



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 15-02768

**Appearances**

For Government: Caroline E. Heintzelman, Esq., Department Counsel  
For Applicant: *Pro se*

04/02/2018

**Decision**

HARVEY, Mark, Administrative Judge:

Applicant had three arrests for alcohol-related driving offenses from 1998 to 2011. He was diagnosed with alcohol abuse, and his therapist recommended he abstain from alcohol consumption. He continues to consume alcohol. Security concerns under Guideline G (alcohol consumption) are not mitigated. Eligibility for access to classified information is denied.

**Statement of the Case**

On June 13, 2013, Applicant completed and signed a Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). Government Exhibit (GE) 1. On June 16, 2017, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. The SOR set forth security concerns arising under the financial considerations guideline. Hearing Exhibit (HE) 2.

On July 27, 2017, Applicant provided a response to the SOR, and he requested a hearing. HE 3. On August 24, 2017, Department Counsel was ready to proceed. On

August 28, 2017, the case was assigned to me. On November 8, 2017, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for November 29, 2017. HE 1. Applicant's hearing was held as scheduled.

During the hearing, Department Counsel offered six exhibits; Applicant offered two exhibits; there were no objections; and all proffered exhibits were admitted into evidence. Transcript (Tr.) 20-23; GE 1-6; Applicant Exhibit (AE) A-AE B. On December 7, 2017, DOHA received a copy of the hearing transcript. On December 21, 2017, Applicant provided three exhibits, which were admitted without objection. AE E-AE G. The record closed on January 30, 2018. Tr. 34, 36.

### **Findings of Fact<sup>1</sup>**

In Applicant's SOR response, he partially or fully admitted conduct alleged in SOR ¶¶ 1.a through 1.d. HE 3. He also provided mitigating information. HE 3.

Applicant is a 34-year-old employee of a government contractor who has worked as a builder and designer of sensors for 16 years. Tr. 5-6, 8; GE 1. In 1991, Applicant graduated from high school. Tr. 6. In 1996, he received a bachelor's degree in electrical engineering, computer science, and computer engineering. Tr. 6. In 2001, he was awarded a Ph.D. in electrical engineering. Tr. 6. He has never served in the U.S. military. Tr. 7. In 2007, he married, and his children are ages 4 and 15. Tr. 7. His daughter has a medical problem, and has difficulty moving her body, seizures, and difficulty breathing after seizures. HE 3. Applicant feels great stress because of his daughter's medical issues, and he had received therapy to address stress and learn coping mechanisms. HE 3.

### **Alcohol Consumption**

Applicant consumed alcohol from middle school through high school and college. Tr. 25. HE 3 (SOR ¶ 1.a). He did not recall any arrests involving alcohol prior to February 1998. Tr. 25. In February 1998, when Applicant was 25 years old, he was upset on the anniversary of learning of his mother's leukemia diagnosis, and he consumed alcohol before driving. Tr. 26. He was speeding, observed a police car, and panicked. Tr. 26. He attempted to evade the police officer. Tr. 26. He "rear-ended" a parked car, and the police arrested him for operating a vehicle while intoxicated (OVWI), reckless operation of a motor vehicle, failure to follow police officer signals, and "[lack of] reasonable control [of a motor vehicle]." Tr. 26; HE 3 (SOR ¶ 1.d). He did not remember the breathalyzer result. Tr. 27. He received some alcohol-awareness classes. Tr. 27. He was convicted of OVWI and "[lack of] reasonable control [of a motor vehicle]." HE 3 (SOR ¶ 1.d); GE 4 at 8. He was ordered to pay a fine; his driver's license was suspended for six months; and he was placed on probation. HE 3 (SOR ¶ 1.d). He did not remember the length of his probation. Tr. 27. He did not change his alcohol consumption after the 1998 OVWI arrest. Tr. 30. He

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<sup>1</sup> Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

said the 1998 OVWI arrest was the first time he drove while under the influence of alcohol. Tr. 28.

