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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: January 29, 2019) Case No.: PSH-19-0005
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Issued: May 2, 2019

Administrative Judge Decision

Brooke A. DuBois, Administrative Judge:

This Decision concerns the eligibility of XXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material."¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *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 conclude that the Individual's access authorization should not be granted.

I. BACKGROUND

A DOE contractor employs the Individual in a position that requires her to hold a security clearance. In April 2017, the Individual completed a Questionnaire for National Security Positions (QNSP). Ex. 9 at 63. The Individual disclosed in her QNSP that she had previously committed numerous criminal acts, had been incarcerated for over one year, filed for bankruptcy, and was delinquent on a financial obligation. *Id.* at 51–53, 57, 59–60. In June 2018, the local security office (LSO) conducted a personnel security interview (PSI) with the Individual. Ex. 8.

The LSO informed the Individual, in a letter dated December 6, 2018 (Notification Letter), that it possessed reliable information that created substantial doubt regarding the Individual's eligibility to hold a security clearance. In an attachment to the Notification Letter, the LSO explained that the derogatory information raised security concerns under the Bond Amendment, Guideline E

¹ The regulations define access authorization 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). This Decision will refer to such authorization as access authorization or security clearance.

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(Personal Conduct), Guideline F (Financial Considerations), and Guideline J (Criminal Conduct). Ex. 1.

The Individual exercised her right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I subsequently convened a hearing pursuant to 10 C.F.R. § 710.25(d), (e) and (g). Before the hearing, the LSO submitted nine numbered exhibits (Ex. 1-9) into the record, and the Individual submitted 19 lettered exhibits (Ex. A-S). The Individual presented the testimony of six witnesses, including her own testimony. *See* Transcript of Hearing, Case No. PSH-19-0005 (hereinafter cited as “Tr.”). After the hearing, the Individual submitted two additional exhibits (Ex. T and U).

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the Notification Letter informed the Individual that information in the possession of DOE created a substantial doubt concerning her eligibility for a security clearance. That information pertains to the Bond Amendment and Guidelines E, F, and J of the Adjudicative Guidelines. Ex. 1.

The LSO referred to the Bond Amendment as a basis for denying the Individual a security clearance, citing the Individual’s theft arrest for which she served 18 months of a three year sentence. Ex. 1 at 1. The Bond Amendment prohibits granting a security clearance to a person who “has been convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year,” unless that person is granted a waiver by the head of a federal agency. 50 U.S.C. § 3343(c)(1)(A). The Individual’s sentencing and incarceration for a term exceeding one year justify the LSO’s invocation of the Bond Amendment.

The LSO also cited Guideline E in denying the Individual a security clearance. Conduct involving questionable judgement, 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. Guideline E at ¶ 15. In invoking Guideline E, the Notification Letter cited the Individual’s admissions during the PSI that (1) she began using illegal drugs in 1998 because she believed it necessary to keep her boyfriend; (2) she forged a signature on a check because her pimp made her; and (3) she stole from a prior employer because she believed that she needed to do so in order to keep her boyfriend happy. Ex. 1 at 1–2. The Individual’s pattern of committing criminal conduct to please others supports a whole-person assessment of questionable judgement, untrustworthiness, unreliability, lack of candor, and unwillingness to comply with rules and regulations that justifies the LSO’s invocation of Guideline E. Guideline E at ¶ 16(c)–(d).

Guideline F concerns failure to live within one’s means, satisfy debts, and meet financial obligations, which may indicate poor self-control, lack of judgement, or unwillingness to abide by rules and regulations. Guideline F at ¶ 18. In invoking Guideline F, the Notification Letter indicated that the Individual was delinquent on two accounts in the amounts of \$287 and \$446, and that the Individual owed \$3,300 in state taxes. Ex. 1 at 2. The Individual’s unwillingness to

satisfy debts regardless of the ability to do so and failure to pay state taxes justify the LSO's invocation of Guideline F in the Notification Letter. Guideline F at ¶ 19(b), (f).

Lastly, the LSO also cited Guideline J in denying the Individual a security clearance. Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. Guideline J at ¶ 30. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations. *Id.* The Notification Letter listed sixteen instances in which the Individual was charged with criminal or unlawful conduct over a thirty-year period spanning from September 1988 (Forgery/Passing a Bad Check) to May 2018 (Operating a Motor Vehicle While Privilege Had Been Suspended). Ex. 1 at 2–3. The Individual's voluminous criminal record cited by the LSO in the Notification Letter justifies the LSO's invocation of Guideline J. Guideline J at ¶ 31(a)-(b).

