



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



In the matter of:
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Applicant for Security Clearance)

ISCR Case No. 24-01429

Appearances

For Government: George A. Hawkins, Esq., Department Counsel
For Applicant: *Pro se*

08/25/2025

Decision

BLAZEWICK, R. B., Administrative Judge:

Applicant did not mitigate the security concerns under Guidelines F (Financial Considerations), G (Alcohol Consumption), and J (Criminal Conduct). The security concerns under Guideline E (Personal Conduct) were mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On November 15, 2024, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines F, G, J, and E. Applicant responded to the SOR on December 26, 2024 (Answer) and requested a decision on the written record in lieu of a hearing. The Government's written case was submitted on January 27, 2025. A complete copy of the file of relevant material (FORM) was provided to Applicant, who was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns. Applicant received the FORM on February 11, 2025. He timely submitted documentation which I labeled as Applicant's Exhibit (AE) A. The case was assigned on May 30, 2025. The Government exhibits included in the FORM and AE A are admitted in evidence without objection.

Findings of Fact

The SOR alleges Applicant has six delinquent debts totaling \$11,262 (SOR ¶¶ 1.a – 1.f); that he was arrested in 2021 for disorderly conduct and criminal trespass for an incident in which he was intoxicated (SOR ¶¶ 2.a, 3.b, 4.a); that he was arrested in 2020 for driving under the influence (DUI) (SOR ¶¶ 2.b, 3.b, 4.a); that he was arrested in 2013 for DUI (SOR ¶¶ 2.c, 3.b, 4.a); and that he was arrested in 2023 for assault (SOR ¶¶ 3.a, 4.b). In his Answer, he denied five of the financial allegations and admitted the remaining allegations.

Applicant is 34 years old. He graduated from high school in 2010. He has never married and has no children. He has been employed by a defense contractor since August 2023. He was previously unemployed from December 2022 to August 2023, April 2020 to December 2021, August to November 2019, June 2017 to January 2018, and September 2013 to May 2014. (Item 3; AE A)

Financial Concerns

Applicant did not report any financial issues on his 2023 security clearance application (SCA). When initially interviewed by a government investigator in 2023 (SI), he was confronted with his delinquent debts, including all six listed on the SOR. He only recognized one account, the account which he admitted to in his Answer (SOR ¶ 1.b), which is a debt incurred for breaking a lease. He stated that he intended to make payments on that debt once he was financially stable. For the remaining debts alleged on the SOR, he told the investigator that he did not know what they were. He stated that he was struggling due to unemployment but that he intended to pay all his bills on time once he has a job. (Items 3, 5)

In a follow-up interview, Applicant explained the first debt (SOR ¶ 1.a) is the balance on a vehicle loan for a vehicle that was totaled in 2017. He was not aware his insurance never paid the entirety of the remaining balance of the loan. He stated the second debt (SOR ¶ 1.c) was a retail credit card; the third debt (SOR ¶ 1.d) was another retail credit card; the fourth debt (SOR ¶ 1.e) was a bank credit card; and the fifth debt (SOR ¶ 1.f) was another bank credit card. He stopped paying all the credit cards in 2017 when he was unemployed. Notably, he listed three periods of unemployment on his SCAs, specifically December 2022 to August 2023, August 2019 to November 2019, and June 2017 to January 2018, that were due to his decision to leave his employment, rather than due to a circumstance beyond his control such as a layoff. He told the investigator that he intended to work with a debt consolidation company at some point to get all the debts paid, but he did not have a timeline on when that would happen. (Item 5)

In his May 2024 response to government interrogatories, Applicant reported that he had not paid any of the listed debts. He blamed job instability as the primary reason for his financial issues, explaining that his vehicle was totaled right after he moved to a new city in 2017, which compounded his financial issues while he searched for work. He

also stated that, after finding a job in the new city, he was laid off in 2019¹ and unable to pay his lease, so he moved out two months before the lease ended. He expressed a desire to work overtime in order to be more financially stable, and he hoped that he would have a debt resolution in place by September 2024. He provided a budget, which reflects a negative net monthly balance of \$803, but \$5,000 in bank savings and \$13,000 in cryptocurrency. (Item 4)

SOR ¶¶ 1.a – 1.f are all listed as alleged on the February 2024 CBR. Only SOR ¶ 1.b is listed on the October 2024 CBR. (Items 6, 7)

