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**United States Department of Energy  
Office of Hearings and Appeals**

In the Matter of Personnel Security Hearing	)		
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Filing Date:	February 5, 2018	)	Case No.: PSH-18-0016
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Issued: May 29, 2018

**Administrative Judge Decision**

Kimberly Jenkins-Chapman, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXX (hereinafter referred to as “the individual”) to hold an access authorization<sup>1</sup> under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, Subpart A, entitled, “General Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.” As fully discussed below, after carefully considering the record before me in light of the relevant regulations and *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I have determined that the individual’s access authorization should not be restored.

**I. Background**

The individual is employed in a position that requires her to hold a DOE security clearance. The Local Security Office (LSO) received potentially derogatory information regarding the individual’s finances and personal conduct. In order to address the associated security concerns, the LSO summoned the individual for a Personnel Security Interview (PSI) in September 2015.

In December 2017, after reviewing the transcript of the PSI and the individual’s personnel security file, the LSO sent a letter (Notification Letter) advising the individual that it possessed reliable information that created substantial doubt regarding her eligibility to hold an access authorization. In an attachment to the Notification Letter, the LSO explained that the derogatory information fell

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<sup>1</sup> Access authorization is defined as “an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). Such authorization will be referred to variously in this Decision as access authorization or security clearance.

within the purview of one or more security concerns under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of the Adjudicative Guidelines.

Upon receipt of the Notification Letter, the individual filed a request for a hearing. The LSO transmitted the individual's hearing request to the Office of Hearings and Appeals (OHA), and the OHA Director appointed me as the Administrative Judge in this case. At the hearing that I convened, the LSO introduced nine numbered exhibits (Exhibits 1-9). The individual introduced six lettered exhibits (Exhibits A-F) into the record and testified on her own behalf. The exhibits will be cited in this Decision as "Ex." Followed by the appropriate numeric or alphabetic designation. The hearing transcript in the case will be cited as "Tr." followed by the relevant page number.

## **II. Regulatory Standard**

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. §710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denial"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9<sup>th</sup> Cir. 1990), *cert. denied*, 499 U.S. 905 (1991) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince DOE that granting or restoring access authorization "will not endanger the common defense and security, and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay may be admitted. 10 C.F.R. § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

## **III. The Notification Letter and the Security Concerns at Issue**

As previously mentioned, the LSO cited Guidelines F and E as the bases for suspending the individual's security clearance. Guideline F relates to security risks arising from a failure to live within one's means, satisfy debts, and meet financial obligations. Guideline F ¶ 18. Such conduct can 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. *Id.* In citing Guideline F, the LSO relied upon the individual's "irresponsible" behavior with respect to her finances around the time her husband was laid off from work in December 2014." The Notification Letter cites, *inter alia*, that between October 2014 and June 2015, the individual sent a number of messages to her husband from her

government computer in which she expressed serious concern regarding her financial status and her ability to pay their bills. Ex. 1.

Guideline E relates to conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. In citing Guideline E, the LSO relied upon, *inter alia*, the individual's financially irresponsible behavior as well as an allegation that she plagiarized a paper she wrote as part of a master's degree program paid for by DOE and allowed her husband to complete some of the required coursework for her program. *Id.*

In light of the information available to the LSO, the LSO properly invoked Guidelines F and E.

#### **IV. Findings of Fact**

I have carefully considered the totality of the record in reaching the findings of fact set forth below.