III. REGULATORY STANDARDS

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 of 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 denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th 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 the 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 or her 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 evidence 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.

IV. FINDINGS OF FACT

The Individual provided a history of her criminal conduct during the PSI, which began with forging a check while she was in college in 1988 because she “needed a little extra money.” Ex. 8 at 78. The next criminal activity that the Individual could recall was harvesting marijuana in 1991 because “the money sounded good.” *Id.* at 80. For both offenses, the Individual was sentenced to probation. *Id.* at 78, 81. While she admitted that she engaged in most of the criminal conduct for which she was charged, the Individual asserted that she had not committed all of the alleged offenses. According to the Individual, the charges of Local Offense Against Property were unfounded, the 1992 charge for Burglary was the result of a misunderstanding that occurred when

she visited a cousin at work, and the 2000 charge for Stealing a Motor Vehicle resulted from the Individual riding in a car she had not known was stolen. 78, 81–82, 84.

The Individual attributed a significant portion of her prior criminal activity to a romantic relationship she entered into in 1998. According to the Individual, she became romantically involved with a man who introduced her to crack cocaine soon after she met him. *Id.* at 53. Shortly after, the Individual lost her job and used crack cocaine as often as she could obtain it. *Id.* at 54. In order to support her drug addiction, the Individual engaged in prostitution, acted as a go-between for drug dealers and their customers, and shoplifted. *Id.* at 84–86. The Individual also described attempting to cash a forged check for her pimp, which resulted in her being arrested and sentenced to probation in September 1998. *Id.* at 82–83. The Individual subsequently violated her probation in connection with the charge of forgery and served 120 days in jail. *Id.*

In 2005, the Individual was sentenced to imprisonment for three years after being convicted of theft for shoplifting. *Id.* at 54. The Individual was released from prison after serving half of her sentence. *Id.* Following her release from prison in 2006, the Individual was not arrested again until 2011, when she was again arrested and charged with theft. The Individual represents, however, that she did not commit this theft, and that she found a wallet in a casino and threw it in the trash. *Id.* at 87.

During the PSI, the Individual admitted to having stolen electronic equipment from her employer in 2013 in order to provide her boyfriend at that time with supplies for his hobby. Ex. 8 at 14, 89–91. After being charged with the theft, the Individual was incarcerated for three weekends. *Id.* at 90-91. According to the Individual, although she “loved [her] job,” she felt that stealing from her employer was “the only way that [she] could keep [her boyfriend].” *Id.* at 14.

During the PSI, the Individual stated that she now avoids places where she previously used drugs, does not associate with drug-users, spends most of her time with her family, and is primarily focused on seeing her granddaughter grow up. Ex. 8 at 64–65, 75–76.

In March 2016, the Individual was cited for operating a vehicle while her driver’s license was suspended. The Individual explained during the PSI that the 2016 citation resulted from her failure to maintain a certificate of financial responsibility with the state in which she worked. *Id.* at 93–94. In May 2018, the Individual was issued a second citation for driving while her privileges had been suspended. Ex. 5. The Individual did not mention the May citation during the June PSI; however, in July 2018, the Individual completed an incident report indicating that, as a result of this citation, she had been sentenced to 12 months of probation and a small fine. *Id.*

In 2015, the Individual filed for Chapter 7 bankruptcy. Ex. 8 at 25. According to a June 2018 credit report, the Individual had a number of medical charges in collections and a \$446 account that had been charged off subsequent to the Individual’s bankruptcy. Ex. 7 at 2–3. The Individual represented during the PSI that she was unaware of the medical charges, but admitted to knowing of the unpaid \$446 account. Ex. 8 at 23. According to the Individual, she had purchased furniture on store credit for which she had intended to pay, but failed to do so after she became “disgruntled” with the store’s collection methods and unwilling to “swallow [her] pride and admit that [she] was wrong.” *Id.* at 23, 38; *see also* Ex. 9 at 59 (reporting on the QNSP that she “was in the process of

paying [the creditor] and they called being nasty to [the Individual] and so [she] didn't pay the bill.”). During the PSI, the Individual expressed her intention to pay the medical debts and the furniture debt. Ex. 8 at 23.

The Individual also admitted during the PSI to having owed \$3,300 in unpaid state personal property taxes, but stated that she had paid it down to approximately \$2,400. *Id.* at 31. According to the Individual, she incurred the tax liability because she failed to timely notify the state taxing authority that she no longer owned a vehicle in the taxing state. *Id.* The Individual indicated that she planned to pay her tax debt one tax year at a time. *Id.* at 32.

