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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: June 9, 2022) Case No.: PSH-22-0105
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Issued: September 28, 2022

Administrative Judge Decision

Katie Quintana, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (hereinafter referred to as “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, entitled “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material.”¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual’s access authorization should be denied.

I. Background

The Individual is employed by a DOE contractor in a position that requires him to hold a security clearance. In completing a Questionnaire for National Security Positions (QNSP) in June 2021, the Individual disclosed that he had twice previously been charged with “driving under the influence of alcohol” (DUI), once in 2001 and once in 2005. Exhibit (Ex.) 8 at 31-32. Subsequently, the Individual completed a Letter of Interrogatory (LOI) in August 2021 and was evaluated by a DOE consultant psychologist (Psychologist) in November 2021. Ex. 6; Ex. 3. The Psychologist opined that the Individual “habitually (multiple times a month) consumes alcohol to a serious level of intoxication, beyond that which has been found to impair judgment.” Ex. 3 at 6-7.

Due to unresolved security concerns related to the Individual’s alcohol use, the Local Security Office (LSO) informed the Individual in a Notification Letter that it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. In the Summary of Security Concerns, attached to the Notification Letter, the LSO explained that the derogatory

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

information raised security concerns under Guideline G (alcohol consumption) and Guideline E (personal conduct) of the Adjudicative Guidelines. Ex. 2.

Upon receipt of the Notification Letter, the Individual exercised his right under the Part 710 regulations by requesting an administrative review hearing. Ex. 1. 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 eight numbered exhibits (Ex. 1-8) into the record and presented the testimony of the Psychologist. The Individual introduced twelve lettered exhibits (Ex. A-L) into the record and presented the testimony of six witnesses, including the Individual himself. 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 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) (strong presumption against the issuance of a security clearance).

An 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). An individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted 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.

III. Notification Letter and Associated Security Concerns

As previously mentioned, the Notification Letter included the Summary of Security Concerns, which set forth the derogatory information that raised concerns about the Individual’s eligibility for access authorization. The information in the letter specifically cites Guideline G and Guideline E of the Adjudicative Guidelines. Ex. 2. Guideline G relates to security risks arising from excessive alcohol consumption. “Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual’s reliability and trustworthiness.” Adjudicative Guidelines at ¶ 21. In citing Guideline G, the LSO relied upon the Psychologist’s November 2021 determination that the Individual had a “clinical diagnosis” of “habitual excessive use of alcohol.” Ex. 2 at 4. The LSO also cited the Individual’s 2001 and 2005 DUI arrests. *Id.* at 3-4.

Guideline E concerns “[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules or regulations.” Adjudicative Guidelines at ¶ 15. This conduct can call into question an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. *Id.* In citing Guideline E, the LSO alleged that, given his history with “alcohol issues,” the Individual could have used his “knowledge of the consequences” to “avoid the current pattern of overuse of alcohol, and his “failure to recognize [his] overuse of alcohol as a pattern and reduce or alter [his] consumption, leads to concerns regarding the ‘whole person’ concept.” *Id.*

IV. Findings of Fact

As stated above, the Individual completed an LOI in August 2021. Ex. 6. In the LOI, the Individual described his typical alcohol consumption, stating that, when he consumes alcohol on weeknights, he typically consumes up to four beers or four mixed drinks. *Id.* at 5. On weekends, he stated that he generally consumes eight to ten beers or mixed drinks over a period of approximately six to eight hours. *Id.* In a July 2021 interview by an Office of Personnel Management (OPM) investigator, the Individual stated that, due to his 2001 DUI, he was required to complete an alcohol education course. Ex. 7 at 7. He additionally completed an “Advanced Rehabilitation Disposition Program” in 2002. *Id.* The Individual further stated that, as a result of his 2005 DUI arrest, he was required to complete an additional eight alcohol education classes and attend Alcoholics Anonymous (AA) meetings. *Id.* at 8.

In November 2021, the Individual underwent an evaluation with the Psychologist. Ex. 3. During the evaluation, the Individual explained his typical alcohol consumption pattern, which consisted of him consuming “two to three drinks over three hours, two to three nights during the week, and up to ten drinks over eight to ten hours on one weekend day, maybe three weekends a month.” *Id.* at 4. The Individual explained that, about once a month, he would consume ten drinks over eight hours on both weekend days. *Id.* The Individual also explained that, on at least six occasions in the prior year, he consumed so much alcohol that he could not recall portions of the previous evening, which he characterized as having “blacked-out.”² *Id.* at 5.

