (AE) A through E, which were admitted without objection. The record closed on July 24, 2026. DOHA received the transcripts on July 16 and July 31, 2026.

Findings of Fact

The SOR alleges Applicant was terminated from his employment with Police Department A (PD A) in December 2023 after it was determined that he sexually harassed a student and school staff, falsified police records, was untruthful during an initial Internal Affairs (IA) investigation, made numerous sexual advances and suggestive comments toward a member of the community, and that he failed to respond fully and truthfully to all questions during a second IA investigation (SOR ¶ 1.a); and that in November 2025, his peace officer certification was revoked after a finding of a pattern of unprofessional police conduct, that he was not fit for duty as an officer, that he was a danger to the public, and that he had repeated, sustained IA complaints for the same or different offenses (SOR ¶ 1.b). He denied SOR ¶ 1.a and admitted SOR ¶ 1.b "with context." His qualified admission is incorporated into the findings of fact. Additional findings follow.

Applicant is 51 years old. He earned a bachelor's degree in 1998. He married in 2007 and has one minor daughter. He has worked for his current employer since June 2025. This is his first security clearance investigation. (GE 1; Tr. 35-37, 71-73)

Applicant worked for PD A from April 2012 until he was terminated in December 2023. He served as a school resource officer from March 2018 until just before his firing. Prior to joining PD A, he worked as a police officer in other towns in the same area, altogether serving as a police officer for 23 years. In September 2023, the PD A deputy chief of police (DC) was contacted by the school district's superintendent regarding Applicant. DC was advised that two students reported that Applicant had solicited them for sex while they were students at the high school he worked at. Applicant was placed on administrative leave, and an internal investigation was conducted. (GE 1, 10, 12)

DC interviewed one of the individuals, S, who had disclosed inappropriate behavior from Applicant. S originally disclosed her allegations to an adult¹ and another student in confidence, and the adult in turn reported it to school officials. S told DC that she had known Applicant throughout high school but started to get to know him better her senior year. Applicant had to drive her home on several occasions, she estimated six to eight times in her senior year, when the school bus company would forget to pick her up. She recounted that one of the times Applicant was driving her home, he said that "if he were

¹ GE 12 is heavily redacted, making it difficult to distinguish exact roles and relationships, but it appears the adult was a former teacher or school staff member, see GE 3 at 7. In this summary of GE 12, I was able to infer most relevant identities and have noted where the redactions made it too difficult to infer who or what they were referring to.

to kill me, he could throw my body in the woods and no one would find me.”² (GE 12 at 8) S also stated that Applicant lived in the same neighborhood she did, and on about two or three occasions, when he saw her drive by his house, he would call her and say he saw her, asking why she did not stop by and say “hi.” DC ran the log for all of Applicant’s calls from September 2021 to June 2023 and found that at no time did he ever communicate that he was giving a courtesy transport for any student to or from school during that time frame. (GE 12)

S told DC that Applicant approached her in school after a spring vacation period and stated, “oh my wife and kids weren’t home over the break, you should have come over.” (GE 12 at 9) In the same conversation, he mentioned having seen S’s senior portraits and commented, “damn you look so good I could fuck you.” (GE 12 at 9) S stated that, prior to that conversation, he would often comment on her looks, stating, “you have that European face,” “you’re so gorgeous,” “I would understand if you went to black guys instead,” and “I’m here for you when you turn 21.” (GE 12 at 9) She also said, “he’s occasionally stated he’s got that BBC,” which S understood to mean “big black cock.” He also referred to himself as “chocolate” and said he only likes “white chocolate.” (GE 12 at 9) After the conversation, S avoided Applicant at school. Her friend told her Applicant would ask the friend where S was and, a few weeks later, he came up to S from behind, grabbed both shoulders, and asked, “what are you afraid of black people now” and “what’s up, I haven’t seen you in a while.” (GE 12 at 9) She explained to DC that she avoided him because his comments made her uncomfortable and adults should never say things like that to a child. She had heard of him acting inappropriately with other people and that he was having affairs with some of the mothers in town. (GE 12)

DC interviewed staff members at S’s high school (GHS), where Applicant’s primary assignment was. Many described him as well-liked by the students, especially female students, but some staff noted his language with the students could be inappropriate or off-color. Several staff members observed S withdraw from contact with Applicant around the spring timeframe, but they did not know why. Several remarked that Applicant would make comments to female staff members that were inappropriate, like referring to himself as “chocolate” and asking if they “want some chocolate,” although some staff members would reciprocate the flirtatious language. One staff member stated that her daughter, 24 years old at the time, told her Applicant went into the restaurant where the daughter worked and began making lewd comments and hitting on her. Once she made clear who her mother was, Applicant backed off. (GE 12)

