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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: April 28, 2022 ) Case No.: PSH-22-0079  
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Issued: July 12, 2022

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**Administrative Judge Decision**

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Janet R.H. Fishman, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (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."<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**

The Individual is employed by a DOE contractor in a position that requires her to hold a security clearance. In April 2021, the Individual completed a Questionnaire for National Security Positions (QNSP). Exhibit (Ex.) 3 at 63. The Individual disclosed on the QNSP that she had used illegal drugs, including methamphetamine, and misused prescription medication from 2012 to 2019. *Id.* at 43–46. The Individual also disclosed that she was arrested and charged with felony possession of methamphetamine in 2018, and entered into a plea agreement pursuant to which she was sentenced to six months of probation. *Id.* at 39–40. She indicated that she was sentenced to an additional 18 months of probation after she destroyed a court-ordered ankle monitor. *Id.* at 40–41. The Individual also disclosed numerous financial delinquencies, including unpaid credit cards plus medical and rent debts. *Id.* at 50–56.

The Federal Bureau of Investigation (FBI) conducted an investigation of the Individual concerning her eligibility for a security clearance. Ex. 5. On July 6, 2021, an FBI agent interviewed the Individual. Ex. 4 at 1. During the interview, the Individual disclosed that she was jailed for 21 days

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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.

in 2018 for absconding from drug court and not remaining at a homeless shelter pursuant to the terms of her probation. *Id.* at 2. She also disclosed that she had used marijuana and methamphetamine while acting as a caregiver for her children and that law enforcement had been summoned by neighbors on numerous occasions to perform welfare checks on the children. Ex. 4 at 3, 11. She also admitted that she had been sentenced to probation for a longer period of time than she had reported on the QNSP and had been fired from a job for absenteeism while in jail due to a positive drug test while attending drug court. *Id.* at 12–14.

The FBI’s investigation revealed that the Individual had engaged in shoplifting, used marijuana, failed to fully disclose all her delinquent debts on the QNSP, and failed to fully disclose the extent to which law enforcement and Child Protective Services (CPS) had been summoned to perform welfare checks on her children while she was under the influence of illegal drugs. Ex. 5 at 64–65, 109–116

The local security office (LSO) issued the Individual a letter in which it notified her that it possessed reliable information that created substantial doubt regarding her eligibility to hold a security clearance. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information described above raised security concerns under Guideline E (Personal Conduct), Guideline F (Financial Considerations), Guideline H (Drug Involvement and Substance Misuse), and Guideline J (Criminal Conduct) of the Adjudicative Guidelines. Ex. 2.

The Individual exercised her right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 1. 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 five exhibits (Ex. 1–5) and the Individual submitted five exhibits (Ex. A–E). The Individual testified on her own behalf. Hearing Transcript (Tr.) at 3, 13–14. The LSO did not call any witnesses. *Id.* at 3.

## **II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS**

The LSO cited Guideline E (Personal Conduct) as the first basis for its determination that the Individual was ineligible for access authorization. Ex. 2 at 6–9. “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 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 SSC cited the Individual’s failure to fully disclose derogatory information on the QNSP or during the May 2021 interview, her years-long pattern of unlawful drug use, blaming her first husband for her unlawful drug use, her continued association with persons using drugs, and her history of unstable employment and poor job performance. Ex. 2 at 6–9. The LSO’s allegations implicate numerous conditions that could raise a security concern under Guideline E. Adjudicative Guidelines at ¶ 16(a)–(e), (g).

The LSO cited Guideline F (Financial Considerations) as the second basis for its determination that the Individual was ineligible for access authorization. Ex. 2 at 10–12. “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. "An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds." *Id.* The SSC cited the Individual's extensive delinquent debts, failure to make timely rent payments, and failure to comply with payment plans to resolve her unpaid debts. Ex. 2 at 10–12. The LSO's allegations that the Individual demonstrated an inability to satisfy debts and a history of not meeting financial obligations justified its invocation of Guideline F. Adjudicative Guidelines at ¶ 19(a), (c).