In his report (Report), the Psychologist noted that the Individual had described “two different types of drinking occasions.” *Id.* The first, and most common, consisted of the Individual consuming eight to ten alcoholic beverages over the course of an eight-to-twelve-hour period. *Id.* The Individual stated that this pattern of consumption occurs approximately three to four times per month on one weekend day. *Id.* The Psychologist stated that the “second drinking situation” occurred once or twice per month, during which the Individual would consume 10 to 12 alcoholic beverages over four to six hours. *Id.* at 4-5. The Report indicated that this second pattern of consumption often occurred in a bar and resulted in “serious levels of intoxication,” which resulted in “brown-outs” several times per year. *Id.* at 5.

As part of the evaluation, the Psychologist ordered a Phosphatidylethanol (PEth) test, which measured the Individual’s blood PEth level at 268 ng/mL. *Id.* The Report noted that a result “at this level [was] congruent with heavy alcohol consumption.” *Id.* Ultimately, the Psychologist

² The Psychologist characterized these occasions as “brownout[s]” based on the Individual’s description of his memory loss. Ex. 3 at 6.

determined that the Individual's 2001 and 2005 DUIs were "too old to warrant a formal DSM-5 Alcohol Use Disorder (AUD) diagnosis;" however, the Psychologist concluded that the Individual qualified for a "clinical diagnosis" of "habitual excessive use of alcohol" to "a level that will impair his judgment." *Id.* at 6-7. He noted that the DUIs were "only relevant in that they indicate a long-standing tendency to drink heavily[, and] makes his willingness to change questionable." *Id.* at 8.

The Psychologist recommended that the Individual become abstinent from alcohol for a period of 12 months and that he participate in an intensive outpatient program (IOP) of 12 to 16 weeks, with a minimum of nine hours of therapeutic and educational meetings per week, consisting of both group and individual components. *Id.* at 8. He added that the Individual should undergo PEth testing every six weeks "to support and provide documentation of his abstinence." *Id.*

At the hearing, six witnesses testified on the Individual's behalf: a supervisor (Supervisor), a friend and former coworker (Coworker), a friend and colleague (Colleague), a personal friend (Friend), his girlfriend (Girlfriend), and the Individual himself. The Supervisor testified that he had known the Individual for approximately four years and had socialized with him on approximately five occasions at a sports bar. Tr. at 15-16, 18. The Supervisor stated that he had observed the Individual consuming alcohol at the sports bar, but he did not recall ever witnessing any concerning behavior related to the Individual's alcohol consumption. *Id.* at 18-19. He also testified that he trusted the Individual's judgment. *Id.* at 21.

The Coworker testified that he had worked with the Individual on a daily basis for approximately eight years and could not recall ever seeing the Individual impaired while at work. *Id.* at 27-29. The Coworker also testified to regularly attending gatherings at the sports bar where alcohol was present. *Id.* at 29. He stated that he did not recall ever seeing the Individual drink excessively, though he indicated that he could not remember how many drinks the Individual would generally consume. *Id.* at 30-31. The Coworker recalled that the Individual attended a card game at the Coworker's home, and the Coworker stated that he believed this was the only time that he had ever seen the Individual "drunk." *Id.* at 33-34.

The Colleague testified that she first became close with the Individual in 2015 when they became coworkers, and they eventually became friends outside of work. *Id.* at 42-44. The Colleague stated that she occasionally attended social events with the Individual, and although she felt he was "buzzed" at some of these events, she did not believe his judgment was impaired. *Id.* at 46-48. She stated that she finds the Individual to be both reliable and trustworthy. *Id.* at 52.

The Friend testified that he met the Individual approximately ten years ago when the Individual first began visiting the sports bar where the Friend worked as a bartender. *Id.* at 59. The Friend stated that, eventually, he and the Individual became friends. *Id.* The Friend explained that, in the past, the Individual would come to the sports bar approximately once a month, and the Individual would typically consume two or three drinks over a period of two or three hours. *Id.* at 61-62. The Friend recalled that he and the Individual would consume alcohol at social events together and expressed his belief that the Individual's consumption of alcohol in these situations was "no more than the average person." *Id.* at 62-63. The Friend also testified that he felt the Individual had good judgment. *Id.* at 69.