In his Answer, Applicant admitted SOR ¶ 1.b, stating his plan is to have the debt paid off by the end of 2025. He denied the remaining SOR debts, stating for each one that the account was removed from his “credit file” in October 2024 and “therefore I am no longer indebted.” He also submitted a letter stating, in part, that he had “refined [his] spending habits to better live within [his] means.” (Answer)

AE A is a February 2025 SCA. In the financial section, Applicant reported all six delinquent debts alleged on the SOR. He stated that he had not yet taken action on the broken lease debt but he still intended to address it within the next year or two. For the remaining debts, he stated that he experienced financial hardship after his truck was totaled in 2017 and he could not find steady employment. For each one, he again stated that the account was erased from his credit file in 2024 and therefore he is no longer indebted. (AE A)

Alcohol Consumption, Criminal Conduct, and Personal Conduct

Applicant was arrested in October 2013 for DUI – liquor/drugs/vapors, DUI – liquor blood alcohol concentration (BAC) .08 or more, and speeding (SOR ¶ 2.c). Prior to the stop, he was observed speeding and swerving left and right, almost hitting the median several times. He took two breath tests, resulting in BAC readings of .149 and .144. He pled guilty to DUI – liquor/drugs/vapors and the remaining charges were dismissed. He was sentenced to 16 hours of alcohol education classes and fined. (Items 5, 16, 17)

Applicant was arrested in October 2020 for DUI – liquor/drugs/vapors, DUI – with alcohol concentration exceeding .08, and DUI – extreme .15 or above (SOR ¶ 2.b). He was in a severe car accident and had a BAC of .17. In his 2023 SCA, he pointed out several times that he was not at fault for the accident. He pled guilty to DUI – with alcohol concentration exceeding .08, and the remaining charges were dismissed. He was fined, ordered to complete 36 hours of alcohol education/treatment, and sentenced to 30 days of confinement: 15 days suspended, one day of incarceration, and 14 days of house arrest. (Items 3, 5, 11-15)

In order to satisfy the 36 hours of court-ordered alcohol education/treatment, on April 29, 2021, Applicant was ordered to obtain substance abuse screening and treatment, and to report no later than June 29, 2021. He was then ordered to alcohol

¹ In his 2023 SCA, Applicant said the reason for leaving his job in 2019 was because he had to move back to his hometown to help his family.

treatment to begin on July 20, 2021, with an estimated completion date of April 20, 2022. He was found non-compliant with that order on April 25, 2022. He was then ordered to alcohol treatment on May 11, 2022, with an estimated completion date of November 14, 2022. On November 16, 2022, that order was vacated, and he was then ordered to start treatment that day, with an estimated completion date of February 16, 2023. He was found compliant with the order on January 27, 2023. In his August 2023 SI, he stated this was all online classes, not actual counseling. (Item 5)

In connection with his court-ordered alcohol treatment, Applicant had a DUI screening on October 14, 2022. He reported that he began drinking at age 20 and he last used alcohol in August 2022. During that period, he drank about once every three to four months, having about two to three beers on each occasion. He was diagnosed with an unspecified alcohol-related disorder (DSM-5 291.9 (F10.99)). (Item 12)

Applicant was arrested in October 2021 for disorderly conduct – unreasonable noise, and criminal trespass in the third degree – knowingly remaining unlawfully on property. He was intoxicated, riding a city bus home, and playing music loudly. The bus driver asked him to turn his music off and he refused, becoming belligerent with the bus driver. The other passengers told him to leave the bus driver alone and turn his music down, and he became confrontational with them. The bus driver ordered him to leave the bus, but he refused, so she called the police. (Items 9, 10)

When the reporting officer arrived, he asked Applicant to leave and noticed the strong smell of intoxicants and that Applicant appeared to be under the influence. The passengers started yelling at the officer to remove Applicant from the bus. Once two other officers arrived, they proceeded to try to remove Applicant. He started screaming that he wanted to call a lawyer and that they were violating his rights. He resisted being handcuffed by trying to pull away and holding onto a pole, refusing to let go. He was pulled from the bus and sat on the curb. He began to get up and pull away from the officers, so they tried placing him in a patrol car. He continued resisting, forcing the officers to push and pull him in. Throughout this time, he was screaming for help and saying that they were going to hurt and kill him and making comments about wanting to see the officers naked. According to the reporting officer, Applicant was exhibiting paranoid behavior, saying they were setting him up: "He continued to whisper strange things to me about how he would get me and used abusive language." (Item 9)

