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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: March 2, 2020) Case No.: PSH-20-0047
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Issued: September 18, 2020

Administrative Judge Decision

James P. Thompson III, Administrative Judge:

This Decision concerns the eligibility of XXXXX (the Individual) for 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 should not be granted access authorization.

I. BACKGROUND

The Individual is employed by DOE in a position that requires him to hold a security clearance. On October 4, 2016, the Individual signed an Electronic Questionnaire for Investigations Processing (e-QIP) in connection with obtaining a security clearance. Exhibit (Ex.) 9 at 1. The Individual disclosed on the e-QIP that he had voluntarily sought counseling for a process addiction. *Id.* at 20.² The Office of Personnel Management (OPM) conducted a background investigation of the Individual and, during an interview with an OPM investigator, the Individual explained that his process addiction was manifested as a sexual addiction. Ex. 10 at 76. The Individual reported to the OPM investigator that he had solicited prostitutes to satisfy his addiction, including during his marriage to his wife, and last utilized the services of a prostitute in early 2013. *Id.*

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.

² Numerous exhibits offered by DOE contain documents with printed page numbers that are inconsistent with the pagination of the exhibits. This decision cites to exhibits based on the pagination of the exhibits and not page numbers printed on documents contained within exhibits.

The local security office (LSO) conducted a personnel security interview (PSI) of the Individual in 2018, during which the Individual admitted that he patronized prostitutes in 2016 and 2018. Ex. 11 at 23. The LSO subsequently referred the Individual to a DOE-contracted psychologist (DOE Psychologist) for a psychological evaluation. Ex. 12 at 2. Following a clinical interview of the Individual, the DOE Psychologist issued a psychological evaluation (Report) in which he opined that the Individual did not have a psychological condition that significantly adversely affected his judgment or reliability. *Id.* at 10–11.

On December 4, 2019, the LSO issued the Individual a letter in which it indicated that it possessed reliable information that created substantial doubt regarding the Individual’s eligibility to hold a security clearance. In an attachment to the letter (Summary of Security Concerns), the LSO explained that the derogatory information discovered during the OPM investigation raised security concerns under Guideline E (Personal Conduct) and Guideline J (Criminal Conduct) of the Adjudicative Guidelines. Ex. 1.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 4. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I subsequently conducted an administrative hearing. The LSO submitted twelve numbered exhibits (Ex. 1–12) into the record and presented the testimony of the DOE Psychologist. The Individual offered the testimony of two witnesses, including his own testimony, and did not submit any exhibits into the record.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline E (Personal Conduct) of the Adjudicative Guidelines as the first of two bases for denying the Individual a security clearance. Ex. 1 at 2–3.

“Conduct involving questionable judgement, 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. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.” Adjudicative Guidelines at ¶ 15. The Summary of Security Concerns asserted that the Individual: patronized prostitutes periodically from 1993 until 2017;³ engaged in extra-marital sex with prostitutes during both of his marriages; and provided inconsistent information concerning his patronization of prostitutes during the OPM investigation and PSI. Ex. 1 at 1–2. The LSO’s allegations that the Individual (1) provided false or misleading information, or concealed or omitted information, during the OPM investigation, (2) engaged in a pattern of behavior that supported a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, or unwillingness to comply with rules and regulations, and (3) engaged in behavior that creates a vulnerability to exploitation, manipulation, or duress, justify the LSO’s invocation of Guideline E. Adjudicative Guidelines at ¶ 16(b), (d)–(e).

The LSO cited Guideline J (Criminal Conduct) of the Adjudicative Guidelines as the other basis for denying the Individual a security clearance. Ex. 1 at 3. “Criminal activity creates doubt about

³ This allegation appears to contain a typographical error. The Individual disclosed during the PSI, and confirmed during the hearing, that he last used the services of a prostitute in 2018.