From 2013 through 2015, the LSO received derogatory information related to the individual's finances and personal conduct. During the course of her September 10, 2015, PSI, the individual was questioned about various issues related to her finances and her master's degree program paid for by the DOE. The information gathered revealed that the individual was "irresponsible" with her finances around the time her husband was laid off from work in December 2014. Ex. 1. The record reflects that the individual became aware of her husband's impending layoff sometime in early 2014. *Id.* The record also reflects that between October 2014 and June 2015, the individual sent her husband a number of messages from her government computer in which she expressed serious concern regarding her financial status and her ability to pay bills. Ex. 1 and 3. Moreover, in March 2015, the individual indicated on a mortgage refinancing application that she had insufficient funds to cover her mortgage payments and basic living expenses at the time. *Id.* at Ex. 1. However, during this same time period, the individual made the following decisions with regard to her finances: (1) In December 2014, the individual deferred a car payment in order to "do Christmas"; (2) between December 2014 and September 2015, the individual's account with a jeweler increased from \$816 to \$1,607, and her department store credit balance increased from \$770 to \$1,767, (3) in February 2015, the individual went on a \$1,300 cruise; (4) the individual continued to pay for regular phone calls and meetings with a psychic, which cost her between \$3,000 and \$4,000 over the two years leading up to September 2015; and (5) by September 2015, the individual and her husband had spent all but \$20,000 of the \$75,000 they had saved in a 401(k) in anticipation of his layoff. *Id.* In addition, a credit report dated September 5, 2017, showed that the individual was past due on mortgage payments with two mortgage companies, \$2,801 past due on one and \$1,228 past due on the other. *Id.*

With respect to the individual's personal conduct, the record reflects that the individual failed a class that she was taking as part of a master's degree program paid for by DOE because she had plagiarized a paper. *Id.* As a result, she was required to repay \$1,500 to DOE for the class.<sup>2</sup> This

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<sup>2</sup> The individual disputed this fact during the hearing and asserted that she was never asked to repay her office for the class. Tr. at 115.

was the individual's second offense with her degree program, with an earlier incident of plagiarism occurring in 2012. Ex. 1, 4. In addition, the record reflects that the individual's husband did some of her required coursework for her master's degree, and she did not inform the school of this fact. Ex. 1. However, during her September 2015 PSI, the individual stated that it was her intention to inform the school of this fact. *Id.*

## V. Analysis

I have thoroughly considered the record in this proceeding, including the submissions tendered in this case and the testimony of the witnesses presented at the hearing. In resolving the question of the individual's eligibility for access authorization, I have been guided by the applicable factors prescribed in 10 C.F.R. § 710.7(c)<sup>3</sup> and the Adjudicative Guidelines. After due deliberation, I have determined that the individual's access authorization should not be restored. Based on the facts in this record, I cannot find that restoring the individual's DOE security clearance will not endanger the common defense and security, and is clearly consistent with the national interest. 10 C.F.R. § 710.27(a). The specific findings that I make in support of this decision are discussed below.

### Guideline E: Personal Conduct

At the hearing, the individual addressed the LSO's concern that, in 2015, she failed a class she was taking as part of a master's degree program paid for by DOE because she had plagiarized a paper; this was a second plagiarism offense, an earlier incident of plagiarism having occurred in 2012. She also addressed the concern that her husband completed some of her required coursework for her master's degree. During the hearing, the individual acknowledged that she was cited twice for plagiarism, first receiving an F on a paper in a class she took in 2012, and then failing a class in 2015. Tr. at 83. The individual testified that she did not purposely cheat on her papers, and did not know she was citing her work incorrectly. *Id.* at 85. She testified that in both instances she cited her work, but was told that she used other people's ideas and thoughts. *Id.* at 83. The individual further testified that it had been several years since she graduated from college, and that she was not accustomed to using the APA style guide. *Id.* at 84. The individual stated that after the second occurrence, she was required to work with an academic peer mentor to help her to avoid plagiarism and to help her to write quality papers. *Id.* She testified that she does not have a problem with citing work, but that her mentor is more concerned with the thought processes of her writing. *Id.* at 115. The individual further testified that "the writing styles have changed over the years," and that she is now using a computer program called "Grammarly" which helps to pinpoint areas that could be considered plagiarism. *Id.* at 113. According to the individual, she retook the class that she failed (paying for the class on her own) and passed the class, receiving an A with the help of a mentor. *Id.* at 85. She testified that she is doing well now, and that she will complete her master's degree in July 2018. *Id.*

