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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:         May 16, 2019                            )  
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Case No.:         PSH-19-0030

Issued:   September 17, 2019

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**Administrative Judge Decision**

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Katie Quintana, Administrative Judge:

This Decision concerns the eligibility of XXXXX (hereinafter referred to as “the Individual”) for access authorization under the United States Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material.”<sup>1</sup> 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 should not be granted access authorization.

**I. Background**

A DOE contractor employs the Individual in a position that requires access authorization. In 2017, the Individual electronically submitted a Questionnaire for National Security Positions (QNSP). Ex. 7 at 69. The Individual disclosed on the QNSP that he was delinquent on court-ordered payments for child support and numerous debts, that he was delinquent on many other debts, and that he had failed to pay over \$10,000 in federal and state personal income taxes. *Id.* at 61–64. The Individual also disclosed that he had been cited for driving without insurance, driving without a driver’s license, and driving with an open container. *Id.* at 54–56.

The Office of Personnel Management (OPM) conducted a background investigation of the Individual, which revealed additional arrests that the Individual had failed to disclose on the QNSP and numerous instances of criminal behavior by the Individual predating the reporting period for criminal conduct on the QNSP. *See* Ex. 4 (summarizing the investigative process and the findings of the OPM investigation). OPM obtained a credit report for the Individual and conducted an

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<sup>1</sup> 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.

interview of the Individual, both of which revealed additional derogatory information. *See* Ex. 3 (summarizing the investigative process and findings of the OPM investigation).

Due to unresolved security concerns related to the Individual's financial delinquencies, criminal conduct, and failure to fully disclose derogatory information on the QNSP, the local security office (LSO) informed the Individual, in a Notification Letter dated May 15, 2019 (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 Guideline E (Personal Conduct), Guideline F (Financial Considerations), and Guideline J (Criminal Conduct) of the Adjudicative Guidelines. Ex. 1.

Upon receipt of the Notification Letter, the Individual exercised his right under the Part 710 regulations by requesting an administrative review hearing. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me the Administrative Judge in the case, and I subsequently conducted an administrative hearing in the matter. At the hearing, the DOE Counsel submitted numbered exhibits into the record. The Individual introduced lettered exhibits into the record. The exhibits will be cited in this Decision as "Ex." followed by the appropriate numeric or alphabetical 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 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 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. Adjudicative Guidelines at ¶ 22(a), (c)–(d).

## **III. Notification Letter and Associated Security Concerns**

As previously mentioned, the Notification Letter included a statement of derogatory information that raised concerns about the Individual's eligibility for access authorization. The Notification Letter cited Guideline E of the Adjudicative Guidelines as the first basis for denying the Individual

access authorization. Conduct involving questionable judgment, lack of candor, 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. *Id.* at ¶ 15. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. *Id.* In citing Guideline E, the LSO relied upon the Individual's failure to disclose all of his arrests within the last seven years on the QNSP and his indication on the QNSP that he had never been arrested for an alcohol or drug-related offense. Ex. 1 at 1–2.

The LSO cited Guideline F of the Adjudicative Guidelines as the second basis for denying the Individual a security clearance. 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. Adjudicative Guidelines at ¶ 18. The Notification Letter indicated that the Individual: was subject to state tax liens totaling \$2,616 as a result of intentionally claiming two unauthorized individuals as dependents on his tax returns; owed \$3,124.28 in unpaid court-ordered judgments for debts; was delinquent on child support payments and owed \$4,439 in unpaid child support; and owed \$12,089 in outstanding collection accounts. Ex. 1 at 2–3.

Finally, the LSO also cited Guideline J (Criminal Conduct) in denying the Individual a security clearance. DOE Ex. 1. 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. Adjudicative Guidelines at ¶ 30. The Notification Letter cited the following instances in which the Individual was arrested, charged, or referred for prosecution:

- (1) Carnal Knowledge of a Minor – September 2000
- (2) Arrested on Bench Warrant for Contempt of Court – August 2001
- (3) Felony Produce, Manufacture, Distribute, Dispense, Possess Schedule I Substance – October 2002
- (4) Arrested on Bench Warrant for Contempt of Court – January 2004
- (5) Open Container – January 2006
- (6) Criminal Mischief, Telephone Communications, Improper Language, Harassment, Fugitive, Misrepresentation During Booking, Driver Must be Licensed – July 2007
- (7) Arrested on Bench Warrant for Contempt of Court – July 2007
- (8) Driving Without a License, Failure to Display Proof of Insurance – April 2008
- (9) Driving Without a License, Unsafe Turn/Failure to Signal – August 2008 [arrested on bench warrant for failure to appear in court November 2008]
- (10) Referred for charges of Domestic Aggravated Assault, Criminal Damage to Property – September 2010
- (11) Disobeying a Lawful Order – March 2011 [arrested on bench warrant for failure to appear in court April 2011]
- (12) Driving Without a License, Failure to Use a Seatbelt, Failure to Display Proof of Insurance, Displaying Expired License Plate – October 2012

- (13) Driving Without a License, Improper Left Turn, Transporting an Open Container, Preliminary Breath Test, Failure to Display Insurance [fines unpaid as of close of background investigation] – November 2012
- (14) Driving in Violation of Restrictions and Expired/Illegal Tag – September 2013
- (15) License Not Carried or Exhibited on Demand – November 2014 [bench warrant issued, matter pending as of close of background investigation]
- (16) Arrested for Failure to Appear in Court – January 2015
- (17) Failure to Display Lighted Headlights, Failure to Wear a Seatbelt – May 2015
- (18) Failure to Appear in Court – September 2015
- (19) Operating a Motor Vehicle Without a Valid Driver's License – March 2016
- (20) Arrested on Bench Warrant – March 2016
- (21) Arrested on Bench Warrant – July 2017

Ex. 2 at 3–5.

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

The Individual acknowledged his extensive record of arrests and citations, but asserted that he could not recall the circumstances surrounding each incident. Ex. 2. He stated that any omissions on the QNSP were the result of misunderstanding the required disclosures or his inability to obtain the information required to make an accurate disclosure. *Id.* He maintained that he had not intentionally withheld any information during the investigative process. *Id.* I have carefully considered the totality of the record in reaching the findings of fact set forth below.

In 2017, the Individual electronically submitted a QNSP and certified that the contents of the QNSP were true, complete, and correct to the best of his knowledge and belief. Ex. 7 at 69. The Individual disclosed that law enforcement had issued him citations on three separate occasions within the seven years prior to the date that he completed the QNSP: (1) operating a vehicle with an open container, refusing to take a breathalyzer, and operating a vehicle without insurance; (2) operating a vehicle without a driver's license; and (3) operating a vehicle without insurance. *Id.* at 54–56. Although the Individual checked a box on the QNSP indicating that he had never been charged with a criminal offense involving alcohol or drugs, he disclosed in a previous section of the QNSP that he had received citations for an open container and a refusal to take a breathalyzer. *Id.* at 54–55, 58. He further disclosed that he “received 30 days of [d]rug [c]ounseling for possession of [m]arijuana” in May 2003 from one court and “was ordered to drug counseling for 60 days for possession of [m]arijuana” in May 2003 in a different town.<sup>2</sup> *Id.* at 59.

The Individual also disclosed numerous financial issues on the QNSP. The Individual indicated that he did not pay approximately \$10,000 in federal and state personal income taxes for the 2014 tax year because he “just didn't have the money.” *Id.* at 61. The Individual also disclosed that multiple judgments had been issued against him for debts; he was delinquent on child support payments; and he owed an estimated \$18,886 in unpaid child support. *Id.* at 62–66. He further

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<sup>2</sup> Although the Individual signed his QNSP, certifying that he had never been charged with an offense involving drugs, the Individual did disclose that he was ordered to attend drug counseling as the result of possession of marijuana within the "Treatment for the Use of Drugs" section of the QNSP.

noted that he had previously been evicted from several apartments and had utility bills referred to collections; he was delinquent on his student loan debts and owed approximately \$20,000; and he was more than ninety days past due on an auto loan for which he owed approximately \$18,000. *Id.*

As part of the request for access authorization process, OPM conducted a background investigation of the Individual, which included a record of the Individual's criminal history. Ex. 8 at 187. The FBI provided a "rap sheet" to OPM, which revealed twenty-one criminal offenses, citations, and referrals for prosecution since 2000. *Id.* at 188–93. Most notably, the Individual was arrested and charged with Carnal Knowledge of a Minor, Felony Possession of a Schedule I Substance, and five offenses within the last seven years: three arrests for outstanding warrants, an arrest for operating a vehicle without a driver's license, and operating a vehicle with an open container. *Id.* OPM also obtained a credit report for the Individual, which indicated that a state taxing authority had obtained \$2,616 in tax liens against him; there were three outstanding judgments against the Individual totaling \$3,124.28; the Individual was delinquent on child support payments and owed \$4,439<sup>3</sup>; and the Individual had seven accounts in collections on which he owed \$12,089. *Id.* at 170–77.