Another individual DC spoke to³ stated that S complained to her that Applicant was always putting his hand on S’s shoulder or talking close to her, which made her feel uncomfortable. S also told the individual that Applicant had made a “weird comment” that he was alone and S should come over to his house. (GE 12)

² The quotes from S’s IA interview are quotes of what S said, recounting what Applicant said to her. They are not necessarily verbatim quotes from Applicant.

³ This may have been S’s foster mother, based on the information in the Arbitration Decision (GE 6, 11)

DC came across information that Applicant was spending an unusual amount of time at a private school (LA) that was not his primary assignment, so she interviewed staff there. Applicant was a liaison to the private schools, but GHS was his primary assignment. Staff members at LA reported that he was there most days and would spend many hours there, to the point where many staff members assumed that he was only assigned to LA. Staff members reported that Applicant spent an inordinate amount of time with a female staff member in the athletics department, K, and there were rumors about their relationship being sexual. DC interviewed K, and she denied being in a sexual relationship with Applicant, but DC did not believe this was a truthful answer based on K's body language cues. (GE 12)

DC pulled a police log showing Applicant reported being called out to LA three days in a row in May 2023. She did not see any calls for service that would require Applicant to respond multiple times. Applicant told her he would only go to LA if M, a part-time officer and the LA Director of Campus Safety and Security, would call him there. She asked M about those days in May 2023, and M did not recall any meetings on those days. He checked his records and did not find any incidents or concerns that week that would have required meeting with Applicant. DC pulled additional weeks of the police log and there were no reports of note that were prepared by Applicant regarding LA. There was no indication from either the log or M's personal notes on why Applicant would have been meeting with him so many times in one week. M did not recall meeting with Applicant at all during that period and believed he would have remembered because it would have been unusual for him to speak with Applicant that many times in one week. (GE 6, 12)

DC interviewed members of PD A. A sergeant stated that on several occasions he had observed Applicant with K in a car together in an empty parking lot, while Applicant was on shift. The sergeant had also heard rumors that their relationship was sexual in nature. He heard Applicant refer to himself as "chocolate" in a way that sounded like sexual innuendo. The sergeant stated that Applicant was also known for angry rants and described Applicant as "a compulsive liar." Other members of PD A confirmed Applicant's angry ranting, his rumored affair with K, and that he referred to himself as "chocolate" in a sexual manner. None disparaged his performance as a police officer, with several describing him as reliable. (GE 12)

DC interviewed Applicant with his union attorney. He agreed that he would give rides to students who missed the bus if the school or parent asked him to. He could not remember which students he gave rides to. He thought he documented the pickups and drop offs in the police logs but could not remember, nor could he remember if he called the rides in to dispatch. He stated he did not give a lot of rides to students and did not do reports for these interactions because he was not told to do that. (GE 12)

Applicant could not recall if he had made comments about staff members' or parents' appearances, on them being attractive, or what they were wearing. He denied asking any teachers or parents to have sex with him, and he denied having sex with any parents in the school district or town. When asked if he ever made a comment to a student

about where he could hide their body if he killed them, he stated that if he ever said that, it was jokingly. He denied flirting with students. He did not recall ever telling a student they were pretty, beautiful, or gorgeous. (GE 12)

Applicant was asked if he ever commented on students' bodies and he stated, "no ma'am never tried to hit on a child." (GE 12 at 35) He denied having sex with or asking to have sex with a student, former student, or police recruit. He denied telling a student he was there for them when they turned 21 or after graduation. He did not recall and denied asking words to the effect of "do you want some of this chocolate" to a teacher, parent, student, former student, or police recruit. When asked, he stated he did not know what "do you want some of this chocolate" means. He then admitted saying it to someone (the name is redacted) but said it was a joke, and he could not remember what it meant. He could not explain the joke to DC because he could not remember. (GE 12)

Applicant denied ever telling people he had a "BBC." When asked what it meant, he said he did not know. Once defined, he again denied ever saying it. He denied inviting students to his house or asking a student to come over because his wife and daughter were away. When asked specifically whether he asked S to come over because his family was away, he denied it and said, "not to my recollection, no ma'am." (GE 12 at 35)