The Girlfriend testified that she had been in a relationship with the Individual for seven years and had lived with him for approximately five or six years. *Id.* at 75-76. She explained that she and the Individual would typically consume two to three drinks together at the sports bar. *Id.* at 77. The Girlfriend testified that she does not believe the Individual consumes alcohol excessively, nor does she recall ever seeing him “blackout” due to his alcohol consumption. *Id.* at 83. The Girlfriend testified that she believes that the Individual “overexaggerated” his alcohol consumption during the psychological evaluation. *Id.* at 85. She stated that she last observed the Individual consume alcohol in April 2022 when the two shared a carafe of sake. *Id.* at 79. She stated that the Individual was enrolled in an “alcohol counseling class” and had been attending the AA meetings, both of which she felt he was “taking...seriously.” *Id.* at 90-91. The Girlfriend explained that she would support the Individual in permanently abstaining from alcohol, and, if necessary, she would be willing to permanently abstain herself. *Id.* at 98.

At the hearing, the Individual testified on his own behalf. He explained that, after his DUIs in 2001 and 2005, he did not “think of [himself] as having some sort of alcohol disorder” but believed that he had “made a couple of stupid decisions” in choosing to drive after he had consumed alcohol. *Id.* at 141. The Individual stated that he thought he could still “socially drink” without issue, so long as he did not drive, and that he “made a conscious decision” to “eliminate the driving issue” after he had consumed alcohol and became “a huge advocate of not drinking and driving.” *Id.* at 135-136, 141. The Individual explained that, following his 2005 DUI arrest, he attended “a few months of AA” and obtained a sponsor. *Id.* at 141-142, 144. However, he explained that he felt that the meetings “reinforce[d] [his] perception that...[he] did not have an active problem with alcohol” because he felt that the people he observed in the meetings had a “more serious condition” due to “psychological and emotional problems.” *Id.* at 142. He testified that although he was abstaining from alcohol while he was participating in AA, he stopped attending AA meetings because he “thought that [he] really was a different type of person than the people that had to go there, the people that showed they needed alcohol in their li[ves]...and [he] didn’t see that happening in” his life. *Id.* at 143-144.

The Individual testified that, after he stopped participating in AA, there were periods in life where he voluntarily and successfully abstained from alcohol. *Id.* at 136-137. He explained that, from approximately 2006 to 2009, he abstained from alcohol as he was dating a woman who opposed the consumption of alcohol for religious purposes, and he wanted to respect her values. *Id.* at 137. He further explained that he enjoys fitness and “like[s] to stay in shape,” and as such, there would “be months at a time” where he would choose to abstain from alcohol to support his fitness goals. *Id.*

Turning to the evaluation with the Psychologist, the Individual testified that he felt that he “probably overestimated” the amount of alcohol he described himself as consuming “in an attempt to not underestimate because” it was difficult for him to “put down numbers for a pattern that’s not there.” *Id.* at 113. The Individual testified that he believed that his PEth level was “so elevated” as, the weekend prior to taking the test, he consumed four to five alcoholic beverages on Saturday and four alcoholic beverages on Sunday. *Id.* at 116-117. After the psychological evaluation had ended, the Individual testified, the Psychologist had “mentioned that it would be a good idea to cut [his alcohol consumption] to...one or two drinks” if the Individual chose to consume alcohol. *Id.* at 111. As such, from approximately November 2021 to April 2022, the Individual stated that he limited his alcohol consumption to one to two alcoholic beverages per sitting. *Id.*

The Individual testified that, in April 2022, he chose to abstain from alcohol as his life became busy with family responsibilities, a pending medical procedure, and his fitness goals. *Id.* at 111-112. When the Individual received the Notification Letter and Summary of Security Concerns from the DOE, he sought out a counseling service. *Id.* at 120. In May 2022, the counseling service administered a Global Appraisal of Individual Needs (GAIN) Assessment. Ex. A. The Individual testified that, as a result of the assessment, the counseling service informed him that he did not qualify for a substance abuse program and recommended that he seek out an alcohol education course. *Id.*; Tr. at 120. The Individual stated that he was unable to locate an alcohol education course in his town, and as such, he conducted internet research and found a “reputable online company” that offered a 16-hour course, which he successfully completed at the end of June 2022. *Id.* at 120; Ex. B. The Individual testified that he additionally sought out an IOP, pursuant to the Psychologist’s recommendations. Tr. at 123. The Individual stated that he located a rehabilitative organization and provided the social worker (Social Worker) there with a copy of the Psychologist’s Report. *Id.* at 123. According to the Individual, after reviewing the Report, the Social Worker informed him that she would be able to “get [him] into a program” that will satisfy the Psychologist’s recommendations. *Id.* at 124.