In July of 2017, an OPM investigator interviewed the Individual under oath to discuss the adverse information from the Individual's criminal and financial record. *Id.* at 90. During the interview, the Individual recounted his 2014 arrest for open container, refusal to take a breathalyzer, and driving without insurance. *Id.* at 98. The Individual pleaded guilty to all three charges, his driver's license was suspended, and he was ordered to pay a fine. *Id.* at 99. The OPM Investigator reported that the Individual did not pay the fine until 2015 because he "did not take the situation serious" and continued to drive even though his license was suspended because he "did not think he would get caught again" and "needed to get back and forth to work or wherever else he needed to be." *Id.* at 99, 104.

In September of 2014, during the term of the suspension of his driver's license for the February offense, the Individual was cited for driving without a license. *Id.* The Individual subsequently failed to appear in court for a hearing related to this citation, and a warrant was issued for his arrest. *Id.* The Individual believed this warrant remained in effect as of the date of his OPM interview. *Id.* The Individual was again arrested in February of 2016, pursuant to a warrant for failing to appear at a court hearing after the Individual was cited for a traffic infraction. *Id.* at 100. Less than twenty-four hours after his arrest, the Individual was cited for speeding, failure to have insurance, and driving on a suspended driver's license. *Id.* The Individual informed the OPM investigator that the legal proceedings related to these latest two incidents were ongoing as of the date of the interview. *Id.*

The OPM investigator confronted the Individual with numerous charges and citations that he had not listed on the QNSP. The Individual admitted that he had been arrested for possession of marijuana in 2002, but did not disclose it on the QNSP because he thought that the charge had been a misdemeanor and he did not have all of the information related to the arrest. *Id.* at 101. The Individual also admitted to having pleaded guilty to misdemeanor Carnal Knowledge of a Minor when he was eighteen years old and serving three years of probation. *Id.* at 102. The Individual indicated that he had not disclosed all of his traffic citations on the QNSP because he believed that he did not need to disclose citations that did not lead to his arrest, and he had omitted arrests because he did not have all of the information. *Id.* at 103–04.

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<sup>3</sup> Although the Individual disclosed on his QNSP that he owed approximately \$18,886 in delinquent child support, the OPM investigation revealed that the Individual owed \$4,439. It is possible that the Individual totaled all of his outstanding debt to obtain \$18,886; however, it is unclear based upon the information in the QNSP.

The Individual described his financial situation as “a mess” and reported that he had defaulted on his student loans, only paid child support for two of his four children, and had his car repossessed. *Id.* at 107. The Individual expressed doubt as to the accuracy of the financial information that he provided on the QNSP and indicated that there were too many delinquent accounts for him to keep straight. *Id.* at 107–08. With respect to his unpaid taxes, the Individual explained that he had accrued the tax liability after the IRS detected that he had claimed two dependents on his 2008 tax return that had been claimed by other taxpayers. *Id.* at 108. The Individual explained to the OPM investigator that he had fraudulently listed the two individuals as dependents on his tax return because he knew other people who did the same thing and had not been caught. *Id.* The Individual reported that he currently had an agreement with the mothers of his children to take turns claiming the children as dependents, even though he knew he was not entitled to claim the children, because he thought he could “get more money out of the IRS” that way. *Id.*

## 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 prescribed in 10 C.F.R. § 710.7(c) and the Adjudicative Guidelines. After due deliberation, I have determined that the Individual has not sufficiently mitigated the security concerns asserted by the LSO for me to conclude that granting him a 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). Therefore, I have determined that the Individual should not be granted a security clearance. The specific findings that I make in support of this decision are discussed below.

