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**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)	
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Filing Date: January 11, 2023)	Case No.: PSH-23-0050
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Issued: April 18, 2023

Administrative Judge Decision

Kristin L. Martin, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (hereinafter referred to as “the Individual”) for access authorization under the 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 For the reasons set forth below, I conclude that the Individual’s security clearance should be granted.

I. BACKGROUND

The Individual is employed by a DOE Contractor in a position which requires that she hold a security clearance. During the initial security clearance investigation, the Individual failed to disclose that she had multiple collection accounts which remained unresolved. In light of this derogatory information, the Local Security Office (LSO) began the present administrative review proceeding by issuing a Notification Letter to the Individual informing her that she was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt regarding her eligibility to hold a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing, and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e) and (g), the Individual presented the testimony of one witness and testified on her own behalf. *See* Transcript of Hearing (hereinafter cited as “Tr.”). The LSO submitted 13 exhibits, marked as Exhibits 1 through 13 (hereinafter cited as “Ex.”). The Individual submitted 10 exhibits, marked as Exhibits A through J.

¹ Under the regulations, “[a]ccess authorization’ means 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 also be referred to in this Decision as a security clearance.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the Notification Letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning her eligibility for a security clearance. That information pertains to Guidelines E and F of the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, effective June 8, 2017 (Adjudicative Guidelines). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. 10 C.F.R. § 710.7.

Guideline E states that:

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.

Concerns that could raise a security concern include:

- (a) Deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;
- (b) Deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative;
- (c) Credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;
- (d) Credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness

to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

- (1) Untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;
 - (2) Any disruptive, violent, or other inappropriate behavior;
 - (3) A pattern of dishonesty or rule violations; and
 - (4) Evidence of significant misuse of Government or other employer's time or resources;
- (e) Personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:
- (1) Engaging in activities which, if known, could affect the person's personal, professional, or community standing;
 - (2) While in another country, engaging in any activity that is illegal in that country;
 - (3) While in another country, engaging in any activity that, while legal there, is illegal in the United States;
- (f) Violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and
- (g) Association with persons involved in criminal activity.

Id. at ¶16.

Guideline F states that:

[The f]ailure 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. ... An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

Conditions that could raise a security concern and may be disqualifying include:

- (a) Inability to satisfy debts;
- (b) Unwillingness to satisfy debts regardless of the ability to do so;
- (c) A history of not meeting financial obligations;
- (d) Deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust;
- (e) Consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators;
- (f) Failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required;
- (g) Unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that are inconsistent with known legal sources of income;
- (h) Borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts; and
- (i) Concealing gambling losses, family conflict, or other problems caused by gambling.

Id. at ¶¶ 18–19.

The LSO alleges that the Individual:

- A. Had nine accounts totaling over \$6000 that were either in collections or past due;
- B. Answered “no” to having any financial delinquencies on her Questionnaire for National Security Positions (QNSP);
- C. Told an investigator that she had misread and misunderstood the question about financial delinquencies on her QNSP and then later admitted that she intentionally answered incorrectly because she was afraid she would not get the job she was applying for if she answered correctly;
- D. Reported using credit cards, consolidation, and payday loans for living expenses and had a vehicle repossessed and stated that she would have all accounts resolved or on a payment plan by February 2022;

- E. Stated in June 2022 that she was looking for part time work to more quickly resolve her past due balances;
- F. Failed to resolve her debts in the promised timeline, as indicated by an increase of \$2,985 in delinquent accounts on a November 2022 credit report.

Ex. 2 at 3–4. Accordingly, the LSO’s security concerns under Guidelines E and F are justified.

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 entire process is a conscientious scrutiny of a number of variables known as the “whole person concept.” Adjudicative Guidelines ¶ 2(a). The protection of the national security is the paramount consideration. 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).

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 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. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

IV. FINDINGS OF FACT

The Individual had the following nine debts listed by the LSO in the Notification Letter:

1. Auto Loan, \$9999, with \$679 (60) days past due;
2. Credit consolidation loan, \$12,606, with \$3876 (120) days past due;
3. Capital One credit card, \$377, with \$25 (30) days past due;
4. Indigo credit card, \$375 (collection);

5. Pay day loan, \$315 (collection);
6. Former rental agreement, \$541 (collection);
7. LVNV Funding LLC (formerly with Credit One Bank), \$759 (collection);
8. Medical, \$171 (collection); and
9. Discover credit card, settled in full.

Ex. 11; Tr. at 57–63.