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<sup>3</sup> Those factors include the following: the nature, extent, and seriousness of the conduct, the circumstances surrounding the conduct, to include knowledgeable participation, the frequency and recency of the conduct, the age and maturity at the time of the conduct, the voluntariness of his participation, the absence or presence of rehabilitation or reformation and other pertinent behavioral changes, the motivation for the conduct, the potential for pressure, coercion, exploitation, or duress, the likelihood of continuation or recurrence, and other relevant and material factors.

When questioned about whether her husband did some of the required course work for her master's degree, the individual testified that she relied heavily on her husband's expertise because "he was a subject matter expert and . . . had a lot of knowledge into certain things I was doing for particular topics and I would ask him to provide me examples, . . . give me his thought processes on those particular topics that could help me formulate my papers and my thoughts better." *Id.* at 85, 123. The individual further testified that her husband provided information, "but he never, ever fulfilled [sic] in writing any of my papers." *Id.* at 87. She stated that her husband may have given her "a paragraph or two about something in relation to what I needed his advice on the subject matter, but he never, ever wrote my papers." *Id.* at 87, 118. She stated that she only used her husband as a resource.<sup>4</sup> *Id.*

The individual was questioned about a number of email messages she sent to her husband regarding her coursework. In one entry she stated, "I need my paper tomorrow first thing." She testified that she was asking her husband to proofread her paper to make sure she did not "misconstrue" some of the information, and to make sure her paper was "flowing correctly." *Id.* at 119; Ex. 3. In another entry the individual stated, "The written assignments 1, 2 & 3 do not show as turned in, neither do discussions. Send me everything u sent in & categorize it." *Id.* In this instance, the individual testified that there were some instances at work where she could not log into the computer, so she would send work to her husband and he would post it for her. *Id.* at 120. The individual was also questioned about her response during her 2015 PSI in which she admitted that her husband wrote papers for her, "But he's done only 3 papers in the past for me and I have never turned in the paper as if he did it (sic). I would always re-do them like it was a rough draft." Ex. 9 at 133. The individual testified that she felt coerced and "badgered" by the interviewer when she made that statement, and that she was scared and frustrated during the interview. Tr. at 121.

The individual's husband testified that he never wrote a paper for the individual, but assisted her. *Id.* at 45. He stated that he looked at the individual's papers and highlighted information for her, or "there could have times when . . . I may have wrote a paragraph or two . . ." *Id.* He also testified that there were times when he would go online to check her work. *Id.* When asked about several messages the individual sent to him appearing to ask him to do papers or written assignments, and have them done by certain days, the individual's husband testified that the individual was asking him to look over her work and "maybe help me do a couple of paragraphs." *Id.* at 46. He stated that she would find the reference material and do her citing. *Id.* The individual's husband testified that he did not believe it was dishonest nor was it his understanding that the individual submitted written work that he completed as her own course work. *Id.* He stated, "Oh, I know she wouldn't – she didn't do what I did verbatim because I would read through her things . . . again because I'm a high school graduate . . . I've never taken anything beyond high school English. . . I'd read through what she's written and I might change that a little bit or you know but I would not sit down and write a paper that she would put her name on and submit because, again, she'd get an F." *Id.* at 47. He reiterated that he would help the individual where he could by talking about subjects or sending her notes, but did not write her papers. *Id.* at 48.

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<sup>4</sup> During the individual's 2015 PSI, she indicated that she would inform her school of her husband's involvement in her coursework. Ex. 9. At the hearing, when questioned about this issue, she stated that she spoke to the Dean about her husband's involvement with her work, and it was at that point that the Dean assigned an academic mentor to her. *Id.* at 124.