The Individual called three character witnesses at the hearing: his supervisor, an instructor from a course he had taken at a community college, and a family friend. Each of the Individual’s character witnesses testified as to the Individual’s reliability, honesty, and trustworthiness. Tr. at 14, 25, 32. None of the witnesses reported having personal knowledge of the security concerns at issue in the hearing. *Id.* at 15–16, 26, 32.

The Individual testified during the hearing that his omissions from the QNSP with regard to his record of arrests and citations were the result of his lacking information about the incidents and that he had not intentionally omitted any information. *Id.* at 45, 47. With respect to failing to clearly disclose all of his arrests for drug and alcohol-related offenses, the Individual conceded that he had not read the questions on the QNSP carefully and acknowledged that this carelessness showed a lack of reliability on his part. *Id.* at 52, 54.

The Individual described how he had incurred state tax liens in 2012 and 2016 as a result of not adequately withholding taxes from his paychecks. *Id.* at 62. He stated that he thought that one of the mothers of his children would allow him to claim the children as dependents for those tax years. *Id.* The Individual admitted that he knew that he was not entitled to claim the children as dependents, but he did “not think[] it would catch up with [him] like it did.” *Id.* The Individual explained that he had no savings with which to pay his taxes because his wages were being garnished for child support and to pay his debts. *Id.* at 63–64.

In order to address the derogatory information concerning the tax liens, the Individual entered into a payment plan with the state taxing authority. *Id.* at 69; *see also* Ex. A. The Individual testified that he had made two payments pursuant to the payment plan as of the date of the hearing, the second of which was processed by the taxing authority after the deadline for payment. Tr. at 71. The Individual expressed the intention to resolve his tax issues and avoid falling behind in the future. *Id.* at 76–78. The Individual indicated that he had not yet filed federal or state personal income taxes for 2016, 2017, or 2018, but that he had provided the information to a tax preparation company and intended to file soon. *Id.* at 76–77.

With respect to the three outstanding judgments identified by the LSO in the Notification Letter, the Individual indicated that he had satisfied one of the judgments and entered into payment arrangements for the other two. *Id.* at 79–89; Ex. B, Ex. D. The Individual also reported that his child support payments were being made through garnishments of his wages; he had paid off one of the accounts in collections identified in the Notification Letter; and he was in the process of paying off the remaining debts. Tr. at 92–104; Exs. C, F, G, I, J, K, and L. The Individual testified that he believed that he could meet his financial obligations in the future, and he submitted a budget after the hearing comparing his monthly wages to his monthly payments on the debts identified in the Notification Letter and some of his monthly expenses. Ex. M.

The Individual testified that he had not been arrested or cited for any violations of law since 2017, and he had resolved the last pending charges for failing to appear for court by paying a fine. Tr. at 109–10, 146. The Individual described his criminal history as attributable to “thinking [he] wouldn’t get caught, [and] if [he] did get caught [he] always got somebody to bail [him] out so it’s not really going to be [a] problem or whatever.” *Id.* at 145. The Individual expressed that he had “learned a great lesson” as a result of the security investigation process and that he would not engage in unlawful acts in the future. *Id.* at 146.

#### **A. Guideline E**

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. Deliberately omitting, concealing, or falsifying relevant facts from any personnel security questionnaire can disqualify an individual from holding access authorization. *Id.* at ¶ 16(a). Under Guideline E, conditions that may mitigate security concerns include that “the individual made prompt, good faith efforts to correct the omission, concealment, or falsification before being confronted with the facts,” or “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.” *Id.* at ¶ 17(a)(c).

In this case, the Individual was confronted with the facts by an OPM investigator before admitting to having omitted numerous arrests and citations from the QNSP. Moreover, the Individual’s explanation for the omissions is not convincing. The Individual told the OPM investigator that he had not disclosed his arrest for marijuana possession because he thought that he did not need to disclose misdemeanors, despite disclosing numerous non-felony traffic offenses. He also stated

that he did not believe that he needed to disclose traffic offenses because he was not arrested, which suggests that he was aware that he should have fully disclosed the alcohol and drug-related offenses for which he was arrested. At the hearing, the Individual indicated that the omissions were attributable to not reading the questions carefully. Whether the Individual's omissions were intentional or due to negligence in completing the QNSP, I cannot find that the offense was so minor, so much time has passed, the behavior was so infrequent, or it happened under such unique circumstances that it is unlikely to recur. *See* Guideline E at ¶ 17(c). I find that the Individual's judgment, reliability, and trustworthiness remains a concern, and as such, I find that the Individual has not mitigated the security concerns under Guideline E.

