



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 24-00383

Appearances

For Government:

Tara Karoian, Esquire, Department Counsel

For Applicant:

Bradley P. Moss, Esquire, Applicant's Counsel

09/25/2025

Decision

CEFOLA, Richard A., Administrative Judge:

Statement of the Case

On July 20, 2020, Applicant submitted a security clearance application (SCA). On October 11, 2024, in accordance with DoD Directive 5220.6, as amended (Directive), the Department of Defense issued Applicant a Statement of Reasons (SOR) alleging facts that raise security concerns under Guidelines G (Alcohol Consumption) and E (Personal Conduct). The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review*

Program (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the Department of Defense on June 8, 2017.

Applicant answered the SOR in writing (Answer) on December 23, 2024, and requested a hearing before an administrative judge. The case was assigned to me on April 22, 2025. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on May 9, 2025. I convened the hearing as scheduled on July 1, 2025, and reconvened it on July 31, 2025. The Government offered Government Exhibits (GXs) 1 through 8, which were admitted without objection, and called one witness to testify. Applicant testified on her own behalf, and offered Applicant Exhibits (AppXs) A through M, which were admitted without objection. The record was left open for the receipt of additional evidence. On September 5, 2025, AppX N was offered, and received without objection. DOHA received the transcripts of the hearing (TR I and TR II) on July 14, 2025, and August 13, 2025, respectively.

Findings of Fact

Applicant admitted the allegations in SOR ¶¶ 1.a, 1.c. through 1.h, and 2.a. She denied SOR allegation ¶ 1.b, and denies, in part, SOR ¶¶ 1.e, 1.g, and 1.h. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is a 54-year-old employee of a defense contractor. She has a master's degree. Applicant has been employed with the defense contractor since 2021. She has held a security clearance, off and on, over a period of "24 years." Applicant is twice divorced, and has three children, ages 27, 23 and 17. (TR I at page 6 line 19 to page 7 line 7, and at page 90 line 17 to page 93 line 16.)

Guideline G: Alcohol Consumption

1.a. and 1.b. From April 2016 to May 2016, Applicant received treatment for a condition diagnosed as Alcohol Use Disorder, severe. In response to the SOR ¶ 1.b, Applicant denied that she failed to follow treatment advice and continued to consume alcohol. At her hearing, however, Applicant now admits that she failed to follow treatment advice. (TR I at page 62 line 12 to page 69 line 1, at page 93 line 17 to page 107 line 7, and at page 164 line 1 to page 167 line 5; TR II at page 6 line 16 to page 8 line 24; and GX 7 at page 7.)

1.c. Applicant admits that in August 2017, she was arrested and charged with Driving Under the Influence of Alcohol (DUI). Applicant admits to consuming “three or four” drinks of alcohol. She refused a breathalyzer test, and was subsequently found guilty of reckless driving. (TR I at page 107 line 8 to page 117 line 5; TR II at page 8 line 25 to page 9 line 22; and AppX A at pages 1~3.)

1.d. Applicant admits that in July 2018, she was arrested and charged with Public Intoxication. She arrived at an airport, having consumed “four beers” on a previous flight. Applicant was held overnight in custody until she “was 100% sober.” This arrest and charge were subsequently expunged from Applicant’s criminal record. (TR I at page 117 line 6 to page 123 line 10; TR II at page 9 line 23 to page 11 line 7; GX 3 at page 1; and AppXs B, E, M and N.)

1.e. Applicant admits that in August 2018, her children called the police, claiming Applicant was intoxicated and disorderly. She had consumed one beer before returning home, and “two or three beers” in her bedroom. Applicant denies being intoxicated and disorderly. This incident was subsequently expunged from Applicant’s record. (TR I at page 123 line 11 to page 126 line 11; TR II at page 11 line 8 to page 14 line 1; GX 4 at page 2; and AppXs E, M, N and L at page 5.)

1.f. Applicant admits that in April 2019, she was arrested and charged with DUI, Refusal of Breath Test, and Hit and Run of a mailbox. She had consumed three drinks of alcohol. Her blood alcohol content level was “twice the legal limit.” Applicant subsequently pled guilty to Refusal of Breath Test. This arrest and charges were subsequently expunged from Applicant’s criminal record. (TR I at page 127 line 1 to page 134 line 12; TR II at page 14 line 2 to page 15 line 5; GX 5 at page 3; and AppXs E, M, N and L at page 5.)

1.g. Applicant admits that in August of 2021, she filed a report with her local sheriff’s office, as she was sexually assaulted while walking home at night. Upon her arrival at home Applicant “went digging through a closet and found a bottle of whiskey that . . . [she had] left, stupidly, in the house. . . . And, . . . started drinking it.” (TR I at page 134 line 13 to page 144 line 3; TR II at page 168 lines 1~24; and GX 6 at pages 2~3.)