In October 2003, Applicant consumed eight beers during a golf outing. Tr. 28. He was in a swing at his brother's house, and he off of the swing twice. Tr. 29. He drove away; he was speeding; and he drove through a yellow light. Tr. 29. He was arrested for driving while under the influence of alcohol (DWI). Tr. 29-30; HE 3 (SOR ¶ 1.c). He did not recall his breathalyzer test result. Tr. 30. The court record showed a .134 blood test. GE 4 at 6. He was convicted of DWI; he was fined; his driver's license was suspended for 180 days; and he was sentenced to 180 days in jail with 177 days suspended. Tr. 30, 34; HE 3 (SOR ¶ 1.c). He stopped consuming alcohol for three years after his 2003 DWI arrest. Tr. 30. He was concerned that he might be dependent on alcohol; however, later he learned that was not the case. Tr. 31.

Applicant attended an alcohol-awareness class after his 2003 DWI. Tr. 31. Applicant disagreed with the content of a March 2013 Office of Personnel Management (OPM) personal subject interview (PSI) that indicated he was diagnosed with alcoholism at a facility where he received treatment. Tr. 31. He believed that the person who told him that he was suffering from alcoholism was a volunteer that did not have the license or qualifications to make a credible diagnosis. Tr. 32. Applicant's personal assessment was that he was probably alcohol dependent in 2003. Tr. 34. After his 2003 DWI, he attended Alcoholics Anonymous (AA) meetings for about two years. Tr. 42. He stopped attending AA meetings because they did not address his underlying feelings. Tr. 43.

In 2007, Applicant resumed his alcohol consumption, and he attributed his inability to deal with negative emotions as the cause of his resumption of alcohol consumption. Negative emotions continued to affect his decisions regarding alcohol consumption. Tr. 35. He described his alcohol consumption at times as self-medication. Tr. 36. He did not recall anyone telling him about their concern that he was consuming excessive amounts of alcohol. Tr. 36.

In September 2011, Applicant was at a retirement party drinking beer. Tr. 36. He does not recall how much beer he drank. Tr. 36. The police stopped Applicant's vehicle because of speeding. Tr. 38. Applicant refused a breathalyzer test. Tr. 38. He refused the breathalyzer because he believed it would be in his best interest. Tr. 38. The police arrested him for OVWI and refusing a breathalyzer. Tr. 38; HE 3 (SOR ¶ 1.b). In December 2011, Applicant was convicted of these offenses. Tr. 38; GE 4. The court sentenced him to pay a \$1,000 fine; his license was suspended for one year; he was sentenced to 90 days in jail with 87 days suspended; and he was placed on probation. Tr. 38-39; GE 4. He was not allowed to consume alcohol during probation, and he did not suffer from withdrawal from alcohol consumption. Tr. 39. He successfully completed probation. Tr. 39. He did not have an alcohol-interlock device on his vehicle. Tr. 40.

Applicant said he attended AA meetings for about six months after his 2011 OVWI. Tr. 43. He stopped attending AA meetings because they did not resolve his underlying feelings. Tr. 43. He received alcohol-related counseling from the fall of 2011 to about December 2013. Tr. 41. He resumed alcohol-related counseling in April 2017 after

receiving interrogatories from DOHA. Tr. 41-42. He did not receive any alcohol-related counseling from December 2013 to April 2017. Tr. 42. After April 2017, he met with his alcohol counselor about three times. Tr. 45.

In 2014 or 2015, Applicant resumed his alcohol consumption, and he said he limited that consumption to three beers. Tr. 44. He did not ask his alcohol-counselor whether she agreed with his decision to resume alcohol consumption. Tr. 44. He resumed his alcohol consumption because he believed his treatments for thyroid problems, weight loss, and resolution of his emotional issues reduced his desire to consume alcohol. Tr. 45. His marriage improved after he ended his viewing of pornography for sexual gratification about 30 months ago. Tr. 52-55. He did not view child pornography on purpose; however, "it may have occurred on accident." Tr. 53. He believed the treatment for his thyroid reduced the impact of his bipolar disorder on his decisions to excessively consume alcohol. Tr. 47-48.

Applicant believed his diagnosis was "alcohol abuse due to complicated grief." Tr. 48. He disagreed with a diagnosis of "alcoholism." Tr. 48. His intention is to continue his alcohol consumption at a moderate level. Tr. 49. He denied exceeding his three-beer limit or any alcohol-related incidents with the police or courts after his 2011 OVWI. Tr. 49. He consumed two beers four days before his hearing. Tr. 50. He believes it is alright for him to drive after consuming one beer if several hours elapse after consuming the beer before driving. Tr. 107-108.