Applicant was asked about his work at LA. He stated that his responsibilities were the same as GHS but that he only went to LA when they needed him. He could not recall how frequently in a week he was needed at LA. He described his relationship with K as a friendship and agreed that he had sat in her car in an empty parking lot (the same described by the sergeant interviewed above) because she had brought him a drink and they were talking. He admitted to giving K rides in his cruiser and not notifying dispatch that he was transporting a civilian. He denied any sexual involvement with K. (GE 12)

DC found, by a preponderance of the evidence, that Applicant had violated a number of department policies and procedures. She found that he did not document any of his interactions with someone (redacted, likely a student, possibly S); he did not document transporting juveniles at the request of the school or parents; he did not notify dispatch when he was giving students courtesy transports to or from school; on multiple occasions he asked S to come over to his house, spoke about her appearance, asked her to have sex with him, and spoke about his own desirability and male anatomy, and displayed the same behaviors in front of a number of teachers, to the point that they would walk away; he violated the Professionalism standard; he eroded public trust in the school resource officer program by sexually harassing staff and students, making disparaging remarks about administration, and making threatening remarks toward staff and students, causing them fear; and he left his post to socialize, for what many independent witnesses described as hours, with a private citizen and employee of LA, with no official purpose for the long visits. (GE 12)

DC found that Applicant was untruthful in his statements regarding his interactions with S, noting that S went into detail about the interactions and multiple independent

witnesses added credibility to her testimony. DC found he was untruthful in his statements about his interactions with female students, noting multiple independent witnesses stated they saw female students “flirting” with him, and he did nothing about it, whereas he stated he would push these students away. DC found he was untruthful in his statements about his interactions with staff members, noting multiple witnesses stated he made inappropriate comments in violation of the department’s sexual harassment policy, whereas he denied making such statements and claimed not to know what “do you want some of this chocolate” meant even though many independent witnesses had heard him make that statement and felt as though the statement was in reference to his male genitalia. (GE 12)

DC found him to be untruthful in his statement regarding meeting with M—Applicant stated he almost always met with M when he went to LA, but M stated Applicant almost never met with him and that in many instances M was unaware of Applicant being on campus or what his purpose on campus was. DC found Applicant was untruthful in his statements about meeting with K, noting that multiple witnesses stated they spent hours together, whereas he said he would only say hello to her, later admitting to giving her rides and meeting up with her around town. DC noted that throughout the interview he gave non-answers by repeatedly stating he could not recall or remember and was unable to even remember his daily routine. She also found that he falsified records when he wrote in his log that he was meeting with M at LA on three occasions in the same week, but M stated that that was not true and there was no record of such interactions. (GE 12)

On November 7, 2023, the Chief of Police (CP), based on the results of the IA investigation, recommended to the town manager that Applicant be terminated from employment with PD A. He based his recommendation on “the serious nature of the sustained complaints” and based on “the belief the public trust with the Department has been deteriorated by [Applicant’s] actions.” (GE 10)

On November 3, 2023, the CP advised DC that he had received a citizen’s complaint alleging that Applicant had, on numerous occasions, sexually harassed a resident while on duty as a police officer for PD A. CP directed DC to further investigate the allegations in a second IA investigation. (GE 11)

DC interviewed C, the new complainant. C stated that she heard Applicant was on administrative leave because a high school student had accused him of sexual harassment, and that Applicant had said he would be fine because he had dozens of people who could vouch for him. C stated that hearing this upset her because Applicant had been sexually harassing her since 2019, and that is why she decided to file a complaint with PD A. (GE 11)

C explained that in 2019 (when C was about 23 years old), she asked Applicant if she could interview him for a project she was doing for a college course. He agreed to be interviewed, and they conducted the interview at the police department. After the interview, Applicant walked C out of the station and, as he was walking her to her car, he

made a statement about putting her in handcuffs and telling her what he would do to her while she was in handcuffs. While saying these things, he grabbed her behind the head, gripping her head and neck with force. C was taken aback by his conduct and made a joke about him taking her out to dinner first. C stated he was in full uniform and on duty at the time of this incident. (GE 3, 11)

C stated that, after this interaction, Applicant began to contact her frequently via text message, and the messages would include sexual and suggestive comments. C admitted that she had “mixed feelings” about the behavior because she liked the attention but did not like where it was coming from. She eventually told him “that’s enough” and he agreed to back off, but he never did. He continued to send her sexually suggestive text messages for over a year. (GE 11)