The Individual testified that he enrolled in the program (Program) and had been attending for approximately four weeks as of the time of the hearing.³ *Id.* He stated that, in his time with the Program, he has learned how to “come back to [himself] and evaluate [himself] on an individual basis.” *Id.* at 131. The Individual testified that although he sought individual counseling through the program, he is currently on a waiting list due to a high demand for individual counseling.⁴ *Id.* at 124. However, he noted that, while he is waiting for individual counseling sessions, he has been attending AA on a “weekly basis” as a “supplement.” *Id.* He stated that he feels that AA has helped him to “self-evaluate,” but he feels “out of place” because “there are people in there that have so bad of issues [sic] with alcohol.” *Id.* at 146. The Individual testified that although he does not have a sponsor, he is utilizing the Social Worker to talk “intimately about alcohol” and “about emotional things.”⁵ *Id.* He stated that as part of his Program, he undergoes random urinalysis tests for alcohol, all of which have been negative. *Id.* at 131, 156; *see* Ex. K. Additionally, the Individual testified that he had completed three PEth tests, all of which were negative.⁶ *Id.* at 132; Ex. C, D, K.

The Psychologist testified after observing the hearing and listening to the testimony presented. He stated that he felt that the Individual’s testimony at the hearing was “a little bit concerning” as he did not believe that the Individual had overestimated his alcohol consumption during the psychological evaluation, and he felt that the Individual’s testimony that he had exaggerated his consumption was a minimization. *Id.* at 173, 192. The Psychologist testified that he believes the

³ The Individual’s program schedule indicates that the Individual is enrolled in classes that meet four times per week for a total of seven and a half hours. Ex. F.

⁴ The Individual’s testimony is supported by his Exhibit F, a document detailing his Program.

⁵ A letter from the Social Worker states that the Individual has attended all scheduled appointments, is engaged and participates in group discussions, and is “good at communicating with his treatment team.” Ex. J.

⁶ Although the Individual’s exhibit indicates that he took a PEth test on May 24, 2022, July 6, 2022, and August 8, 2022, only two negative PEth tests are in the record as duplicates of the May 24, 2022, results were submitted. *See* Ex. C, D, K.

Individual to be “a man of good character” and believed him when he testified to “cutting down” his alcohol consumption to a “reasonable level” following the evaluation and to abstaining as of April 2022. Tr. at 173-174. However, he noted that, “when somebody drinks that heavily for that long, generally it’s hard for them to give up the habit. And so, if they start to drink again, they will often go back to drinking at the level that they were drinking.” *Id.* at 174. He also stated that although he believes the Individual to be “capable” of limiting himself to two drinks on any given occasion, he “suspect[ed]” that “there will be times” when the Individual will “exceed that.” *Id.* at 193. The Psychologist opined that although he did not believe that the Individual could maintain permanent abstinence from alcohol, he had “a high level of confidence” that the Individual could “drink at a reasonable level” and “not get intoxicated” over the next year. *Id.* at 178.

Regarding the Psychologist’s recommendations, he testified that he was “not pleased with” the Individual’s “IOP” because it was “not even a standard IOP. It [was] an educational program.” *Id.* at 147. However, the Psychologist stated that he thought that the Individual had “done about everything he could – that he knew to do,” and the Psychologist “was impressed that he went online and tried to figure things out.” *Id.* The Psychologist further expressed concern that the Individual had not yet been able to engage in counseling, and although it was admirable that the Individual had tried to supplement counseling with AA, the Psychologist was unsure if AA would be “a great treatment or support system” as the Individual saw “himself being much different than most of the people in there.” *Id.* at 177. Ultimately, the Psychologist opined that the Individual was showing that he had “got it, that he underst[ood] that he...has a tendency to overdrink, to consume too much alcohol, and he’s controlling that.” *Id.* at 184. He stated that he was “satisfied” with the steps the Individual had taken and felt that the Individual “mitigated” any concerns he had. *Id.* at 187.