Applicant would not sign a citation, and the officers determined he needed to be removed from the area so as not to cause further problems. He was transported to jail where he was given the opportunity to sign paperwork and be released, but he refused and continued being rude to staff, so he was booked into jail. He was immediately removed from the booking area due to his behavior, screaming for help as he was taken away. He successfully completed a diversion program and the charges were dismissed. In his 2023 SCA, he described this incident as "a huge misunderstanding" and "truly an accident." (Items 3, 5, 9, 10)

In his July 2023 SCA, Applicant stated he had been "focused on becoming a better man everyday and making the world a better place starting with myself." He stated he

had learned from his mistakes, and they are not a reflection of who he is now. When discussing the impact that his 2020 DUI had on him, he stated, "I don't enjoy drinking anymore because it's never worth it." In his August 2023 SI, he stated the likelihood of getting another DUI is none because he does not drive after he drinks. He told the investigator that he began drinking at age 20. From age 22 until the second DUI, he drank twice a month, up to five beers. Since the second DUI until May 2023, he would drink twice a year in social settings, drinking one to two beers. Since May 2023 to the time of the interview in August 2023, he said he no longer drinks alcohol and told the interviewer "he does not plan to drink for about a year because he does not want to." He told the interviewer he does not feel that he has a problem with alcohol. (Items 3, 5)

Applicant was arrested in September 2023 for assault. Police were called after witnesses reported "one male beating up another male" and "two men beating the crap out of each other." Applicant was seen running and jogging from the scene, and the police report notes: "[Applicant] kept repeating himself and we could smell the alcohol on his breath. He would not make any sense whatsoever." Applicant told police he had lost his cell phone and called it to find it. The person who answered agreed to meet and exchange it for \$20. The two men's accounts varied significantly, but at some point during their exchange, a fight ensued. Only the other man is listed as a victim on the police report, but the victim was also arrested due to an outstanding warrant and for drug possession. He told the police he was not interested in pressing charges. The assault charge against Applicant was ultimately dismissed. In his Answer, Applicant stated that the charges were dismissed due to "the self defence (*sic*) nature of the incident." In his response to interrogatories, he admitted that he was under the influence of alcohol at the time of the incident. On his 2025 SCA, he reported the arrest and stated that he has learned to avoid certain situations and that he does not put himself in the position where dangerous interactions may occur. (Items 5, 8; Answer; AE A)

In his Answer, Applicant stated that he has grown immensely and learned from his past, "becoming a man of integrity, discipline, and trust." He stated that he has gained control over his judgment and impulses and learned to avoid certain situations. He echoed these sentiments in his 2025 SCA. (Answer; AE A)

Policies

This case is adjudicated 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 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 F, Financial Considerations

The concern under this guideline is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The evidence in the FORM, specifically the two CBRs, establish the following disqualifying conditions under this guideline:

AG ¶ 19(a): inability to satisfy debts; and

AG ¶ 19(c): a history of not meeting financial obligations.

The following mitigating conditions are potentially applicable:

AG ¶ 20(a): the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; and

AG ¶ 20(b): the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances.

Applicant attributed his financial issues to his 2017 vehicle accident and his inability to find steady work. He noted on his SCAs, however, that several periods of unemployment were due to his decision to leave his employment, rather than due to a circumstance beyond his control such as a layoff. Even if his history of unemployment as a whole is considered circumstances beyond his control, he did not act responsibly under those circumstances: there is no evidence that any of the debts have been resolved.

Applicant stated that five of the debts were removed from his credit file but provided no mitigating evidence showing affirmative action on his part that led them to being resolved and removed. To the contrary, given their age, it appears they were simply no

longer required to be reported on his credit report, and his conclusion that “therefore I am no longer indebted” is erroneous. The fact that a debt no longer appears on a credit report does not establish any meaningful, independent evidence as to the disposition of the debt, and does not necessarily imply that he is no longer responsible for the debt. By all indications, he is still fully responsible for all six debts as alleged and he has done nothing to resolve them. His irresponsible financial behavior is recent and ongoing. It continues to cast doubt on his current reliability, trustworthiness, and good judgment. AG ¶¶ 20(a) and 20(b) are not established.

Guideline G, Alcohol Consumption

The concern under this guideline is set out in AG ¶ 21:

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.

The evidence establishes the following disqualifying conditions under this guideline:

AG ¶ 22(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; and

AG ¶ 22(c): habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.

The following mitigating conditions are potentially applicable:

AG ¶ 23(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; and

AG ¶ 23(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.