C joined a new gym in 2021, and Applicant seemed to go to the gym around the same time she did. C stated that, on a number of occasions while she was exercising, Applicant would come up to her and whisper suggestive or sexually explicit things in her ear. One incident that stood out to her was when he stated, “it would be really weird for me to be your uncle if I was going to eat your butt,”⁴ which referred to the fact that Applicant and C’s father were close and would joke that they were brothers, and C would refer to Applicant as “uncle.” (GE 11 at 4-5) She stated that his comments in the gym were always about her butt. Because they were in public, she would laugh the comment off or playfully hit him, but they always made her uncomfortable, and she eventually stopped going to that gym because Applicant was always there. (GE 11)

In the summer of 2021, C was driving in the GHS senior class parade. Applicant was on duty as the school resource officer and was leading the parade. After the parade, C was in the school parking lot talking to people when Applicant came up to her and asked what she was doing since she had graduated college. She stated that she was attending cosmetology school, to which he replied, “oh so you can wax these balls for me.” (GE 11 at 5) C stated that she never told anyone about her interactions with Applicant before because she knew he was well-liked in town, but she decided to come forward when she heard he was doing the same thing to others. (GE 11)

DC contacted C’s brother, B, who told C about the allegations against Applicant and what Applicant had said about it. B stated that he heard from his co-workers that Applicant came into the auto repair garage where B worked, and Applicant told them he was on administrative leave for saying inappropriate things to a high school student. B told C what he heard later that day. DC spoke with another person from the garage who heard Applicant first-hand, and that person said Applicant made the comment about why he was on administrative leave, and Applicant also stated he was not stressed because he had people who would vouch for him. (GE 11)

⁴ The quotes from C’s IA interview are quotes of what C said, recounting what Applicant said to her. They are not necessarily verbatim quotes from Applicant.

DC interviewed Applicant about the new allegations. He denied telling anyone about being placed on administrative leave. He agreed that he had been to the garage to get his car worked on. He denied asking anyone there to vouch for him, but stated the employees asked him if he needed them to vouch for him. When asked why the employees would say that, Applicant said he did not know. (GE 11)

Applicant stated that he knew C, but how he knew her is mostly redacted.⁵ He did not remember being interviewed by C for a college project. DC asked him if he ever talked with C, and he stated they would communicate via Snapchat about “general stuff I guess.” (GE 11 at 7) He could not describe how often they would chat, stating he could not remember. He stated he could not remember what they talked about specifically and stated he did not remember the conversations being sexual. He did not recall asking C to have sex with him, nor did he remember asking her to perform a sex act on him or telling her what he wanted to do to her. He did not remember making the “eat your ass”⁶ statement nor any other statements about wanting to “eat her ass,” stating “ma’am I don’t know when this all happened or took place, but I do not remember saying any of this stuff.” (GE 11 at 7) He denied telling C what he would do to her if he put her in handcuffs. He did not remember talking to C after the parade, nor did he remember making a comment about having C “wax these balls.” (GE 11)

DC found, by a preponderance of the evidence, that Applicant had violated several department policies and procedures. She found that he continued to make sexual advances and suggestive comments toward C even after she told him to stop; he was evasive and unwilling to give sufficient answers during his interview; on numerous occasions he conducted himself in ways that were unfavorable to the image of himself as a police officer and the image of PD A with his overt sexual harassment of a citizen, both on and off duty; he went into a public business and openly spoke about his IA investigation, which was to be treated as confidential information; he stated he had not spoken to anyone outside his union representative, attorney, or family about why he was on administrative leave, but he in fact told employees at a garage; and he was untruthful in how he knew C (again heavily redacted, making it difficult to describe here). (GE 11)

On November 30, 2023, CP, based on the results of the second IA investigation, recommended to the town manager that Applicant be terminated from employment with PD A. He based his recommendation on “the serious nature of the sustained complaints” and based on “the belief the public trust with the Department has been deteriorated by [Applicant’s] actions.” (GE 9)

On December 7, 2023, the town manager issued a Notice of Termination to Applicant. The letter stated that, based on the available information, Applicant’s employment was being terminated because:

⁵ The Arbitration Decision reflects that C said she met Applicant in 2016 or 2017 when she taught his daughter karate. (GE 6 at 45)

⁶ This is a direct quote from GE 11, which in this section uses “ass” instead of “butt” like the original quote.