Applicant considered continued access to classified information as more important than continuing to consume alcohol, and in April 2017, he told his therapist that he would choose to abstain from alcohol consumption over loss of his security clearance. Tr. 87. At that time, he decided to continue to consume alcohol because he rationalized stopping alcohol consumption might imply that he believed he had a bona fide problem with alcohol consumption. Tr. 87-89. He consulted counsel about abstaining from alcohol consumption, and the lawyer said it would not be a long enough time to help his case. Tr. 107. He said in the future he would abstain from alcohol consumption if his access to classified information were contingent on his not consuming alcohol. Tr. 50, 87. His therapist believed that if the Government told him to stop drinking alcohol or he would lose his clearance, he would have done so. Tr. 89-90.

A licensed professional clinical counselor and licensed chemical dependency counselor indicated Applicant's inability to cope with overwhelming emotion led to his excessive alcohol consumption as a coping mechanism. Tr. 58; HE 3, Ex. O, resume. She initially diagnosed Appellant with bipolar disorder, and she continues to believe that diagnosis is accurate. Tr. 71. "[A]lcohol exacerbates symptomology," and that applies more when a person suffers from depression. Tr. 77. He has "thought errors" that are "grandiose, somewhat narcissistic." Tr. 71. He suffered from lack of impulse control, and feelings of numbness, and he sought heightened experience from something like pornography. Tr. 69. The lack of impulse control is shown by his viewing pornography and his extramarital affair. Tr. 72.

His therapist said, “[t]he three DUIs did put [Applicant] within the parameters of what we considered . . . alcoholism, or what we would now consider an alcohol dependence.” Tr. 59, 72. She advised Applicant to abstain from alcohol consumption. Tr. 72. In December 2013, Applicant stopped attending treatment; however, she recommended that he continue treatment as needed. Tr. 74. In 2013, she recommended that he continue to abstain from alcohol consumption. Tr. 75. She was not aware that he resumed alcohol consumption in 2014 or 2015. Tr. 75. When he came to see her again in April 2017, she was concerned when he revealed he had resumed alcohol consumption. Tr. 76. From April 2017 to November 2017, she met with Applicant five times. Tr. 76. Her only source of information after April 2017 about Applicant’s alcohol consumption has come from Applicant. Tr. 77.

Applicant’s therapist believed the reason he could not recall more information about his alcohol consumption or his breathalyzer results for his first two alcohol-related arrests is that he has a tendency to “whitewash those memories.” Tr. 79. As part of his thought errors, he alters his memories to avoid appearing in a bad light. Tr. 79. He restructures events to help him rationalize so that it becomes a good choice. Tr. 80.

Under current DSM-V criteria, Applicant meets the criteria for past alcohol abuse, although he does not have the compulsion to consume alcohol or suffer from alcohol withdrawal. Tr. 59. Applicant has shown improvement in multiple areas of his life, and he is making satisfactory progress in his current treatment program. Tr. 62, 64. His coping mechanisms for handling stress have improved. Tr. 64. Treatment for his thyroid has reduced his fatigue, general malaise, inability to cope effectively, and depression. Tr. 66-67. Applicant’s prognosis is optimistic, and she believes he is “an excellent candidate for positive outcomes.” HE 3, Ex. B.

## **Character Evidence**

A witness who has known Applicant professionally and socially for 16 years described him as increasingly mature, great attention to detail, exceptionally competent, trustworthy, and instrumental in the company’s success. Tr. 92-96. His alcohol consumption has never compromised his work. Tr. 96.

The general sense of the statement of Applicant’s coworkers, Pastor, and Minister is that he is diligent, law abiding, honest, reliable, trustworthy, conscientious, professional, loyal, and responsible. HE 3, Ex. C-N. He makes significant contributions to his company and to the national defense. He drinks at most two or three beers at social events. HE 3, Ex. G. However, his Pastor said that after his 2011 alcohol incident “he quit drinking and has remained sober since that time.” HE 3, Ex. H.

## **Policies**

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no 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 applicant’s 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, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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, these guidelines are applied 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, 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 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 “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and DNI have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the applicant’s personal or professional history that may disqualify the applicant for eligibility 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. 95-0611 at 2 (App. Bd. May 2, 1996).

