

Alcohol and Your Security Clearance

Posted by Greg Rinckey

Your use of alcohol and, more specifically, the following circumstances, can impact your eligibility for a security clearance:

- a. Criminal conduct involving alcohol
- b. Counseling or treatment for alcohol use
- c. Excessive use/drinking to intoxication

There are various sections on the Personnel Security Questionnaire SF-86 which can elicit responses to determine if your judgment should be questioned as a result of your alcohol use. Section 22.2 asks: "Have you ever been charged with an offense involving alcohol or drugs?" All alcohol related charges must be listed, no matter how minor or major. Therefore, that drunk in public charge or underage drinking citation that you received twenty years ago will have to be listed – even if the charges were subsequently dismissed. Section 24 asks a series of questions regarding your use of alcohol, to include:

- Whether your use of alcohol has had a negative impact on your work performance, relationships, or resulted in intervention by law enforcement

- Whether anyone has recommended that you seek alcohol treatment or counseling

- Whether you have sought or received alcohol treatment or counseling

Even if you negatively respond to the above inquiries, you aren't out of the woods yet. During an interview with the investigator, you will be asked what your current use of alcohol is. If your response indicates that you are a habitual or binge drinker who consumes to intoxication, this will result in further questioning and follow up by the investigator regarding your use of alcohol. If your responses on the SF-86 or your responses during the subject interview result in further inquiries, the investigator will ask a variety of questions regarding your history, changes in patterns of alcohol use, and your current use of alcohol. Ultimately, the agency wants to determine whether your use of alcohol indicates poor judgment or the failure to control impulses. Prior criminal conduct involving alcohol, such as a DUI, drunk in public, or underage drinking charge can be mitigated in a number of ways to include:

- Whether you complied with all court imposed fines, probation, and counseling/classes

- The passage of time since the incident

- Refraining from similar conduct

- Favorable prognosis from a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program

If you have sought professional alcohol treatment or counseling, it is important to know whether you were diagnosed as alcohol dependent or an alcohol abuser. If you were diagnosed as alcohol dependent, the agency will expect that you will completely abstain from any alcohol use. If you are alcohol dependent, the agency will assume that you cannot control your use of alcohol and that, if you drank alcohol, it is a reflection of poor judgment and control over your impulses. If you were diagnosed as an alcohol abuser, the agency will expect

that if you drink alcohol, it is only in moderation. The agency will not only verify your level of consumption during the interview with you, but will likely verify this information through individuals who have knowledge about your alcohol use. In addition to your diagnosis, the agency will also examine your prognosis. A favorable prognosis by a duly qualified medical professional or a licensed clinical social worker will help mitigate any prior alcohol counseling you have received. Even if you have not been involved in any alcohol related criminal conduct or had counseling, the extent of your alcohol consumption is likely to be disclosed during an interview, especially if you have a full scope polygraph examination. If you are a habitual alcohol user and drink to intoxication, you should modify your drinking habits immediately if you want to obtain a security clearance. If you frequently drink to intoxication, the agency may question your ability to exercise good judgment while you are intoxicated, and thus may question whether you can be trusted with protected information. Greg Rinckey is the Managing Partner of Tully Rinckey PLLC, one of the largest federal sector employment law firms in the country. Greg is a recognized leader in the military and federal employment law sectors.

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