(1) you sexually harassed a (then) student at [GHS] asking her to come over to your house, commenting on her appearance and your own desirability and male anatomy, and letting her know you wanted to have sex with her;

(2) you sexually harassed school staff and made threatening remarks toward staff and students, causing them fear;

(3) you falsified police records;

(4) you were untruthful during the course of the first Internal Affairs investigation;

(5) you made numerous sexual advances and suggestive comments toward a member of the community, which occurred both on and off-duty, and continued to do so after the individual directed you to stop; and

(6) you failed to respond fully and truthfully to all questions during the second internal affairs investigation.

(GE 8 at 1-2) The town manager stated that any one of the violations alone would be grounds for termination. (GE 8)

On December 19, 2023, State X's Peace Officer Standards and Training Commission (POST) issued a suspension order suspending Applicant's law enforcement certification. The order stated that the Commission received credible information that he engaged in sexually harassing and highly unprofessional conduct toward high school and college students and education staff while serving as a law enforcement officer. They found that suspension was warranted pending completion of a preliminary inquiry into the allegations. (GE 7)

Applicant had a background subject interview (SI) with a government investigator in October 2024. The investigator asked him about the specifics of the allegations of sexual harassment, falsified police records, and being untruthful during the IA investigation. Applicant denied all wrongdoing and stated he was wrongfully accused. He stated that he was working as a school resource officer when a couple of students were disrespecting him and a teacher, and he corrected them by telling them it was wrong to act like that. The teacher felt he had spoken disrespectfully to the students and reported him to the police chief. An internal investigation was launched, but he told the SI investigator that there were no findings of wrongdoing and that no student could say anything that he said that was inappropriate. He stated he never had any issues working at PD A until these false allegations were made. His attorney was still in the process of trying to clear his name and obtain backpay. (GE 2)

Applicant's union appealed his termination to arbitration, arguing that the termination was contrary to just cause principles and, therefore, in violation of the parties'

collective bargaining agreement. They also asserted that the discipline imposed was disparate in comparison to other members of the Department. An arbitration hearing was held over the course of June, August, and October 2024 and January 2025, and a decision was issued in Applicant's case in May 2025. The arbitrator denied the grievance, finding that the town did not violate the relevant contractual provisions, policies, and statutes when it terminated Applicant. (GE 3)

The arbitrator's findings of fact appear to closely mirror what was disclosed in the IAs. The Decision includes the following additional relevant findings of fact:

- In his testimony, Applicant denied meeting up with K and going to LA just to visit her. He denied having an inappropriate relationship with her. While cleaning out Applicant's locker, CP found a photograph of K that was described as "sexually suggestive." (GE 3 at 9-10, 23)
- DC testified that while officers are on duty, dispatchers create notes in the police log when an officer changes locations. She stated that whenever Applicant responded to a call from GHS, LA, or anywhere else, there should be a note documenting the response. The logs reflect Applicant going to LA on very few occasions. (GE 3 at 10)
- A teacher testified that she and Applicant had been close friends for years but that he became angry for the way she handled a student's comments regarding Applicant. Applicant sent angry texts and left an angry voicemail for the teacher, which made the teacher feel so uncomfortable that she avoided him at the school and she worried she would be targeted in town and pulled over by him or his friends. She testified that she felt nervous and scared about having an officer on patrol who did not like her. (GE 3 at 10-11)
- C testified that she initially reciprocated the text messages with Applicant because he was "a big figure in town" and she was in a bad place personally. She stated that he came at a time when she was vulnerable. She admitted sending him an explicit photo and telling him she was looking for a "sugar daddy." She testified that she did it in the hopes of deterring him from texting her further. Their texting continued and a few days later, Applicant sent C an eggplant emoji, which she understood to be a phallic symbol. She responded with an emoji of a girl making an X across her chest and face with her arms. She testified that her previous conversation with him did not sit well with her, so she attempted to end it via this emoji. She was not more explicit in her "no" because she "did not want to ruffle any feathers." Applicant testified that she never indicated that she did not appreciate the text exchange. The texts spanned over two years (2019-2021). It appears the content of the texts were turned over sometime during the arbitration proceedings. (GE 3 at 14-15, 30, 154-155)

- The arbitrator noted that, although Applicant could not recall any details about the alleged incidents, he was able to recall other specifics and details such as specific names of students he helped in previous years, where they lived, and the specific details surrounding the situation he helped with. (GE 3 at 16)
- Three witnesses from the IAs testified that DC misrepresented their statements in the reports and they did not have a chance to review the summaries of their interviews prior to having them included in the report. One person stated that Applicant had great rapport with the kids in the school and was always appropriate with girls. She stated all the adults used “adult language.” Others also praised his interactions with kids. (GE 3 at 18)