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 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). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sept. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

## Analysis

### Alcohol Consumption

AG ¶ 21 articulates the Government's concern about alcohol consumption, "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."

AG ¶ 22 lists seven conditions that could raise a security concern and may be disqualifying in this case including:

- (a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder;
- (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;
- (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder;
- (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;
- (e) the failure to follow treatment advice once diagnosed;
- (f) alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder; and
- (g) failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

AG ¶¶ 22(a) and 22(c) apply. Applicant's three alcohol-related incidents involving the police and the courts occurred from 1998 to 2011. His BAC for the 2003 DUI was .134. He could not remember his BAC for his 1998 DUI, and he refused a breathalyzer for his 2011 DWI. His BAC level of .134 establishes that he engaged in binge alcohol consumption to the extent of impaired judgment.<sup>2</sup>

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<sup>2</sup> "Binge drinking is the most common pattern of excessive alcohol use in the United States." See the Center for Disease Control website, (stating "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 grams percent or above. This typically happens when men consume 5 or more drinks, and when

AG ¶ 23 details conditions that could mitigate security concerns including:

- (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 judgment;
- (b) the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;
- (c) the individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and
- (d) the individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Security clearance cases are difficult to compare, especially under Guideline G, because the facts, degree, and timing of the alcohol abuse and rehabilitation show many different permutations. The DOHA Appeal Board has determined in cases of substantial alcohol abuse that AG ¶ 23(b) did not mitigate security concerns unless there was a fairly lengthy period of abstaining from alcohol consumption. See ISCR Case No. 06-17541 at 3-5 (App. Bd. Jan. 14, 2008); ISCR Case No. 06-08708 at 5-7 (App. Bd. Dec. 17, 2007); ISCR Case No. 04-10799 at 2-4 (App. Bd. Nov. 9, 2007). See *also* ISCR Case No. 08-04232 (App. Bd. Oct. 9, 2009) (affirming denial of security clearance for Applicant with alcohol-related criminal offenses for six years prior to hearing). For example, in ISCR Case No. 05-16753 at 2-3 (App. Bd. Aug. 2, 2007) the Appeal Board reversed the administrative judge's grant of a clearance and noted, "That Applicant continued to drink even after his second alcohol-related arrest vitiates the Judge's application of MC 3."

In ISCR Case No. 05-10019 at 3-4 (App. Bd. Jun. 21, 2007), the Appeal Board reversed an administrative judge's grant of a clearance to an applicant (AB) where AB had several alcohol-related legal problems. However, AB's most recent DUI was in 2000, six years before an administrative judge decided AB's case. AB had reduced his alcohol consumption, but still drank alcohol to intoxication, and sometimes drank alcohol (not to intoxication) before driving. The Appeal Board determined that AB's continued alcohol consumption was not responsible, and the grant of AB's clearance was arbitrary and capricious. See *also* ISCR Case No. 04-12916 at 2-6 (App. Bd. Mar. 21, 2007) (involving

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women consume 4 or more drinks, in about 2 hours."), <https://www.cdc.gov/alcohol/fact-sheets/binge-drinking.htm>. There are other definitions of "binge alcohol consumption."



case with most recent alcohol-related incident three years before hearing, and reversing administrative judge's grant of a clearance).

I have carefully considered the Appeal Board's jurisprudence on alcohol consumption and Applicant's history of alcohol consumption. He began consuming alcohol, with breaks as long as three years, from 1985 to present. In 1998 and 2011, he was convicted of OVWI, and in 2003, he was convicted of DWI. He was diagnosed with alcoholism, alcohol abuse, or alcohol dependence under the *Diagnostic and Statistical Manuals of Mental Disorders* (DSM) IV-TR, or alcohol use disorder under DSM-V.<sup>3</sup>

Several factors weigh against mitigation of alcohol consumption security concerns: (1) Applicant's three alcohol-related driving offenses; (2) his reluctance to forswear his alcohol consumption; (3) his binge alcohol consumption to the extent of a .134 BAC in 2003; (4) his diagnosis with alcohol dependence, alcoholism, or alcohol abuse; and (5) he believes he can safely drive after drinking one beer.<sup>4</sup> His therapist's psychological assessment increases alcohol consumption concerns as he suffers from bipolar disease, impulsiveness, and tends to rationalize decisions that objectively show poor judgment. His therapist advised him to abstain from alcohol consumption; he went to AA meetings where abstention was emphasized; and he convinced himself it was fine to continue his alcohol consumption. I have lingering doubts about Applicant's current reliability, trustworthiness, and good judgment. Alcohol consumption security concerns are not mitigated.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all 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