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 noted by the LSO regarding Guideline G and Guideline E. I cannot find that granting the Individual’s DOE security clearance will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.27(a). Therefore, I have determined that the Individual’s security clearance should be denied. The specific findings that I make in support of this Decision are discussed below. Due to the interconnected nature of the Guideline E and Guideline G security concerns, I will analyze them together.

Regarding Guideline G, habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with an alcohol use disorder, is a condition that could raise a security concern and may disqualify an individual from holding a security clearance. Adjudicative Guidelines at ¶ 22(c). If an individual acknowledges the pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and demonstrates a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, the individual may be able to mitigate the security concern. *Id.* at ¶ 23(b). Furthermore, an individual may be able to mitigate security concerns by successfully completing a treatment program along with any required aftercare and demonstrating a clear and

established pattern of modified consumption or abstinence in accordance with treatment recommendations. *Id.* at ¶ 23(d).

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. Under Guideline E, an individual may be able to mitigate the security concerns if 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(c). Furthermore, if an 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 otherwise inappropriate behavior, and such behavior is unlikely to recur, the individual may be able to mitigate the security concerns. *Id.* at ¶ 17(d).

In this case, the Psychologist opined that the Individual had a clinical diagnosis of "habitual excessive use of alcohol." *See id.* at ¶ 22(c). After the Individual's meeting with the Psychologist in November 2021, the Individual reduced his alcohol consumption, and in April 2022, he stopped consuming alcohol entirely. However, it appears that he began abstaining from alcohol, not due to a recognition that his alcohol use was problematic, but as the result of his focus shifting to other areas of his life at the time. After receiving the Psychologist's recommendations, the Individual completed a 16-hour alcohol education class and sought out a rehabilitative program in an attempt to meet the Psychologist's IOP recommendations. When he was unable to participate in individual counseling through the Program, he supplemented it with AA. However, as of the date of the hearing, the Individual has not completed the rehabilitative program, nor has he started individual counseling. *See id.* at ¶ 23(d). Furthermore, he expressed that he saw himself as different from the other AA attendees, indicating that he has yet to acknowledge that alcohol poses a problem in his life. As such, I cannot find that the Individual has acknowledged his pattern of maladaptive alcohol use. *See id.* at ¶ 23(b).

Since becoming abstinent, the Individual has submitted to random urine alcohol tests and underwent two PEth tests,⁷ all of which were negative for the consumption of alcohol. However, the Individual has only been abstinent from alcohol for approximately four months. Although I recognize that the Psychologist is satisfied with the actions the Individual has taken to address his excessive use of alcohol and believes that the Individual will continue to be successful in consuming alcohol at a reasonable level without becoming intoxicated, he also stated that it can be challenging for individuals who have consumed heavy amounts of alcohol for long periods to maintain reasonable alcohol consumption should they consume again. Therefore, given that the Individual is in the early stages of his abstinence, I cannot yet find that that Individual has demonstrated a clear and established pattern of modified consumption in accordance with treatment recommendations. *Id.*

Regarding the Individual's 2001 and 2005 DUI arrests, the Individual made clear in his testimony that, after the most recent arrest, he made a commitment to never drive after consuming alcohol, a claim that is supported by the fact that over 15 years have passed without another arrest. *See id.* at

⁷ Although I note that the Individual submitted an exhibit indicating that he underwent three PEth tests, the record only contains the results for two of them. Ex. C, D.

¶ 17(c). However, the Individual participated in alcohol education and AA following these arrests and continued to engage in maladaptive alcohol use. *Id.* Being that it is unclear to me whether the Individual has yet to acknowledge his problematic usage of alcohol, he has not yet completed his rehabilitative program, and he has only been abstinent from alcohol for four months, I cannot find that the Guideline E security concern is mitigated. *See id.* at ¶17(d).

For the foregoing reasons, I conclude that the Individual has not sufficiently resolved the security concerns set forth in the Notification Letter with respect to Guideline G and Guideline E.

VI. Conclusion

After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of 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 Guideline G and Guideline E. Accordingly, the Individual has not demonstrated that granting his security clearance would not endanger the common defense and would be clearly consistent with the national interest. Therefore, I have determined that the Individual's access authorization should be denied. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Katie Quintana
Administrative Judge
Office of Hearings and Appeals