The LSO cited Guideline H (Drug Involvement and Substance Misuse) as an additional basis for its determination that the Individual was ineligible for access authorization. Ex. 2 at 3–5. "The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations." Adjudicative Guidelines at ¶ 24. The SSC cited the Individual's longstanding use of marijuana, use and addiction to methamphetamine, admission to having purchased and sold illegal drugs, use of illegal drugs in violation of probation and following treatment, use of illegal drugs while pregnant and acting as a caregiver for her children, misuse of prescription drugs, and arrest for illegal drug possession. Ex. 2 at 3–5. The LSO's allegations implicate numerous conditions that could raise a security concern under Guideline H. Adjudicative Guidelines at ¶ 25(a)–(c), (e).

The LSO cited Guideline J (Criminal Conduct) as the final basis for its determination that the Individual was ineligible for access authorization. Ex. 2 at 6. "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 SSC cited the Individual's lengthy history of illegal drug use, her plea agreement related to her arrest for possession of methamphetamine, her use of illegal drugs and misuse of prescription medication in violation of the terms of her probation, and her purchase and sale of illegal drugs. Ex. 2 at 6. The LSO's allegations that the Individual engaged in unlawful conduct and violated the terms of her probation justify its invocation of Guideline J. Adjudicative Guidelines at ¶ 31(b), (d).

### **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 Dep't 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.

#### **IV. FINDINGS OF FACT**

The Individual began using marijuana in 2008 with her mother after the Individual was diagnosed with an autoimmune disease. Tr. at 31; Ex. 4 at 15. During the interview with the FBI, the Individual claimed that she was paralyzed from the disorder, and she was unable to walk or control her bladder. Ex. 4 at 15. In 2012, she began abusing Adderall, which she had been prescribed for Attention Deficit Hyperactivity Disorder. Ex. 3 at 46. In 2013, the Individual was sentenced to probation for tobacco possession by a minor. *Id.* at 48; Ex. 4 at 22. She continued to use marijuana while serving her juvenile probation. Ex. 3 at 48.

The Individual married her first husband in October 2013 at age 18. Ex. 3 at 28. Shortly after their marriage, the Individual began using methamphetamine at the behest of her first husband. *Id.* at 43. The Individual’s use of methamphetamine increased over a period of months until she was using it on a daily basis. *Id.* at 43–44. The Individual continued to use methamphetamine daily, except during times when she was pregnant, until April 2018. *Id.* The Individual also began selling methamphetamine in 2014 “to make money and keep [her] ex-husband happy.” *Id.* at 45. At the hearing, the Individual claimed that her first husband emotionally and mentally abused her. Tr. at 25. She asserted that if she declined to use the methamphetamine, he would rape her. *Id.* at 27. The Individual used marijuana during this period to manage the side effects of methamphetamine use and to control nausea during pregnancy. Ex. 4 at 15–16.

Law enforcement officers were summoned to the Individual’s residence on numerous occasions to perform welfare checks on the Individual’s children while she and her first husband used methamphetamine while acting as the caregivers to the children. Ex. 4 at 3, 11. Child Protective Services (CPS) was also summoned to the Individual’s residence on numerous occasions as a result of the Individual’s young children exiting her apartment without supervision while the Individual was “high on drugs . . .” Ex. 5 at 62. At the hearing, she claimed that she did not realize when she completed her QNSP that she needed to list every occasion that CPS was called to her apartment, even if no charges resulted. Tr. at 29.

The Individual incurred numerous financial delinquencies while engaged in illegal drug use, including credit card, medical, and rental debts. Ex. 3 at 50–55 (listing the Individual’s debts and indicating that she obtained the credit cards at the coaxing of her first husband); Ex. 4 at 6–10

(identifying additional debts and indicating that she used the credit cards for daily living expenses and could not repay them due to her “unstable life” while using illegal drugs). At the hearing, the Individual reiterated that her first husband told her to get credit cards in her name only after they married. Tr. at 37. She stated that she was 18 years old when they married and had excellent credit. *Id.* In October 2016, the Individual was terminated from her employment for failing to comply with workplace rules. Ex. 3 at 23. Regarding the \$16,000 that she owes to a former landlord, the Individual testified that she contacted the landlord and was told the debt had been referred to a collection agency. Tr. at 19. When she contacted the collection agency, the Individual asserted that she was told the agency did not have the debt. *Id.* She claimed at the hearing that she is “working on trying to figure out where it went.” *Id.*