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<sup>3</sup>The criteria for "alcohol abuse" and "alcohol dependence" are drawn from the *Diagnostic and Statistical Manuals of Mental Disorders* (DSM) DSM-IV-TR, which was in effect when the Adjudicative Guidelines were issued in 2006. In May 2013, the APA issued the 5th edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5). The criteria in DSM-IV-TR for alcohol dependence and in DSM-5 for alcohol use disorder (AUD) are objective, well established, and rely primarily on self-reports and descriptions. DSM-5 integrates the two DSM-IV disorders, alcohol abuse and alcohol dependence, into a single disorder called alcohol use disorder (AUD) with mild, moderate, and severe sub-classifications. DSM-IV-TR and DSM-5 are used throughout the medical and legal communities to determine alcohol dependence and AUD severe, which have the same criteria. AUD-moderate overlaps with both alcohol abuse and alcohol dependence. The alcohol consumption guideline does not incorporate DSM remission criteria and leaves mitigation to a case-by-case determination.

<sup>4</sup> The non-SOR facts about the alcoholism or alcohol abuse diagnosis, failure to follow treatment advice, belief he can drive after drinking one beer, and continued consumption of alcohol, were not considered for disqualification purposes. They were considered for assessment of mitigation, rehabilitation, and under the whole-person concept.

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

Under AG ¶ 2(c), “[t]he 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. “In evaluating an applicant’s case, a Judge must carefully consider the record as a whole. This includes not only considering the extent to which an applicant’s circumstances raise concerns about his or her reliability but also giving fair consideration of the applicant’s mitigating evidence.” ISCR Case No. 12-09900 at 3 (App. Bd. Dec. 7, 2016) (citing ISCR Case No. 15-00424 at 2-3 (App. Bd. Apr. 20, 2016)). My comments under Guideline G are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is a 34-year-old employee of a government contractor who has successfully worked as a builder and designer of sensors for 16 years. In 1991, Applicant graduated from high school. In 1996, he received a bachelor’s degree in electrical engineering, computer science, and computer engineering, and in 2001, he was awarded a Ph.D. in electrical engineering. Applicant’s daughter has a medical problem, and has difficulty moving her body, seizures, and difficulty breathing after seizures. Applicant feels great stress because of his daughter’s medical issues, and he had received therapy to address stress and learn coping mechanisms.

Applicant presented compelling character evidence. The general sense of the statements of Applicant’s coworkers, Pastor, and Minister is that he is increasingly mature, exceptionally competent, diligent, law abiding, honest, reliable, trustworthy, conscientious, professional, loyal, and responsible. He makes significant contributions to his company and to the national defense. His alcohol consumption has never compromised his work.

The evidence weighs against grant of access to classified information: (1) Applicant’s three alcohol-related driving offenses in 1998, 2003, and 2011; (2) his reluctance to forswear his continued alcohol consumption; (3) his binge alcohol consumption to the extent of a .134 BAC in 2003; (4) his diagnosis with alcohol dependence, alcoholism, or alcohol abuse; (5) his refusal to accept the diagnosis of alcohol abuse; and (6) he believes he can safely drive after drinking one beer. It is difficult to rule out alcohol-related judgment errors in the future, and his alcohol consumption raises ongoing questions about his reliability and trustworthiness. See AG ¶ 21.

It is well settled that once a concern arises regarding an applicant’s security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance. See *Dorfmont*, 913 F. 2d at 1401. Unmitigated Guideline G security

concerns lead me to conclude that grant of a security clearance to Applicant is not warranted at this time.

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude that Guideline G security concerns are not mitigated, and it is not clearly consistent with the national interest to grant Applicant security clearance eligibility at this time.

### **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 G:	AGAINST APPLICANT
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Subparagraphs 1.a through 1.d:	Against Applicant
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### **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 or reinstate Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

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MARK HARVEY  
Administrative Judge