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 information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. *See* Guideline E at ¶ 15. Under Guideline E, conditions that may mitigate security concerns include that "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" or "the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur." *Id.* at ¶ 17(c),(d).

Here, the individual admitted that she was cited twice for plagiarism in her master's degree program, receiving an F on a paper in one instance and failing the class in the other. She testified that she always cited her work and was not accustomed to the writing style expected of her. The individual testified that she did not cheat on her work. Tr. at 85. She stated that once she was assigned a required academic mentor to assist her with her writing after her second offense, she began to do better and received an A in the class that she had to retake. *Id.*

Although the individual has acknowledged her behavior, I am concerned that she was cited twice for plagiarism, in 2013 and again in 2015. In light of the frequency of the offenses, I cannot determine at this time that the behavior occurred under such unique circumstances that is unlikely to recur and does not cast doubt on her reliability, trustworthiness, or good judgment. Guideline E at ¶ 17 (c).

Similarly, with respect to the LSO's concern that the individual's husband did some of the required coursework for her master's degree program, I cannot determine that the individual has mitigated this security concern. Although both the individual and her husband testified that she wrote her own papers, and that her husband was only a resource who shared his subject matter expertise and looked over her work, this testimony is inconsistent with the e-mail messages she sent to her husband about her course work. *See* Ex. 3. In these entries, the individual makes a number of direct requests and comments, including:

1. "Got an A on that paper. Please have the other one done by Friday."
2. "I need my paper tomorrow. 1<sup>st</sup> thing..."
3. "PRAY! Please do my paper."
4. "Don't forget to log into my class please."
5. "I though [sic] u said u completed my HW? Modules 1, 2, & 3 are not done yet."
6. "The written assignments 1, 2 & 3 do not show as turned in, neither do the discussions. Send me everything u sent in & categorize it."
7. "I need you to do Written Assignment #2 & have it ready by COB tomorrow. It has to be done. This is based on the 3 short video clips."

These messages strongly suggest that the individual relied on her husband to complete a significant amount of her required master's course work. The individual's assertions to the contrary are simply not credible.

The LSO also incorporated financial concerns in citing Guideline E. Ex. 1. As stated below, I find that the individual has not sufficiently resolved these concerns.

Given the issues regarding her personal conduct, and the individual's lack of credibility in responding thereto, I cannot find that the individual's behavior with respect to this concern is unlikely to recur, and therefore I find that the individual has not adequately addressed the security concerns under Guideline E. See Guideline E at ¶ 17(c).

### **Guideline F: Financial Considerations**

At the hearing, the individual also addressed the issues related to her finances. She testified that her financial problems stemmed from her husband, who is currently a disabled veteran, having periods of time when he was not employed. Transcript of Hearing (Tr.) at 60, 67. The individual stated that beginning in 2012, her marriage was under a lot of strain because of her husband's long deployments. *Id.* at 61. She testified that her husband could not find work after his last deployment terminated in 2014, and was laid off in December 2014. *Id.* at 60. The individual stated that, with her husband's expertise and his history as a contractor, she never believed that he would have any problem finding another job. *Id.* at 67. According to the individual, when asked whether she became aware of her husband's impending layoff sometime earlier in 2014, she testified that, while there was a possibility that he would no longer be working for the same company, she did not know whether her husband would be laid off permanently because the company could possibly acquire additional funding. *Id.* at 68. The individual acknowledged that, between October 2014 and June 2015, she sent a number of messages to her husband from her government computer expressing concerns about their financial status and the ability to pay bills. *Id.* She testified that, because her husband was not working, they had to think about how to pool their resources together. *Id.*

The individual explained why she and her husband wanted to refinance their mortgage. *Id.* at 69. She testified that she "was trying to be proactive . . . at that time that he [her husband] wasn't working, you know, I wanted to get to a point to where we would have a much steadier payment because the payment we had before was a variable amount." *Id.* at 69. The individual stated that she contacted her mortgage company to inquire about how to address this concern. *Id.* She testified that her mortgage company offered a loan modification in order to get a fixed mortgage payment. *Id.* She explained that one of the requirements of the loan modification program was that you must be behind two months on mortgage payments to be considered for the program. *Id.* The individual testified that she followed the mortgage company's guidance, went into a "default mode" on her mortgage payments for two months, and was approved for a loan modification. *Id.* at 70; Exs. 6 and 7. She testified that, if she had not refinanced their mortgage, they would not be able to pay their mortgage and cover basic living expenses. Tr. at 98.

