



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



In the matter of:)
)
) ISCR Case No. 17-02687
)
Applicant for Security Clearance)

Appearances

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

05/23/2018

Decision

TUIDER, Robert, Administrative Judge:

On August 17, 2016, Applicant submitted a Questionnaire for National Security Positions (SF-86). On August 30, 2017, after reviewing the application and information gathered during a background investigation, the Department of Defense (DOD) Consolidated Adjudications Facility, Fort Meade, Maryland, sent Applicant a statement of reasons (SOR), explaining it was unable to find that it was clearly consistent with the national interest to grant her eligibility for access to classified information.¹ The SOR detailed the factual reasons for the action under the security guideline known as Guideline G for alcohol consumption. Applicant timely answered the SOR and requested a hearing.

¹This case is adjudicated under Executive Order (EO) 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), which became effective on June 8, 2017.

On March 20, 2018, the case was assigned to me. On May 10, 2018, the hearing was held as scheduled. After reviewing Applicant's hearing transcript, evidence, and post-hearing evidence, I emailed the parties indicating that this case was appropriate for a summary disposition in Applicant's favor. Applicant did not object. Department Counsel had 10 days to consider the matter and provided written notice that Department Counsel did not object.

Applicant's SOR alleged allegations under Guideline G, consisting of two driving under the influence (DUI) arrests that occurred in 2015 and 2016. A duly qualified medical health professional determined that she did not have a substance abuse handicap and did not recommend her for any additional treatment. Since her second DUI arrest in 2016, Applicant quit drinking and adopted a lifestyle consistent with sobriety to include hobbies and activities that do not involve alcohol.

Applicant successfully held a secret clearance for the past 12 years, honorably served in the U.S. Marine Corps for ten years, and has an excellent reputation for trustworthiness. Based on the record evidence as a whole, I conclude that Department Counsel presented sufficient evidence to establish the facts alleged in the SOR under Guideline G. I also conclude that Applicant presented sufficient evidence to explain, extenuate, or mitigate the facts admitted by Applicant or proven by Department Counsel. In particular, I conclude that the alcohol consumption security concerns are resolved in whole or in part under the mitigating conditions AG ¶¶ 23(a) and 23(b).

The concerns over Applicant's history of alcohol consumption do not create doubt about her 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 or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, Applicant met her ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant her eligibility for access to classified information. This case is decided for Applicant.

Robert Tuider
Administrative Judge