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 Summary of Security Concerns cited as relevant facts the Individual's admission to having patronized prostitutes while knowing that doing so was unlawful. Ex. 1 at 3. The Individual's admission to knowingly engaging in criminal conduct justifies the LSO's invocation of Guideline J. Adjudicative Guidelines at ¶ 31(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

On October 4, 2016, the Individual signed the e-QIP on which he disclosed his counseling for process addiction. Ex. 9 at 1, 20–21. The Individual indicated on the e-QIP that he and was married, and that he and his wife (Individual's Wife) had married in 2009. *Id.* at 13. The Individual also reported a previous marriage to another woman (Individual's ex-Wife) from 2000 to 2005. *Id.*

On September 13, 2017, an OPM investigator interviewed the Individual under oath. Ex. 10 at 73. During the interview, the Individual disclosed that his process addiction was characterized by sexual addiction. *Id.* at 76. The Individual admitted to having engaged in infidelity while married to his ex-Wife, and speculated that his sexual addiction may have led to the dissolution of the marriage. *Id.* The Individual disclosed that he had patronized prostitutes periodically to satisfy his sexual addiction, including as frequently as bi-weekly while deployed abroad in the U.S. military in 2007. *Id.* The Individual reported seeking counseling for his addiction in 2011, and said that doing so had helped him to abstain from soliciting prostitutes, but that he relapsed and patronized prostitutes again in approximately late 2012 after discontinuing the counseling. *Id.*

The Individual told the OPM investigator that he had not patronized prostitutes since 2013, and that he had fully disclosed his prior patronization of prostitutes to his Wife. *Id.* The Individual expressed uncertainty as to whether he could be manipulated or exploited as a result of his addiction, and explained that he would not want his friends or family to know of his behavior. *Id.* The Individual stated that he believed that his addiction was under control as of the date of the interview, and that he did not intend to patronize prostitutes in the future. *Id.* The OPM investigator interviewed the Individual's Wife on February 8, 2018. *Id.* at 82. During the interview, the Individual's Wife stated that she believed that the Individual had patronized prostitutes "2-3 times between 2012 and 2013," that he "had no recent problems" with sexual addiction, and that she was unaware of any instances in which he had solicited prostitutes prior to 2012. *Id.* at 82-83.

On June 12, 2018, the LSO conducted the PSI of the Individual. Ex. 11 at 3. During the PSI, the Individual recounted how his sexual addiction manifested when he was approximately eighteen years of age, and that he began patronizing prostitutes around that time. *Id.* at 12. The Individual reported that his symptoms abated in approximately 1997, but reappeared in 2001 or 2002 when he was deployed abroad by the U.S. Military. *Id.* at 14. The Individual reported that he initially resorted to pornography and self-gratification, but soon returned to soliciting prostitutes. *Id.* at 15. The Individual's use of prostitutes, as well as his ex-Wife's infidelity, led to the dissolution of the marriage in 2005. *Id.* The Individual stated that, when he was deployed again in 2007, he "might've [solicited prostitutes] a couple of times" *Id.* at 16.

The Individual reported during the PSI that he was forthcoming to his Wife about his sexual addiction when they married, and that, after patronizing prostitutes while married in 2011, he revealed his infidelity to his Wife and sought counseling. *Id.* at 20-21. When asked by the interviewer whether he had learned anything from counseling and whether he found it helpful, the Individual responded "I did" to both questions without elaboration. *Id.* at 22. The Individual attributed his use of prostitutes to relieving stress, comparing it to how people "go home and take a drink at night," and reported that social activities and "religious guilt" helped him to control himself for years on end at times. *Id.* at 17, 23.

The Individual reported that he had stopped patronizing prostitutes for "short periods of time . . . nothing sustained." *Id.* at 23. When asked about his recent use of prostitutes, the Individual disclosed that he had patronized a prostitute once in 2016 and once two months prior to the PSI. *Id.* The Individual represented that his Wife was aware of his behavior. *Id.* at 24. The Individual expressed no intention to pursue counseling or treatment, but said that he "probably" would do so if his behavior "got out of hand." *Id.* at 25.