The individual was also questioned about several other financial decisions she made after her husband was laid off. When asked during the hearing why she deferred a car payment in December 2014 in order to "do Christmas," she explained that her husband had just received his last check.

*Id.* at 71. The individual testified that she called the loan company who informed her of a deferment plan, which allowed her to defer one payment and have it added to the end of the loan, which they did. *Id.*; Tr. at 99. The individual testified that she used this money on gifts and other holiday items in order to provide “happy moments” for her children at Christmas. *Id.*; Tr. at 100.

The individual also acknowledged that the balances on two of their credit cards increased between December 2014 and September 2015, from \$816 to \$1607 on one, and from \$770 to \$1767 on the other. *Id.* at 73. She explained that her husband had just gotten back from being overseas, and that he did not “have any normal clothes to wear . . . and never treated himself to anything.” She testified that her husband, who was suffering from Post-Traumatic Stress Disorder (PTSD), bought the clothes he needed to make himself feel better. *Id.* She further testified that her husband purchased a watch or bracelet for her on one of these accounts because he wanted to do something nice as they sought to repair their marriage. *Id.* at 101. However, she testified that both of those accounts were current and never in default. *Id.* at 73, 101. When questioned about a \$1300 cruise the couple took in February 2015, the individual explained that she and her husband were having marital problems, and that her husband’s PTSD and their long stints apart from each other affected their relationship. *Id.* The individual stated that they wanted to do something to help their marriage. *Id.* at 74, 102. She testified that she and her husband were seeing a counselor at the time who recommended a cruise as a good way for the two of them to reconnect. *Id.* The individual reiterated that this was a “very strenuous time” for her and her husband, and that her family was important and so she wanted to repair her marriage. *Id.*

During the hearing, the individual also addressed the LSO’s concern that she continued to pay for regular phone calls and meeting with a “psychic,” which cost her between \$3000 and \$4000 over the two years leading up to September 2015. *Id.* at 74. The individual explained that she met with a “wellness advisor,” not a psychic, because she needed someone to talk to for spiritual awareness and to help her feel better during this stressful period in her life. *Id.* at 75. She testified that this counseling helped her “tremendously” to have a more positive outlook on her marriage. *Id.* Although she acknowledged that part of her advisor’s specialty is reading tarot cards or psychic work, she reiterated that she did not use the advisor for her psychic abilities, but for her counseling on “how to better [herself] to have a stronger relationship with [her husband] . . . so that they could have . . . a path forward to be a stronger couple.” *Id.* at 75, 76.

The individual also addressed the LSO’s concerns regarding her 401(K) and her September 2017 credit report showing that she was past due on her mortgage payments. *Id.* at 76, 77. She testified that the \$75,000 represented the money saved in her husband’s 401(k) in his last contractor job, which he cashed out when he was laid off. *Id.* at 77. The individual testified that about \$55,000 of this money was spent on paying off a car, paying off credit card debt, as well as helping older children who were having financial issues. *Id.*; Tr. at 97. Finally, the individual explained that her September 5, 2017, credit report showed that she was past due on mortgages because they were attempting to refinance again to obtain a better rate on her mortgage, in light of her husband’s continued unemployment. *Id.* at 78. However, she testified that, as of the date of the hearing, they were current on mortgage payments, and they paid the past due amounts once they learned that the second refinance was not approved. *Id.* at 111. She testified that she and her husband are financially more stable, and submitted a budget showing that, after subtracting bills from her husband’s monthly pension and her monthly salary, there is a surplus of about \$3500 for food, gas



and other miscellaneous items. *Id.* at 80, 81; Ex. F. The individual reiterated that she and her husband are better situated with their finances so that they will not make the same mistakes, and have learned from their financial issues. *Id.* at 81.