In June 2017, the Individual and her first husband were evicted from their rented residence for possessing drug paraphernalia in violation of the terms of their lease. Ex. 4 at 8. In early 2018, the Individual and her first husband were evicted from their rented residence for failing to pay rent. *Id.* at 28; *see also* Ex. 3 at 54 (indicating that the Individual owed approximately \$4,050 in unpaid rent at the time of the eviction). Shortly thereafter, the Individual was arrested and charged with felony possession of methamphetamine. Ex. 3 at 39. The Individual continued to use methamphetamine after her arrest while awaiting trial. Ex. 4 at 11. The Individual entered into a plea agreement pursuant to which the charges were reduced to a misdemeanor, and she was sentenced to six months of probation. Ex. 3 at 39–40.

Pursuant to the terms of her probation, the Individual was required to, among other things, undergo drug treatment, reside in a homeless shelter, and abstain from illegal drug use. Ex. 4 at 2; *see also* Ex. 3 at 11 (indicating that the Individual resided in the homeless shelter for approximately 18 months). Following her release from jail, the Individual entered a five-week inpatient drug treatment program. Ex. 4 at 4. She testified that the program was 28 days long, but she remained for 35 days. Tr. at 43. She testified that after she was released from jail and when she was accepted for probation, she entered the inpatient drug treatment program. *Id.* She further testified, “That was after I was accepted. Right after I was accepted, I was still -- once I got accepted, I couldn’t get clean and sober still, and I begged them for help, and they’re, like, ‘We’ll send you to rehab.’ And I was, like, ‘I would love that.’” *Id.*

As part of her treatment, the Individual met with a counselor three times weekly. Ex. 4 at 23. She was also required to attend Alcoholics Anonymous (AA). Tr. at 43. During her probation, in October 2019, the Individual abused prescription pain medication she had been prescribed following a dental procedure. Ex. 3 at 46; Ex. 4 at 20. She indicated that she took the entire prescription, which should have lasted ten days, within five days. Ex. 4 at 45 (132); Tr. at 14. The Individual last used illegal drugs in December 2019, when she used marijuana with her current mother-in-law. Ex. 3 at 43; Ex. 4 at 17; Tr. at 15. Her testimony on this point is supported by her answers on the QNSP, her second husband’s interview with the FBI agent, and her probation officer’s letter. Ex. 3 at 43; Ex. 5 at 88; Ex. A. The Individual completed her probation in June 2020.<sup>2</sup> Ex. 4 at 12–13.

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<sup>2</sup> There is some confusion about when her probation ended. The Individual testified that her probation was completed in February 2020, as indicated by the letter from her probation officer, but due to the COVID pandemic, the paperwork was not completed until June 2020. Tr. at 30; Ex. A.

During her stay in the court-ordered homeless shelter in July 2018, the Individual removed her ankle monitor and left, intending to drive to another state to obtain marijuana. Ex. 4 at 2; Ex. 3 at 40. The Individual's then-boyfriend, who is now her second husband,<sup>3</sup> convinced her to attend a three-day AA event instead, and she did not leave the state. Ex. 4 at 2. After completing the AA event, the Individual resided with her boyfriend for approximately one month without reporting to the appropriate authorities and a warrant was issued for her arrest. *Id.* The Individual was subsequently charged with malicious injury to property for destroying the ankle monitor, jailed for 21 days, and sentenced to 18 months of probation. Ex. 3 at 41; Ex. 4 at 2. The Individual was terminated from her employment for absenteeism while she was serving her jail sentence. Ex. 3 at 20.

The Individual divorced her first husband in April 2019. *Id.* at 28; *see also* Ex. 4 at 5 (indicating that they separated in April 2018). Pursuant to the terms of the divorce, the Individual is required to pay \$8,000 in damages to the landlord who evicted her and her first husband in 2017. Ex. 4 at 8. The Individual testified that she has no contact with her first husband, and she has not made any payments on this debt, although she contacted the landlord who indicated that the debts had been referred to a collection agency. Tr. at 19. She also testified that she is current on her student loans and has resolved approximately \$10,000 of her debts. *Id.*; *see also* Ex. E. However, she is currently carrying approximately \$30,000 in debt. Tr. at 21.