On August 30, 2018, the Individual met with the DOE Psychologist for a clinical interview. Ex. 12 at 2. During the clinical interview, the Individual expressed that his sexual behavior was a means of dealing with stress and frustration, and that questioning his dogmatic religious beliefs and adopting a more relaxed demeanor had helped him to resolve stress in a healthier manner. *Id.* at 3. The Individual cited breathing techniques, social activities, and hobbies as means of controlling his stress. *Id.* at 6. The Individual represented that his coping techniques, self-acceptance, affection for his family, and twelve-step-influenced practice of taking recovery one day at a time would allow him to control his urges going forward. *Id.*

The Individual acknowledged that he had “relapsed many times,” including patronizing a prostitute approximately three months prior to the clinical interview, but asserted that “it is not a factor in [his] life now.” *Id.* at 3–4. The Individual represented that, prior to his most recent relapse, he last patronized a prostitute approximately three years prior to the clinical interview. *Id.* The Individual attributed his most recent relapse to stress from “a very busy lifestyle compounded by stress of remodeling [the family] home” he shares with his Wife and children. *Id.* at 4. The Individual represented that his Wife was fully aware of his behavior, including his most recent relapse. *Id.*

The DOE Psychologist opined in his report that the Individual’s process addiction did not represent a psychological condition that significantly adversely affected his judgment or reliability. *Id.* at 10. In reaching this conclusion, the DOE Psychologist observed that the Individual’s self-reported derogatory sexual conduct, two sexual encounters with prostitutes in three years, was insufficiently recurrent, intense, or repetitive to support a current diagnosis. *Id.* at 9. Moreover, the DOE Psychologist expressed the opinion that the Individual’s prognosis was positive based on his “self-care and self-functioning,” “loosening of previously held strict and punitive self-attitudes,” and openness with his Wife about his behavior. *Id.* at 10.

V. HEARING TESTIMONY

The Individual’s Wife testified at the hearing that the Individual came forward to her and admitted to using prostitutes during their marriage in 2011. Tr. at 18. Shortly thereafter, the Individual’s Wife recalled that the Individual began attending counseling. *Id.*

The Individual’s Wife was aware that the Individual subsequently relapsed and patronized prostitutes. *Id.* The Individual’s Wife expressed that she was taken by surprise at the Individual’s relapse in 2015: she had no indication of the Individual’s behavior until he admitted it after she discovered a suspicious picture on his phone and confronted him. *Id.* at 27–28. When asked why she had identified 2013 as the last date on which she was aware that the Individual had patronized prostitutes during her interview with the OPM investigator in 2017, she testified that she did not recall the OPM investigator asking about the Individual’s use of prostitutes after 2013. *Id.* at 19–20. However, the Individual’s Wife reported that “the last that [she] had heard at that point was 2015.” *Id.* at 19. The Individual’s Wife explained that she told the OPM investigator that the Individual had “no recent problems” because “[i]t had been two years since [she] had heard anything, any problems.” *Id.* at 20.

The Individual’s Wife also acknowledged that the Individual came forward to her when he patronized a prostitute again in 2018. *Id.* at 25. The Individual’s Wife recounted that she suspected the Individual of using prostitutes in early 2018, and accused him of having done so, and “then the next day, because of the stress I guess of me confronting him, he went to the prostitute.” *Id.* at 31. The Individual’s Wife reported that the experience “really kicked me hard. Because we were doing so well before that, I really didn’t see it coming.” *Id.* at 32. The Individual’s Wife reported that she was unable to identify the signs of the Individual’s relapse, besides him picking fights with her, but that counseling she was attending and improved communication were making a positive difference in their relationship. *Id.* at 31–32. She also testified that her parents and the Individual’s mother know about his issues. *Id.* at 35.

The Individual testified that having sex and using prostitutes became his primary means of controlling routine stress. *Id.* at 41. The Individual reported that he had restrained himself from soliciting prostitutes during times when he had strong social support, including a period of approximately five years from 1997 to 2002 and nearly four years from late 2007 to 2011. *Id.* at 43–45, 51–54. However, when the Individual experienced stress, such as his 2002 deployment or family difficulties in 2011, he returned to using prostitutes as a coping mechanism. *Id.* at 46, 56. The Individual attributed his use of prostitutes in 2012 and 2013, after the counseling following his 2011 relapse, to “struggling with communication [with his Wife] [a]nd then with her pregnancy and the hormones, it was just a very stressful point in time.” *Id.* at 58.

The Individual testified that he completed a twelve-step program as part of his 2011 counseling and attended Alcoholics Anonymous and sexual addiction support meetings afterwards. *Id.* at 99. The Individual denied that he had developed any tools through his counseling that he uses on a consistent basis, but reported that he had learned to take a more holistic approach to life’s problems and not react immediately. *Id.* at 100–03. When asked whether he had learned to identify triggers that led him to solicit prostitutes, the Individual cited life occurrences that had caused him stress, such as his children and remodeling his house, and denied that he had triggers outside of discrete stressors. *Id.* at 104–06.