At the hearing, the Individual introduced the testimony of two of her former supervisors and a former co-worker concerning her reliability and trustworthiness. These witnesses all believed, based on their personal interactions with the Individual, that she is an honest, reliable, and trustworthy person. Tr. at 23-25, 12-15, and 35-36. Although none of these witnesses knew the full extent of the Individual's criminal or financial issues, the witnesses had some awareness of different aspects of the Individual's problems. For example, the Individual's former supervisor testified that the Individual disclosed her arrest for theft from a former employer when she interviewed for her position with his company. Tr. at 22-23, 26-27

The Individual also offered the testimony of her sister and one of her cousins to show how her personal circumstances have changed since the time when she engaged in criminal activity. The Individual's sister testified that she believed that the Individual's prior criminal conduct was attributable to the men with whom she was romantically involved. Tr. at 42. The Individual's sister also testified that the Individual hid her drug use for years, and that she only learned of the Individual's drug use after the Individual was incarcerated. Tr. at 44-45. The Individual's sister attributed the Individual's criminal conduct after ending her drug use to not wanting to disappoint her boyfriend at the time or lose his financial support after their mother died. Tr. at 47-49. The Individual's sister testified that the Individual is no longer unduly focused on pleasing others, and that she believed that the Individual would refrain from criminal conduct in the future. Tr. at 47, 52-53.

The Individual's cousin recounted how the Individual came to live with her for approximately six years after the Individual's release from prison in 2006. Tr. at 57. The Individual's cousin attributed the Individual's prior criminal behavior to the Individual's mother “always putting her down.” Tr. at 58. The Individual's cousin indicated that she and the Individual speak when the Individual is feeling depressed, that she monitors the Individual by texting and observing her social media activity, and that she feels that she would know if the Individual were regressing into drug use or criminal behavior. Tr. at 59-62.

The Individual testified at the hearing that she had resolved her medical and furniture debts in August 2018, and provided documentation to demonstrate her payments. Tr. at 63-65; *see also* Exs. E, P, Q, T. The Individual testified that she learned of her medical debts only during the security investigative process, and “had a feeling” that she still owed the furniture debt prior to that. She also testified that she was still learning to budget and had waited until August 2018 to pay the debts so as to establish adequate savings first. Tr. at 65-68. According to the Individual, the state taxing authority only accepts payments for complete tax years and would not allow her

to pay her taxes in installments. Tr. at 68. The Individual testified that she had satisfied her outstanding tax liability for 2013, but still owed approximately \$2,400 in total for the 2014, 2015, and 2016 tax years. Tr. at 68. The Individual testified that she was saving approximately \$100 each week towards paying her unpaid taxes, but did not know when she would complete paying the taxes. Tr. at 68–71. After the hearing, the Individual submitted documentation that she paid \$1,964.79 to satisfy her 2014 and 2015 state tax obligations in April 2019. Ex. U.

During the hearing the Individual described her criminal activity as falling into three separate periods of her life, and attributed different causes to each period of criminal activity. According to the Individual, her forgery, burglary, and drug-related charges prior to 1998 were a product of being “young and dumb” and engaging in criminal activity to “survive” during periods of financial difficulty. Tr. at 95–96. The Individual testified that her first forgery charge occurred when she was approximately 18 years old and experiencing financial difficulties while attending college. Tr. at 95. The Individual claimed that she was arrested for burglary while taking chemicals from her cousin’s employer for a “project” at home, not knowing that she was not authorized to be on the property or to take chemicals. Tr. at 96–97. The Individual attributed her charges for drug trafficking, local offense against property, and possession of a controlled substance to a single incident in which she and a cousin trespassed on private property to harvest marijuana plants because she was “young and trying to survive.” Tr. at 96. The Individual testified that she was sentenced to five years of probation for harvesting marijuana, and that she did not engage in any criminal activity during the five-year period from 1993 to 1998. Tr. at 96.

The Individual attributed her second period of criminal activity, beginning in 1998 when she was 29 years old, to her addiction to crack cocaine after a former boyfriend introduced her to the drug. Tr. at 94. The Individual testified that she engaged in prostitution, theft, and other criminal activity to obtain money for crack cocaine. Tr. at 73, 93–95. The Individual testified that this period of criminal activity continued until 2005, when she was sentenced to three years in prison for theft after being caught shoplifting. Tr. at 73. The Individual testified that she completed substance abuse treatment in prison, and that she has not used drugs, except for her 2014 use of marijuana, since her release from prison in 2006 after serving 18 months. Tr. at 73, 104.