During her interview with the FBI agent, the Individual indicated that her monthly net income was \$3,315 and her total expenses are \$1,300. She stated that she intended to devote \$1,000 to repaying her debts. Ex. 4 at 9–10. During an interview with the FBI, the Individual's current husband confirmed that she had between \$500 and \$1,000 in discretionary income a month. Ex. 5 at 90. He continued that she saves some money and uses the remainder to pay down her outstanding debts. *Id.* The Individual also asserted to the FBI agent, and again at the hearing, that she had forgotten about a number of the outstanding debts. Ex. 4 at 9; Tr. at 29. She also testified that she is working with a credit counseling service, which helps her dispute some debts and advises her how to pay other debts. Tr. at 56.

Also during the interview with the FBI agent, the Individual disclosed that she continued to associate with numerous drug-using family members and friends. Ex. 4 at 17. Her second husband stated to the FBI agent that she only visits his mother when he is present. Ex. 5 at 88. However, at the hearing, the Individual stated that her mother-in-law no longer uses marijuana, and she does not see her own mother, but speaks to her infrequently by telephone. Tr. at 15, 55.

The Individual asserted that, during her probation, she “learned to live on [her] own, budget money, and become a member of society.” Tr. at 27. She also avowed that she has matured “a lot” and since “getting clean and sober, [she knows] the difference between right and wrong.” *Id.* at 42. The Individual testified that her oldest daughter lives with her cousin and that she relinquished her younger daughter for adoption during her probation. *Id.* at 18, 28, 44, 46, 50. She also indicated that she volunteers with her stepdaughter's scout troop. *Id.* at 17. Finally, she indicated that she was the secretary at AA and helps her sponsor at the sponsor's farm. *Id.* at 44-45. The Individual

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<sup>3</sup> Although the Individual was still married to her first husband in July 2018, she had separated from him soon after her arrest. Tr. at 26. The Individual's second husband indicated in the FBI interview that they began dating in 2018, after she separated from her first husband. Ex. 5 at 87.

testified that AA, her sponsor, and her second husband are her support system. *Id.* at 17. She also indicated that she is working on step four of the twelve steps, which she is working for the third time. *Id.* at 57. The Individual talks to her sponsor once a week and sees her twice a week at meetings. *Id.* at 58.

Although the Individual did not complete high school and, therefore, did not graduate, she did earn her general education diploma (GED) and graduated from college in May 2021. Ex. 4 at 3. The Individual testified that she has matured since her arrest. She claimed that “since getting clean and sober, I know the difference between right and wrong. Like, that intuition feeling that you get is there.” Tr. at 42. She also stated that she wants to be able to be comfortable going into the community without fear of arrest. *Id.* at 46. Further, she wants to show her stepchildren that “anything is possible.” *Id.*

## **V. ANALYSIS**

The LSO raised security concerns under Guidelines E, F, H, and J. The concerns were properly raised by the LSO based on the Individual’s criminal history, significant and long-term drug use, and outstanding financial obligations.

### **A. Guidelines E, H, and J**

In considering the extent to which the Individual's derogatory conduct raises security concerns under Guidelines E, H, and J, I have considered the Individual's youth and immaturity when the derogatory conduct occurred and the potential that she was manipulated or coerced by her mother and first husband. At the hearing, I found the Individual to be credible and open. She has clearly made great strides since her arrest. The Individual testified that she has been abstinent since December 2019 and that she has matured since her arrest and probation. She asserted that her support system is AA, her sponsor, and her second husband.

The Guideline E concerns are supported by the Individual’s omissions and inaccuracies from her QNSP. I believe that many of the inaccuracies were unintentional. For example, the Individual testified that she was unaware of the Injury to a Child charge levied when she was arrested in January 2018 and therefore contacted the court, which also did not have record of the charge. Further, the SSC lists numerous omitted debts from the Individual’s QNSP. I believe these omissions to be inadvertent because of the large number of outstanding debts the Individual is carrying.

I find that the Individual has mitigated the concerns raised under Guideline E. When confronted about the outstanding debts by the FBI investigator and at the hearing, the Individual stated that she had forgotten the debts existed. Although her responsibility in completing the QNSP was to be as accurate as possible, including listing all her arrests and outstanding financial indebtedness, I find credible the Individual’s testimony at the hearing and her statements to the FBI investigator that she did not remember the debts in question. I do not believe that the Individual’s behavior regarding her omissions will recur. She is now aware of the outstanding debts and is making progress to pay them.