The adjudicator found S and C to be credible witnesses and that Applicant’s testimony that his texts with C were about “general stuff” neither convincing nor accurate. She found that he responded evasively and in an untruthful manner during his IA interviews; that he falsified a police record when he logged that he was at LA multiple times within a span of a few hours on three consecutive days in May; and that he made threatening comments to a school staff member. She found that Applicant’s language with the staff may have been inappropriate and not professional but may not have violated the sexual harassment policy. She concluded that the town established just cause to warrant Applicant’s termination and that the decision was commensurate with his offenses. (GE 3)

On October 10, 2025, the POST Commission issued an initial decision regarding Applicant’s police officer certificate. It states that Applicant failed to appear for the adjudicatory hearing, and that failure amounted to a default and a waiver of the right to an adjudicatory hearing. It further states that, apart from the hearing default, there is clear and convincing evidence that Applicant engaged in sexually harassing conduct toward a high school girl (S), threatened to kill the high schooler, and sexually harassed a college student (C) in the community. The hearing officer recommended Applicant’s police officer certificate be revoked by the Commission. (GE 6)

In his evidentiary finding, the hearing officer relied on the transcript of the arbitration hearing. He found that S’s testimony was more convincing than Applicant’s on the threat to kill her and on his sexually harassing comments, noting that there was no evidence showing a motivation for her to fabricate her claims. He also found C’s testimony more convincing than Applicant’s and noted that S and C have no connection to each other, making it all the more unlikely that both would be fabricating their claims. (GE 6)

On November 20, 2025, the POST Commission issued a final decision. They adopted the initial decision of the hearing officer on the default finding and the finding that Applicant was afforded the opportunity for a full and fair hearing. The Commission found, by clear and convincing evidence, that Applicant had “a pattern of unprofessional police conduct that may escalate, that he was terminated by his appointing agency for disciplinary reasons, and that any appeal of said termination has been completed.” It

further found, by clear and convincing evidence, that he “is not fit for duty as an officer and is dangerous to the public, and that he has repeated sustained internal affairs complaints for the same or different offenses.” Applicant’s certification was revoked. An individual cannot be hired or actively employed as a law enforcement officer in State X if they are not certified by POST. Applicant is now decertified, and a decertified officer cannot work for any law enforcement agency and is added to the National Decertification Index. (GE 4, 5; Tr. 66-67)

In his Answer, Applicant denied all allegations pertaining to S and C. He stated S had “a documented history of unfounded claims.” He stated that the falsifying-records allegations were due to a “procedural oversight regarding radio announcements” and that he used his mobile data terminal or cell phone to communicate location. He stated that his inability to recall details during the IA investigations was due to “the significant lapse in time.” Regarding SOR ¶ 1.b, he admitted that his certification was revoked but explained that he mistakenly thought the hearing was moot. He stated that he had never faced similar allegations in his 23-year career, that he has maintained stable work in the private sector since 2023, and he has been open and willing to discuss the investigation and termination throughout the security clearance investigation. (Answer)

Applicant submitted 30 letters of support in his Answer. More than half of the letters come from teachers, parents, friends, and other members of the community. They are effusive in their support of Applicant, praising how involved he was in improving people’s lives in the community and the positive impact he had on many townspeople, especially kids. They consistently describe him as professional, respectful, and appropriate, and they express very strong doubts about the allegations against him, many describing them as false or unfounded. Several blamed local politics for the allegations and investigation. Most recounted personal stories demonstrating how Applicant helped them or people they knew, and he is frequently described as a role model. (Answer)

Other letters in the Answer are from current work colleagues and those who have worked with him in a professional capacity. They consistently praise his strong work ethic and personability. He is described as trustworthy, honest, professional, and dependable. He is flourishing in his new career and has already earned an excellent reputation in his new field. His colleagues strongly recommend him for a security clearance. (Answer)

Applicant’s wife provided a letter of support. She stands by her husband and does not believe the allegations against him. She stated that the remarks he allegedly made do not align with how her husband speaks, and she had to look up some of the language attributed to him because she had never heard him say those things. She stated that she read the entire investigation, and she is firm that he did not do what he is accused of doing. She believes that there was a vendetta against him in the police department because the “people in power” did not like him. She stated that her husband is “a man of moral integrity and if he did what they said he did he would have admitted it and took ownership.” (Answer; Tr. 30-31)