### **B. Guideline F**

An inability to satisfy one's debts or an individual's unwillingness to do so regardless of his or her ability may raise a security concern that could serve as a disqualifier to receiving a security clearance. Guideline F at ¶ 19(a)(b). Furthermore, a failure to file Federal or state income tax returns or failure to pay Federal or state income tax may also serve as a disqualifier. *Id.* at ¶ 19(f). An individual may be able to mitigate the security concerns by demonstrating 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. *Id.* at ¶ 20(a).

Notably, the Individual has made significant progress towards improving his financial situation; however, too little time has passed for me to conclude that he has resolved the security concerns under Guideline F. The Individual displayed a pattern of financial irresponsibility and a willingness to fraudulently file tax returns over the course of much of his adult life. The Individual has only made payment arrangements on his debts and tax obligations within approximately two months of the date of the hearing, and has not yet filed federal or state taxes for three outstanding tax years. Moreover, the budget he provided is not sufficiently detailed for me to conclude that he will be able to sustain the payments he has arranged to make over the multi-year term required to meet his obligations. Therefore, I find that the Individual's financial irresponsibility was too recent, and his adherence to repayment plans too short, for me to conclude that he has mitigated the security concerns under Guideline F. Adjudicative Guidelines at ¶ 20(a), (d).

### **C. Guideline J**

Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness as it calls into question a person's ability or willingness to comply with laws, rules, and regulations. Guideline J at ¶ 30. 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 casts doubt on the individual's judgment, reliability, or trustworthiness can raise a security concern under Guideline J and be disqualifying. *Id.* at ¶ 31(a). A disqualifying condition under Guideline J need not require a formal charge, prosecution, or conviction as evidence of criminal conduct may raise a security concern. *Id.* at ¶ 31(b). Furthermore, currently being on probation, or violation of that probation, could raise a security concern and be disqualifying under Guideline J. *Id.* at ¶¶ 31(c)(d).

It may be possible to mitigate such concerns if an individual can show, in relevant part, that: (1) so much time has elapsed since the criminal behavior happened, or it happened under such unusual



circumstances, that it is unlikely recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; or (2) there is evidence of successful rehabilitation, including, but not limited to, the passage of time without recurrence of criminal activity or compliance with the terms of probation. *See id.* at ¶¶ 32(a)(d).

Here, the Individual's history reflects a pattern of criminal activity spanning approximately 17 years. Time and again, the Individual engaged in unlawful conduct because, by his own admission, he believed that he would not be caught. The Individual then refused to accept the consequences of his actions by appearing in court, paying fines, and abiding by the conditions ordered by the courts. This refusal to cooperate resulted in warrants being issued for the Individual's arrest, which started the process all over again. This pattern of behavior carried on from the Individual's adolescence to 2017, when the Individual paid the fine associated with his last offense.

While the Individual has avoided engaging in unlawful activity for approximately two years, the Individual previously had periods in which he was not arrested or cited for unlawful activity but eventually returned to engaging in unlawful conduct. For example, after the Individual's arrest for failing to appear in court in January 2004, he went two years without being cited for unlawful conduct until he was cited for Open Container in January 2006. I find that two years is not a sufficient period of time for me to conclude that the Individual is rehabilitated and the security risks under Guideline J have been mitigated in light of the Individual's long pattern of engaging in criminal conduct and refusing to accept the consequences of his actions. *Id.* at ¶ 32(a), (d). As such, I cannot determine that the Individual has either been successfully rehabilitated or that his criminal conduct occurred under such unusual circumstances that is unlikely to recur. Further, I cannot determine that the Individual's pattern of behavior does not cast doubt on his reliability, trustworthiness, or good judgment. Accordingly, I find that the security concerns under Guideline J have not been resolved.

## **VI. Conclusion**

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 have found that the Individual has not brought forth sufficient evidence to resolve the security concerns associated with Guidelines E, F, and J. Accordingly, I have determined that the Individual's access authorization should not be granted. The parties may seek review of this Decision by an Appeal Panel under the regulations set forth at 10 C.F.R. § 710.28.

Katie Quintana  
Administrative Judge  
Office of Hearings and Appeals