Applicant had four alcohol-related incidents over the course of 10 years, the last one being less than two years ago. I am considering his 2023 assault arrest, not alleged under Guideline G, only for the limited purpose of noting a failure to maintain abstinence after stating an intention to abstain and to note an overall course of conduct related to

alcohol consumption. ISCR Case No. 23-00476 at 5 (App. Bd. May 1, 2024); ISCR Case No. 22-02132 at 4 (App. Bd. Oct. 27, 2023); ISCR Case No. 23-00093 at 3 (App. Bd. Nov. 21, 2023). When considered altogether, these incidents illustrate a recurring pattern of behavior that evinces a very serious and troubling relationship with alcohol—one that remains a current concern. His reported belligerent, uncooperative, and incoherent behavior when interacting with police only heightens the concern.

While there was a break in alcohol-related incidents between 2013 and 2020, the majority of the incidents occurred in the past five years. Notably, his 2021 arrest occurred while he was under a court order to obtain alcohol education, an order with which he was ultimately found non-compliant. Furthermore, Applicant stated he stopped drinking in May 2023 and intended to take a year off from drinking, but only a few months later, one month after his SI, he was arrested while being so intoxicated, “he would not make any sense whatsoever.” Applicant’s long history of alcohol-related arrests, and the recurrence of such behavior after a stated intention to abstain, indicates that not enough time has passed, his behavior is not infrequent, and it casts doubt on his current reliability, trustworthiness, and judgment. AG ¶ 23(a) is not established.

Applicant has not acknowledged his pattern of maladaptive alcohol use; in fact, he told the government investigator that he did not think he had a problem with alcohol. Though he stated in his SI that he reduced his alcohol consumption in 2020 and stopped in May 2023, the September 2023 arrest shows that he was still drinking enough, on occasion, to find himself in serious trouble, and indicates that his modified pattern of consumption is not sufficient to avoid an alcohol-related arrest. There is no current information in the record showing whether he has been abstinent since September 2023, modified his drinking, or continued to drink as before. AG ¶ 23(b) is not established.

Guideline J, Criminal Conduct

The concern under this guideline is set out in AG ¶ 30: “Criminal activity creates doubt about a person’s judgment, reliability, and trustworthiness. By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.”

The evidence establishes the following disqualifying conditions under this guideline:

AG ¶ 31(a): a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual’s judgment, reliability, or trustworthiness; and

AG ¶ 31(b): evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

The following mitigating condition is potentially applicable:

AG ¶ 32(a): so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment.

Applicant has had four arrests over ten years, the last arrest occurring less than two years ago. Given his history of arrests, two years without incident is insufficient to be able to conclude his criminal conduct is unlikely to recur. This is particularly true given the multiple occasions on his SCA and in his SI in which he professed to have changed his ways and improved himself, and yet just a few months after making those statements, he was arrested and had gone back to drinking to the point of intoxication. In light of that history, not enough time has passed since his last arrest to be able to believe his current assurances of improvement and changed ways. Notably, as discussed above in my Guideline G analysis, he was intoxicated each time he was arrested, which does not seem to be an unusual circumstance for Applicant. He has not sufficiently mitigated the concerns regarding his alcohol consumption and therefore, the potential for future alcohol-related offenses remains a concern and casts doubt on his current reliability, trustworthiness, and good judgment. AG ¶ 32(a) is not established.

Guideline E, Personal Conduct

All of the concerns under Guidelines G and J were cross-alleged under Guideline E, Personal Conduct. The Government did not acknowledge or discuss the Guideline E allegations in their FORM so they have not articulated specifically why Guideline E should be found against Applicant. Therefore, I must look at the Guideline E allegations in light of the concerns under Guidelines G and J. AG ¶¶ 16(c) is potentially applicable. However, I find the Guideline E allegations for Applicant because the same concerns were adequately considered, and are sufficient to for an adverse determination, under Guidelines G and J.

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 Guidelines F, G, and J in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003). After weighing the disqualifying and mitigating conditions under Guidelines F, G, and J and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised under Guideline F, financial considerations, Guideline G, alcohol consumption, and Guideline J, criminal conduct.

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 F:	AGAINST APPLICANT
Subparagraphs 1.a-f:	Against Applicant
Paragraph 2, Guideline G:	AGAINST APPLICANT
Subparagraphs 2.a-c:	Against Applicant
Paragraph 3, Guideline J:	AGAINST APPLICANT
Subparagraphs 3.a-b:	Against Applicant
Paragraph 4, Guideline E:	FOR APPLICANT
Subparagraphs 4.a-b:	For 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.

Robert B. Blazewick
Chief Administrative Judge