1.h. In October 2023, following an evaluation with a licensed psychologist, which consisted of a telephone interview of approximately 90 minutes and the review of documentation, Applicant was diagnosed with an Alcohol Use Disorder, in sustained remission. (Prior to this interview, Applicant responded to all but three of 330 posited questions.) (TR I at page 16 line 18 to page 22 line 13, at page 23 line 23 to page 55 line 17, at page 70 line 15 to page 85 line 23, at page 86 lines 5~18, at page 149 line 22 to page 151 line 17; TR II at page 16 line 25 to page 17 line 13; and GX 8.)

More recently, in July of 2025, Applicant received a psychological assessment from another licensed psychologist. He averred that as to Applicant's "Presentation . . . No mental illness was indicated during the interview, there is no evidence of any mood disorder." As to her "Alcohol and Substance Use History . . . It would appear that after her last incident while drinking in 2019 . . . she then stopped and restricted her drinking to once every six or seven months. She stated that she has now been sober for one year." This psychologist concluded, in part, the following: "it is the writer's opinion that in relation to . . . [Applicant], there is no mental health or other issues evident that may be of concern or potentially affect the employee's ability to succeed in the work environment." (AppX L at pages 2, 5 and 10.) Applicant did mention her 2021 incident to the psychologist. (TR II at page 17 line 14 to page 18 line 4.)

As of the date of Applicant's second hearing, July 31st in the U.S. but already August 1st in the country where she currently lives, she had 13 months of sobriety. (TR II at page 36 lines 1~9.) Applicant has also established a support system for her sobriety in her current location. (TR II at page 18 line 5 to page 19 line 23.)

Guideline E: Personal Conduct

2.a. In January 2017, while in the United States more than eight years ago, Applicant admits that she started an online relationship with a male contact, a foreigner living in the U.S. She provided this scam artist with \$30,000~\$40,000 in loans that were never repaid. Applicant broke off this online relationship a couple of months after it began. (TR I at page 22 line 14 to page 23 line 22, at page 55 line 18 to page 59 line 25, at page 150 line 18 to page 155 line 2, at page 156 line 6 to page 162 line 25; and GX 2.)

Policies

When evaluating an applicant's suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines (AG) list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's national security eligibility.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of applicable guidelines in the context of a number of variables known as the whole-person concept. The administrative judge must consider

all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14, requires the Government to present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an “applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.”

A person applying for national security eligibility seeks to enter into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants national security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information. Finally, as emphasized in Section 7 of Executive Order 10865, “[a]ny determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See also Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

Analysis

Guideline G: Alcohol Consumption

The security concern relating to the guideline for Alcohol Consumption 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 guideline at AG ¶ 22 contains seven conditions that could raise a security concern and may be disqualifying. Four conditions may apply:

- (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;
- (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; and
- (f) alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder.

In 2016, Applicant did not follow the treatment advice given her after she was diagnosed as suffering from an Alcohol Use Disorder, severe. Applicant also has five alcohol-related incidents between August 2017 and April 2021. These facts establish *prima facie* support for the foregoing disqualifying conditions, and shift the burden to Applicant to mitigate those concerns.

The guideline at AG ¶ 23 contains four conditions that could mitigate security concerns. Two conditions may apply:

- (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
- (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's last alcohol-related incident was in April of 2021, more than four years ago. She has most recently been evaluated favorably by licensed psychologist. Applicant also has more than a year of sobriety and a credible support system. Alcohol Consumption is found for Applicant.

Guideline E: Personal Conduct

The security concern relating to the guideline for Personal Conduct 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.

The guideline notes several conditions that could raise security concerns under AG ¶ 16. One is potentially applicable in this case:

(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 duped out of \$30,000~\$40,000 by an online, romantic relationship scam. The evidence is sufficient to raise this disqualifying condition.

AG ¶ 17 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 17 including:

(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.

Applicant was scammed out of monies more than eight years ago. She has learned her lesson; and as such, the prospect of her being deceived similarly in the future is de minimis. Personal Conduct is found for Applicant.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's national security eligibility by considering the totality of the applicant's conduct and all relevant 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 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.

According to AG ¶ 2(c), the ultimate determination of whether to grant national security eligibility must be an overall commonsense judgment based upon careful consideration of the applicable guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guidelines G and E in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment. Applicant has a distinguished history of working in the defense industry. She performs well at his job. AppX I.)

Overall, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude Applicant mitigated the Alcohol Consumption and Personal Conduct security concerns.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ E3.1.25 of the Directive, are:

Paragraph 1, Guideline G: FOR APPLICANT

Subparagraphs 1.a~1.h: For Applicant

Paragraph 2, Guideline E: FOR APPLICANT

Subparagraph 2.a: For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Richard A. Cefola
Administrative Judge