Applicant submitted a personal statement. He expressed regret for failing to consistently call out on the radio when arriving at calls. He stated that he took full responsibility for “the lapses in judgment and the unprofessional language” he used. (AE A at 1) He denied the additional allegations of inappropriate behavior, stating that his conduct was always professional. He highlighted his career accomplishments, such as serving as an instructor on a variety of law enforcement skills and topics, which required endorsements from superiors. He trained incoming recruits at two police academies, where he received excellent evaluations and no complaints from recruits. He further noted that DC chose him to replace her as the school resource officer, with the recommendations of his former and current CPs. (AE A)

Applicant apologized for any lack of candor during the security clearance investigation and pledged absolute candor going forward. He has sought to grow from the experience and has “strictly adhered to all workplace policies, ethical standards, and organizational hierarchies.” He has completed all required ethics, compliance, and security training programs and has earned positive evaluations and recommendations from his recent employers. (AE A)

Applicant submitted four letters from current and prior supervisors in the private sector. Each stated that they were aware that Applicant was terminated from his prior employment “for allegations involving questionable judgment, dishonesty, and an unwillingness to follow orders.” Each stated that he has not demonstrated any of these behaviors while working for them, and that he has performed well. He submitted his 2025 year-end review, where his immediate supervisor praised his positive attitude, dedication, professionalism, and teamwork. His training record from his current employer reflects that he has taken dozens of courses since July 2025, including ethics. (AE B-D; Tr. 20-23)

Applicant submitted a letter from his therapist. She stated that he has been a client since September 2024. He started out with bi-weekly sessions and now comes intermittently. She stated he attended therapy voluntarily “to learn effective ways to positively reframe daily life stressors.” She stated he has made a great deal of progress, worked through past and present experiences, developed healthy and effective coping skills, and continues to work on improvement. She described him as “future oriented and motivated to focus on the positive reframing process.” (AE E; Tr. 23-25)

At the hearing, Applicant remembered his interview with C. He confirmed that he knew her because C was his daughter’s karate instructor. He testified that, even though C said he put his hands on her neck, no one ever procured video of that incident, even though the police department and its parking lot all have cameras. He did not recall touching her on the back, stating he always kept people at a distance. He stated they knew each other before the interview and had texted before the interview. He denied making comments to her at the gym, stating that he does not talk to anyone at the gym because he is always focused on his workout. He also denied making the waxing comment to C. (Tr. 26-28, 52-54, 58-59)

Applicant testified that he did not remember that he had exchanged texts with C until the investigation happened. He admitted texting with her, but he could not say how they started and he denied reaching out to C first. He admitted it was horrible judgment to text with her. Applicant confirmed that half of the text messages between him and C were not handed over until the end of arbitration. He stated that in those text messages, she was soliciting him and two other men for money. He stated that his attorney wanted all of the text messages submitted into evidence, but the other side did not. He stated that C admitted at the arbitration that she had deleted most of the text messages. (Tr. 29-32, 54-57)

Applicant denied S's allegations, stating that, although he did not remember making the comment, if he made the statement about killing her, it was probably a joke. At the hearing, he remembered giving S rides to or from school in his cruiser. He stated every time it happened, it should have been documented. He stated he never used the term "BBC" with S, and that he had to look it up to see what it was. He stated that he and his wife, a school teacher, would open their home to "all the kids," but he never invited a person to his house while his family was gone. He did not recall complimenting S, but he did observe her start to avoid him at school. He attributed it to a conversation he had with S where she commented that a police officer from a different department was "cute," and Applicant scolded her not to bother that officer and that the officer was way too old for her. (Tr. 26-28, 37-41)

Applicant discussed the argument he had with a teacher about how she disciplined a student. He did not think she was harsh enough with the student. He admitted to leaving her a voicemail stating that he would stay away from her. He disputed her testimony that this caused her to be fearful of him because he knew her a long time and she "would brag about how she could ruin people's lives and take their careers." (Tr. at 44) He described the voicemail as "horrible judgment on my part" and "one of the dumbest things I ever did." (Tr. at 44) He stated he let the heat of the moment get to him when he left the voicemail. (Tr. 42-45)