When questioned about why he had not disclosed his 2016 use of a prostitute to the OPM investigator, the Individual responded that he had done so but that he could not “speak to how somebody captured what I . . . said or how I say it.” *Id.* at 60. The Individual likewise asserted that his Wife had mistakenly testified that he patronized a prostitute in 2015 during the hearing, and that he had told her about the 2016 incident. *Id.* at 63. The Individual expressed confusion as to the LSO’s assertions that he displayed a “casual attitude” concerning his criminal behavior and stated that he did not “know where that one in particular comes from.” *Id.* at 89.

The Individual testified that he last patronized a prostitute in 2018, and attributed his restraint to reducing stress and guilt caused by his religion by modifying his belief system and resigning his church membership. *Id.* at 65. In addition to cultivating greater self-acceptance, the Individual cited improved communication with his wife as a source of reduced stress. *Id.* at 67. The Individual indicated that he is not pursuing counseling, but expressed that he believed that his Wife’s counseling had improved their relationship. *Id.* at 68. The Individual expressed the intention not to patronize prostitutes in the future. *Id.* at 130. The Individual acknowledged that blackmail or manipulation was “a relevant and valid concern,” but asserted that he was at lower risk than he had been in the past because he had told his “close personal family, my wife’s family and my family,” about his criminal behavior. *Id.* at 108–09.

The DOE Psychologist testified that he intended to communicate through his Report that the Individual previously met the diagnostic criteria for a process or behavioral addiction, but was in remission. *Id.* at 116. The DOE Psychologist testified that, based on the passage of approximately two years since the Individual’s last patronization of a prostitute, he was very confident that the Individual was rehabilitated from the psychological condition. *Id.* at 118. The DOE Psychologist opined that the Individual resolving feelings of shame and guilt that he attributed to his religious beliefs would likely help him to avoid relapsing going forward. *Id.* at 120.

VI. ANALYSIS

A. Guideline E

The LSO's allegations that the Individual provided inconsistent or misleading information during the security investigative process concerning his use of prostitutes, and that his repeated patronization of prostitutes reflected an unwillingness or inability to abide by rules and exposed him to exploitation, manipulation, or duress, raise security concerns under Guideline E. Adjudicative Guidelines at ¶ 16(b), (d)–(e). An individual may mitigate security concerns under Guideline E if:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (d) 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;
- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;
- (f) the information was unsubstantiated or from a source of questionable reliability; and
- (g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Id. at ¶ 17(a)–(g).

In this case, the Individual denied misrepresenting the date he last patronized a prostitute to the OPM investigator, and asserted that the OPM investigator must have misunderstood him. The Individual argued at the hearing that he would have had no motive to withhold his 2016 patronization of a prostitute from the OPM investigator after disclosing his earlier experiences soliciting prostitutes. Tr. at 61. I do not agree. By communicating to the OPM investigator that he

had not used prostitutes for approximately four years, and that his sexual addiction was under control, the Individual painted a significantly more positive picture of his personal conduct than he would have had he revealed that he had relapsed and engaged in extra-marital sex with a prostitute for a second time in the prior calendar year. Moreover, the Individual's Wife did not express any knowledge of the Individual's 2016 patronization of a prostitute during her interview with the OPM investigator, and the Individual may have been motivated to prevent her from learning this information. Whatever the reason, I am not convinced that the Individual fully disclosed his involvement with prostitutes to the OPM investigator. Instead, the Individual waited to divulge this information until the PSI nine months later, by which time he had patronized a prostitute yet again. The Individual did not timely disclose the omission, nor did he attribute the omission to the advice of counsel. Therefore, I find the first two mitigating conditions under Guideline E inapplicable. Adjudicative Guidelines at ¶ 17(a)–(b).