As stated earlier, the 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. *See* Guideline F. Here, the individual's behavior with respect to her finances around the time her husband was laid off from work form the basis of the LSO's Guideline F concerns. Guideline F ¶ 19 (e)<sup>5</sup> Under Guideline F, conditions that mitigate security concerns include that "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" or that "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 . . . ), and the individual acted responsibly under the circumstances." Guideline F at ¶ 20(a),(b).

Here, the individual acknowledges her behavior with respect to her finances around the time her husband was laid off from work in December 2014. During the hearing, she explained that, in light of her husband's expertise and history, she was surprised that he was unable to secure employment after his layoff. However, while acknowledging that some of her decisions, such as using money to go on a cruise with her husband, were not responsible, she attempted to explain the rationale for the financial decisions she made during this time period. The individual explained that her husband's employment issues, his PTSD and their marital issues, created an unstable financial situation for them. She testified that she sought to refinance their mortgage in an effort to have a lower and more stable monthly payment, noting that, at the time, her payment was not fixed but variable. The individual also testified that she was advised to go into a default mode for two months in order to be considered for a loan modification; however, she did not submit documentary evidence to corroborate this assertion. Likewise, she explained that she deferred a car payment in light of her husband's unemployment, so that she would have money to celebrate Christmas with her husband and children.

Although the individual's behavior with respect to her finances occurred during a stressful period in her life, surrounding the time her husband was laid off from work, the financial decisions that she made did not represent good judgement in light of her financial situation. The record reflects that, while acknowledging her inability to pay her mortgage and her daily living expenses, she: (1) deferred a car payment to spend money on holiday gifts and other holiday items; (2) increased the balance on her department store and jewelry store credit cards; (3) went on a \$1,300 cruise; (4) spent between \$3,000 and \$4,000 for consultations with a "wellness advisor" for "spiritual awareness;" and (5) spent the bulk of a 401(k).

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<sup>5</sup> Guideline F ¶ 19 states, in relevant part, that conditions that could raise a security concern and may be disqualifying include, *inter alia*: "(e) consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators."

The individual sought to explain each of these expenses. Given the lack of credibility demonstrated by the individual with respect to her personal conduct, I find that the credibility of her explanations for these expenses is suspect; however, even taking the individual's explanations at face value, I find that the expenses fail to demonstrate good judgment. Faced with the inability to pay her mortgage, the individual chose instead to purchase Christmas gifts, travel, accept jewelry charged to her credit card, and pay thousands of dollars for what were (at best) "spiritual awareness" sessions.

Accordingly, I cannot find that the individual's behavior is unlikely to recur and does not cast doubt on her current reliability, trustworthiness or good judgment. For these reasons, I find that the individual has not sufficiently resolved DOE's security concerns under Guideline F.

## **VI. Conclusion**

In the above analysis, I have found that there was sufficient derogatory information in the possession of DOE that raised serious security concerns under Guidelines E and F. After considering all of the relevant information, favorable and unfavorable, in a comprehensive common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I cannot find that the individual has brought forth convincing evidence to adequately resolve all of the security concerns associated with Guidelines E and F. I therefore cannot find that restoring the individual's access authorization would not endanger the common defense and security, and would be consistent with the national interest. Accordingly, I find that the individual's access authorization should not be restored. The parties may seek review of this Decision by an Appeal Panel under the regulations set forth at 10 C.F.R. § 710.28.

Kimberly Jenkins-Chapman  
Administrative Judge  
Officer of Hearings and Appeals