One of the mitigating conditions under Guideline E states that “association with persons involved in criminal activities 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.” Adjudicative Guidelines at ¶ 17(f). Both the Individual’s mother and her first husband coerced her into illegal behavior. She has no contact with her first husband and only verbal contact with her mother, who lives in a different state. Therefore, I find that she has mitigated the Guideline E concerns.

The Guideline H concerns are supported by the Individual’s self-reported drug use. The Individual’s drug use ceased in 2019,<sup>4</sup> two-and-one-half years prior to the hearing. She no longer associates with drug-using associates and contacts, not seeing her mother or first husband. The Individual completed her court-ordered drug treatment program and currently attends AA. She has a sponsor, who she sees regularly, and is working the steps for the third time. Therefore, I find that she has mitigated the Guideline H concerns.

The Individual’s drug use is directly tied to the criminal concerns raised under Guideline J. She admitted to the criminal conduct on the QNSP and testified that her 2018 arrest for possession of methamphetamine was the catalyst for her abstinence and therefore her turnaround in her life. I believe that enough time has passed for the Guideline J concerns to be mitigated. Further, the Individual was coerced into her methamphetamine use by her first husband and her marijuana use by her mother. Finally, the Individual has shown successful rehabilitation, not only by her abstinence, but also by her achievement of her college degree and constructive community involvement. Therefore, I find that she has mitigated the Guideline J concerns.

## **B. Guideline F**

Regarding the security concerns raised under Guideline F, I am concerned about the Individual’s continued indebtedness. Although she has managed to pay off a portion of her outstanding debts, the Individual continues to owe significant amounts of money to various creditors. Guideline F lists seven conditions that could mitigate a concern raised by financial irregularities:

- (a) 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;
- (b) The conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) The individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling

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<sup>4</sup> The Individual reported that her last marijuana use was when she relapsed in December 2019. Ex. 4. This is consistent with her report on the QNSP, the statement of her second husband to the FBI investigator, and the letter submitted by her probation officer. Ex. 3 at 43; Ex. 5 at 88.



service, and there are clear indications that the problem is being resolved or is under control;

(d) The individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;

(e) The individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue;

(f) The affluence resulted from a legal source of income; and

(g) The individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Adjudicative Guidelines at ¶ 20(a)—(g). Subparagraphs (f) and (g) are not relevant to the security concerns asserted by the LSO in this case, and I cannot find that the Individual has met any of the other conditions. The Individual's indebtedness continues, although she has made attempts to satisfy a few debts. The debts were not beyond the Individual's control, such as a loss of employment or a divorce or separation. These debts occurred while in her marriage to her first husband. At the time of her marriage to her first husband, when she first applied for the credit cards, both the Individual and her first husband were working. It was not until later in the marriage that their methamphetamine use caused their unemployment. Although at the hearing the Individual claimed that she is receiving assistance from a counseling service regarding her indebtedness, she did not provide any evidence of this assistance. Finally, the Individual stated that she is hoping to pay all the debts listed in the SSC, even though some of those debts are shared with her first husband and listed in the divorce decree as being divided equally between them. She asserted that she has attempted to contact most of the creditors to work out payment plans, but still has outstanding debts that she does not have payment plans for. She admitted that she does not have the means to pay the full amounts of what is outstanding at the present time. The Individual has a years-long pattern of failing to meet her financial obligations. She has made minimal progress towards resolving the outstanding debts despite her steady employment, and in fact supports her second husband while he is completing his education. *See, e.g.*, Personnel Security Decision, Case No. PSH-22-0058 (2022). For this reason, I cannot find that the Individual has mitigated the security concerns raised under Guideline F.

## **VI. CONCLUSION**

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guidelines E, F, H, and J of the Adjudicative Guidelines. After considering all 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 brought forth sufficient evidence to resolve the security concerns under Guidelines E, H, and J, but not the security concerns raised under Guideline F set forth in the Summary of Security Concerns. Accordingly, I have determined that the Individual

should not be granted access authorization. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Janet R.H. Fishman  
Administrative Judge  
Office of Hearings and Appeals