The Individual demonstrated a pattern of refraining from patronizing prostitutes for years at a time, particularly during periods of low stress when benefiting from social support, only to relapse when experiencing common, moderate life stressors such as marital disagreements, his Wife's pregnancy, and the remodeling of his home. The Individual obtained counseling in 2011, but has relapsed numerous times since then, including after his interview with the OPM investigator during which he expressed the intention not to patronize prostitutes in the future. During the hearing, the Individual demonstrated minimal insight into the triggers for his behavior, and primarily cited changes in his religious beliefs, improved communication with his wife, and the absence of prior stressors as aiding him in refraining from patronizing prostitutes. When the Individual inevitably confronts a stressful event in the future, I am not convinced that he will avoid relapsing into his old patterns of behavior. Therefore, I find the third and fourth mitigating conditions under Guideline E inapplicable. *Id.* at ¶ 17(c)–(d).

The Individual's use of prostitutes places him at serious risk of manipulation in the event that a hostile party threatened to reveal the Individual's behavior, both because his behavior is criminal and because public disclosure of his extra-marital relations with prostitutes could cause substantial embarrassment to the Individual, his Wife, and their children. The Individual testified that he had taken steps to reduce his vulnerability to exploitation, manipulation, or duress by sharing his criminal behavior with close family. However, the Individual did not offer any evidence or supporting testimony from family members to establish what specifically he had shared and with whom other than his parents and in-laws. Absent additional information, it is not clear that the Individual has significantly reduced his susceptibility to manipulation. Accordingly, I find the fifth mitigating condition under Guideline E inapplicable. *Id.* at ¶ 17(e). The remaining two mitigating conditions, relating to unsubstantiated allegations and association with persons engaged in criminal conduct, are not relevant to the LSO's allegations. *Id.* at ¶ 17(f)–(g).

For the aforementioned reasons, I find that none of the mitigating conditions under Guideline E are applicable to the facts of this case. Therefore, the Individual has not resolved the security concerns asserted by the LSO under Guideline E.

B. Guideline J

The Individual's admission to patronizing prostitutes raises security concerns under Guideline J. Adjudicative Guidelines at ¶ 31(b). An individual may mitigate security concerns under Guideline J if:

- (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
- (c) no reliable evidence to support that the individual committed the offense; and
- (d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Adjudicative Guidelines at ¶ 32(a)–(d).

As described above, the Individual has established a pattern of going years at a time without engaging in criminal conduct when receiving social support and experiencing low levels of stress, only to relapse and patronize prostitutes when confronted with moderate stressors. While the Individual has gone over two years without patronizing prostitutes, this period of restraint is dwarfed by his prior periods of four and five years without soliciting prostitutes. In light of the Individual's many relapses, sometimes separated by years at a time, I find that the Individual's criminal conduct did not happen under unusual circumstances, nor is it mitigated by the passage of two years.

Furthermore, the circumstances under which the Individual most recently engaged a prostitute cast substantial doubt on his judgment and ability or willingness to comply with rules and regulations. In early 2018, following the interview with the OPM investigator in which he said that he intended not to patronize prostitutes in the future, the Individual was in the midst of the security investigative process and must have been aware of the impact that continuing to patronize prostitutes would have on his eligibility for a security clearance. Nevertheless, the Individual resorted to patronizing a prostitute to relieve stress related to the remodeling of his home. When asked during the PSI whether he intended to seek counseling in light of this latest lapse in judgment, the Individual cavalierly indicated that he did not, but would if things "got out of hand." *Supra* p. 4. During the hearing, the Individual expressed confusion as to the LSO's assertions that he displayed a "casual attitude" concerning his criminal behavior. The Individual's lack of awareness or understanding of the seriousness of his misconduct, particularly at a time when his behavior was under the greatest scrutiny, call into serious question his judgement and ability or willingness to place compliance with rules and regulations above his personal gratification.

For the abovementioned reasons, I find the first and fourth mitigating conditions under Guideline J inapplicable. Adjudicative Guidelines at ¶ 32(a), (d). The other two mitigating conditions under

Guideline J, concerning individuals pressured or coerced into criminal conduct and unsubstantiated allegations, are obviously inapplicable to the facts of this case. *Id.* at ¶ 32(b)–(c). As the Individual has not established the applicability of any of the mitigating conditions under Guideline J, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline J.

VII. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under Guideline E and Guideline 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 the Individual has not brought forth sufficient evidence to resolve the security concerns set forth in the Summary of Security Concerns. 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.

James P. Thompson III
Administrative Judge
Office of Hearings and Appeals