The Individual’s third period of criminal activity began in 2011 when she was arrested again for theft. The Individual maintained at the hearing that she had not stolen the wallet in question, and attributed her conviction to “[s]elective evidence combined with [her] past . . .” Tr. at 78. The Individual admitted, however, that she committed theft from her employer in 2013 due to her desire to please another former boyfriend in hopes of preserving the relationship. Tr. at 82–83. Although the Individual testified that this boyfriend did not ask her to steal from her employer and that she loved her job at that time, she engaged in the theft anyway because she perceived that he wanted the materials. Tr. at 83. The Individual further testified that her 2013 charge for theft and 2014 charge for felony theft stemmed from the same conduct. Tr. at 74.

The Individual testified that her 2016 citation for failing to maintain a certificate of responsibility was an error, not intentional misconduct, and that she had believed that she did not need the certificate because her driver’s license was issued by another state. Tr. at 87–88. The Individual further testified that she was unaware that her driving privileges in the state where she lived were suspended until she received the second citation in May 2018, that she subsequently paid a small

fee to reinstate her driving privileges, and that she intended to obtain a driver's license in the state in which she currently resides once she is eligible after resolving her unpaid taxes. Tr. at 89, 92. The Individual testified that she reported the second citation in May 2018, and that she believed that the date on the incident report (Ex. 5) was incorrect. Tr. at 92–93, 105.

V. ANALYSIS

I have thoroughly considered the record of 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 set forth at 10 C.F.R. § 710.7(c) and the Adjudicative Guidelines. After due deliberation, I have determined that the Individual's security clearance should not be granted. I find that granting the Individual a DOE security clearance would endanger the common defense and security, and is not clearly consistent with the national interest. 10 C.F.R. § 710.27(a).

A. Guideline E

An individual may mitigate security concerns under Guideline E if the circumstances under which the conduct occurred are such that the conduct is unlikely to recur and do not cast doubt on the individual's reliability, trustworthiness, or good judgement; if the individual has obtained counseling or taken other positive steps to address the causes of conduct and the conduct is unlikely to recur; or, if the individual has taken steps to reduce or eliminate vulnerabilities to exploitation, manipulation, or distress. Guideline E at ¶ 17(c)–(e).²

In this case, the Individual has demonstrated a willingness to engage in criminal conduct if she perceives that doing so will please or aid a romantic partner. The Individual's sister testified that a desire to please others is a characteristic the Individual has exhibited throughout her life. The Individual's assertion that she will not become romantically involved with men is not enough to establish that she will place greater weight on the interests of DOE and national security over the interests of those she cares about in the future if she perceives that engaging in criminal activity will benefit them. The Individual's pattern of spending years without engaging in criminal conduct and then committing criminal acts again suggests that the passage of more time without criminal violations is necessary before concluding that the Individual's personal conduct does not pose a threat to national security. Accordingly, I find that the Individual has not mitigated the security concerns asserted by the LSO under Guideline E.

B. Guideline F

An individual can mitigate Guideline F security concerns by demonstrating that the individual initiated and is adhering to a good-faith effort to pay overdue creditors or otherwise resolve debts or by demonstrating that the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements. Guideline F at ¶ 20 (d), (g). In this case, the Individual has provided evidence that she has resolved both her medical

² The remaining mitigating criteria under Guideline E concern untruthfulness, unsubstantiated security concerns, and the criminal activity of associates of an individual, and are clearly not applicable to the security concerns asserted by the LSO in this matter.

and furniture debts. Additionally, since the hearing, the Individual submitted evidence that she has paid a majority of her state property tax debt, now owing less than \$500. Although the Individual does not have a formal arrangement with the state tax authority, she has demonstrated her willingness to adhere to a self-imposed payment plan. Although I find that the Individual's financial issues are largely a result of her own irresponsibility, I also find that she has made good-faith efforts to resolve these issues. Based on the foregoing, I find that the Individual has mitigated the Guideline F security concerns.

C. Guideline J

The Individual did not challenge the accuracy of the LSO's recitation of her criminal record in the Notification Letter, but asserted that she had not engaged in several of the alleged unlawful acts and that she had mitigated the security concerns associated with those unlawful acts that she had committed. Ex. 2 at 2–4. Although the Individual has taken commendable steps to recover from her drug addiction and change her lifestyle, I find that the Individual has not fully mitigated the Guideline J security concerns.

