



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 15-04160
)
Applicant for Security Clearance)

Appearances

For Government: Chris Morin, Esq., Department Counsel
For Applicant: *Pro se*

05/01/2017

Decision

RICCIARDELLO, Carol G., Administrative Judge:

On March 23, 2016, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline G, alcohol consumption, and Guideline J, criminal conduct. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on September 1, 2006.

Applicant responded to the SOR on April 20, 2016, and requested a hearing before an administrative judge. The case was assigned to me on January 24, 2017. The hearing was held as scheduled on April 20, 2017. On April 24, 2017, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

Applicant was diagnosed with alcohol dependency in 2009 and continued to consume alcohol until March 2015. In 2014, he and his wife had an argument; the police were contacted; and Applicant was arrested. There is no evidence of physical abuse.

Alcohol was not involved. The case was never prosecuted and the charge was expunged.

After several failed attempts to maintain sobriety, Applicant voluntarily participated in inpatient alcohol rehabilitation treatment. He successfully completed it. He reached a turning point in his life and surrendered himself to a higher power. He changed his priorities in life. He is an active participant in Alcoholics Anonymous and has been sober for two years. He and his wife attended counseling and have a healthy relationship. He was sincere and honest during his hearing. Applicant is committed to his sobriety.

Based on the record evidence as a whole, I conclude that the security concerns are mitigated under the following mitigating conditions: AG ¶¶ 23(a), 23(b), 30(a), and 30(d).

The concerns over Applicant's past alcohol abuse and criminal conduct do not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to continue his eligibility for access to classified information. This case is decided for Applicant.

Carol G. Ricciardello
Administrative Judge