Applicant testified that he only went over to LA when they needed him. He stated that M would be the main person who would call him, but there were others at LA who would call him as well. He agreed that he did not always properly document his visits to LA and other schools. He disagreed that anyone at LA ever told him to stop spending so much time with K. He explained that the picture he had of her was of her in a Coast Guard t-shirt, which she gave to him to show him what she was doing to "spice up" her marriage. He stated his locker was open and he never hid the picture. (Tr. 45-49)

Applicant raised several issues with the IA investigations and the arbitration hearing. He stated that he was so "shell-shocked" and nervous when he was being interviewed that he genuinely could not recall things, but he was not trying to lie or avoid questions. He did not think DC or his attorney pulled the dispatch records and call logs pertaining to his locations. He pointed out that CP admitted in arbitration that he had not fully read both reports before recommending Applicant's termination. He stated he

requested three witnesses be interviewed, but “they” (it is unclear if he means DC, his own attorney, or both) did not reach out to two of them. The third witness testified on his behalf at the arbitration hearing. He stated he wanted other students to be interviewed to refute S’s allegations, but other students were not interviewed or called to testify at the arbitration hearing. (Tr. 25-28, 50, 52, 62)

Applicant testified that his union attorney could not represent him for the POST hearing because it fell outside the scope of union representation and he did not have the money to afford a private attorney. The attorney told him “you don’t have to go to any of these anymore.” (Tr. at 33) The attorney said they were going to decertify Applicant anyway, and instead of putting his family through more stress, he could just not show up. The attorney told him that Applicant could stop answering all communication from the POST Commission. Applicant expressed regret at not having participated since it has now been brought up in the security clearance adjudication. (Tr. 32-34, 68-70)

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 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*, 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 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 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(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; 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:

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

Applicant was accused of numerous acts of sexual harassment, falsifying police records, making inappropriate sexual advances and suggestive comments, and of being untruthful during the investigation into the accusations. The investigations and evidence were reviewed by his employer, who determined that his actions warranted termination. The matter was brought to arbitration, where numerous witnesses testified and were cross-examined by Applicant's attorney, and additional evidence, including text messages, was produced. The arbitrator found that Applicant's employer established just cause to warrant his termination and that the decision was commensurate with his offenses. Finally, the POST Commission reviewed the evidence from the arbitration, including the transcript, and concluded that, based on his actions, Applicant's certification should be revoked. AG ¶¶ 16(d) and 16(e) are established.

The following mitigating conditions are relevant:

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;

AG ¶ 17(e): the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress; and

AG ¶ 17(f): the information was unsubstantiated or from a source of questionable reliability.

Applicant raised several issues he had with the investigation and arbitration proceeding. I have considered these; however, I do not believe these concerns would have had a substantial impact on the conclusions of the investigator, the town manager, the arbitrator, or the POST Commission. There is ample evidence that he was a beloved figure in his community and that he did a great deal of good as a police officer, a job he clearly loved. These facts do not disprove the allegations against him. If anything, they may have contributed to a sense of being untouchable and led to some of his more brazen actions. The evidence against him was substantiated, and the witnesses against him were consistently found to be more credible than he was. AG ¶ 17(f) is not established.

Applicant has excelled in his new field and has striven for self-improvement through therapy and personal reflection. At the hearing, Applicant accepted some responsibility for his texts with C, which, while an improvement over his responses during the IA, warrants nominal credit, as the existence of incontrovertible documentary evidence left him with little alternative. Beyond those admissions and some other more minor admissions regarding the police records, his hearing testimony and prior statements are still significantly lacking in credibility. His false statements and omissions during the SI further aggravate the credibility concern. Without a greater acknowledgment of his mistakes and what led to them, the positive steps he has taken in recent years are not fully mitigating. AG ¶¶ 17(d) and 17(e) are not established.

The offenses were not minor—in fact, the town manager noted that any one of them alone would have warranted termination. The investigation concluded less than three years ago, and his refusal to be fully forthcoming is an ongoing concern that casts doubt on his reliability, trustworthiness, and good judgment. AG ¶ 17(c) is not established.

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 Guideline E in my whole-person analysis and considered the factors in AG ¶ 2(d). I also considered Applicant's favorable character evidence, particularly the impressive number of detailed, impassioned letters of support, the positive impact he has had on his community, his decades of public service, and his excellent work performance in the private sector. However, I did not find Applicant's testimony pertaining to the facts of his case to be credible. Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant has not 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 section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline E:	AGAINST APPLICANT
Subparagraphs 1.a-1.b:	Against Applicant

Conclusion

I conclude 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.

A. M. Driskill
Administrative Judge