An individual may mitigate security concerns under Guideline J by showing that the criminal activity occurred so long ago or under such unusual circumstances that it is unlikely to recur, that the individual was pressured or coerced into committing the criminal acts, that there is no reliable evidence that the individual committed the criminal acts, or that the individual has demonstrated successful rehabilitation through, for example, the passage of time without recurrence of criminal activity, compliance with the terms of parole or probation, and a good employment record. Guideline J at ¶ 32(a)–(d).

I find that the Individual has mitigated some of her criminal conduct, specifically the criminal conduct related to possession of a controlled substance and solicitation/prostitution. The Individual testified compellingly that she only engaged in this criminal conduct because she was addicted to crack cocaine. The Individual also testified that she completed a drug rehabilitation program while incarcerated, no longer associates with drug-users, and, other than a one-time experiment with marijuana, has not used illegal drugs for approximately fourteen years. The Individual's cousin corroborated the Individual's testimony and concurred that the Individual has made significant changes to her lifestyle since 2005. This criminal conduct was isolated to the period of her life during which she was using crack cocaine, and I find that it was inextricably linked to her drug use. Therefore, I find that the Individual's criminal conduct related to possession of a controlled substance and solicitation/prostitution occurred under such unusual circumstances that it is unlikely to recur and therefore that this criminal conduct is mitigated. Guideline J at ¶ 32(a).

However, I find that the Individual has not fully mitigated her criminal conduct security concerns, particularly with respect to theft. The Individual's charges for theft and burglary span three decades, and are not attributable to any one motivation. The Individual does not deny that she committed the most recent act of theft, the 2013 theft from her employer, or assert that she was coerced into committing the criminal conduct. Rather, the Individual asserts that she committed the theft to try to preserve a romantic relationship, that she will avoid similar circumstances in the future by not becoming romantically involved with men, and that the passage of time since she committed the theft from her employer mitigates the criminal conduct.

OHA has previously considered both the severity of criminal conduct and whether the conduct was an isolated incident or part of a pattern of criminal conduct in determining the passage of time necessary to mitigate security concerns associated with criminal conduct. *See Personnel Security Hearing*, OHA Case No. TSO-0507 (2007) (finding the passage of three years inadequate to mitigate security concerns associated with an individual committing vehicular homicide in light of the severity of the offense); *see also Personnel Security Hearing*, OHA Case No. PSH-18-0055 at 7–8 (2018) (determining that the passage of thirteen months since an individual’s conviction for DUI was inadequate to mitigate security concerns because of the individual’s history of alcohol-related infractions).³ In this case, the Individual’s most recent act of theft was part of a long pattern throughout her adult life and, because it was from her employer, represents a direct security threat to DOE. Moreover, I note that although the Individual has not been charged with criminal conduct in more than five years, the Individual previously experienced five-year periods from 1993 to 1998 and 2006 to 2011 during which she was not arrested or charged with criminal conduct, but later returned to engaging in criminal activity. Furthermore, the fact that the Individual was an adult of over forty years of age when she committed the most recent act of theft weighs against her efforts to mitigate the criminal conduct. 10 C.F.R. § 710.7(c).

Although the Individual has made commendable changes to her lifestyle since 2005, I find that the criminal conduct in which the Individual has engaged throughout her adult life, and the troubling patterns of engaging in theft after years of not engaging in criminal conduct, outweighs the mitigation evidence presented. Accordingly, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline J.

D. The Bond Amendment

The Individual does not contest that she was sentenced to and served a term of imprisonment exceeding one year, and I found that she has not mitigated the security concerns related to the criminal conduct which led to her incarceration. Accordingly, the Individual is disqualified from holding a security clearance under the Bond Amendment. *See Personnel Security Hearing*, OHA Case No. PSH-12-0092 (2012).

VI. CONCLUSION

³ Decisions issued by OHA are available on the OHA web site located at <http://www.energy.gov/oha>.

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under the Bond Amendment and Guidelines E, F, and J of the Adjudicative Guidelines. 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 find that, although the Individual has sufficiently mitigated the Guideline F security concerns, she has not brought forth sufficient evidence to resolve the security concerns raised in the Notification Letter under the Bond Amendment and Guidelines E and J. Accordingly, I have determined that the Individual should not be granted access authorization. Either party may seek review of this Decision by an Appeal Panel pursuant to 10 C.F.R. § 710.28.

Brooke A. DuBois
Administrative Judge
Office of Hearings and Appeals