The Individual had fallen behind in payments once before, in December 2018. Ex. 11 at 7. At that time, she was the main provider for her family, and she was in a serious car accident and unable to work for multiple weeks. *Id.* The accounts listed by the LSO date to that time. *Id.* She used payday loans to get by and took out a credit consolidation loan to resolve her debts. Ex. 13 at 65. She had been making regular payments on her remaining debts when she became suddenly unemployed after moving to a new state with a lower cost of living. Tr. at 11–13, 40, 79; Ex. Q. At the time of her unemployment, she was no longer able to make regular payments on everything and began to fall behind again. Tr. at 11–13, 40, 79.

At the hearing, the Individual presented her sister as a witness. The sister testified that, in late 2020, the Individual moved from another state to her current state at her sister's urging because the cost of living was lower. Tr. at 11–13, 40. The Individual secured employment with a different government agency prior to moving. *Id.* at 12. However, the job fell through after a few days of training because the Individual was not going to be permitted to telework full time after training, as she was assured she would be when accepting the position. *Id.* at 12, 22–24. Unable to manage the eight-hour round trip commute, the Individual went on unemployment. *Id.* at 12, 23. The sister testified that this was the first time she had known the Individual to be on unemployment in her life. *Id.* While the Individual was on unemployment, she was barely able to make payments on her car and support her two small children, so she could not make significant payments toward her credit cards and loans. *Id.* at 15–16. The sister testified that the Individual was continuously looking for jobs that paid enough for her to cover her bills. *Id.* at 14; Ex. D at 1.

The sister testified that the Individual did not spend money on superfluous items, even small things like a coffee from a coffee shop. Tr. at 15. The sister described the Individual as being diligent in working to resolve her debts. *Id.* at 17. She also described the Individual as trustworthy and reliable. *Id.* at 18. She gave an example, saying that she could always rely on the Individual to assist her with childcare. *Id.* at 18–19. Finally, the sister testified that the Individual had always been forthcoming in admitting fault and in notifying authority figures of mistakes she had made. *Id.* at 31–33. As an example, she cited the Individual informing their mother that she had been the one to dent the family car. *Id.* at 31. She also described a time when the Individual had taken responsibility for a mistake in response to an office-wide email about the issue. *Id.* at 31–32.

The sister described the Individual as financially responsible, emphasizing that the Individual had managed her previous state's high cost of living without issue and had made sure to secure

employment in the new state before moving. Tr. at 19. She testified that the Individual had used her tax refund and borrowed against her retirement savings to repay several of her debts. *Id.* at 25. She further testified that the Individual was very frugal, budgeted well, and would often tell her which stores had sales on staple foods and other necessities. *Id.* at 25–26. The sister further testified that if a catastrophic scenario occurred, the Individual and her family could live at the sister’s home, so there was no physical safety risk to the Individual and her family from financial difficulties. *Id.* at 30–31.

The Individual testified that she moved to her current state in November 2020 with the understanding that she would be working from home. Tr. at 40. She was unemployed for much of 2021. *Id.* at 40. Sometimes her father would send money for her kids, and she would use some of it to make payments where possible. *Id.* at 79. She also made some payments while unemployed and underemployed as best she could. *Id.* While she was unemployed, she was able to keep one credit card from being charged off and kept her car payment either current or 30 days delinquent. Ex. Q at 2, 9. She also stayed current on her student loan payments. *Id.* at 3–8. In December 2021, she began working for the DOE Contractor and continued applying for part-time work because her salary was only enough to cover ongoing expenses and payment plans for three delinquencies; however, she was not able to secure a suitable part-time position. Tr. at 49, 55–56. *See also* Ex. D. at 1. In December 2022 she received a significant pay increase that allowed her to begin resolving some of her delinquencies or to set up regular payment plans for the rest. *Id.* at 55–56.

The Individual had previously held a security clearance with the U.S. Department of Defense. Tr. at 44. She testified that she was unsure whether she needed to disclose her delinquent accounts on the QNSP, particularly collection accounts she was trying to work with on payment plans, and was unable to get an answer about it, so she decided to err on the side of non-disclosure because she was afraid that she would not get the job. *Id.* at 43–44, 46–47, 74. The Individual submitted the QNSP on December 8, 2021, and met with an investigator for an interview in early January 2022. The Individual testified that when the investigator asked her if she had any debts to report, she said “yes” and volunteered information about each debt that would eventually be listed in the Summary of Security Concerns. *Id.* at 75–76; Ex. 13 at 63–65. In a summary of that interview, the investigator wrote, “Subject volunteered the information [about her delinquent accounts] freely in her interview and did not intend to mislead the investigation.” Ex. 13 at 65. With regard her omission of this information from the QNSP, the Individual testified that in the future she would get answers to her questions before completing forms to prevent future mistakes. Tr. at 78.

At the time of the hearing, the Individual had taken steps to resolve the nine delinquent and collection accounts referred to in the LSO’s Summary of Security Concerns:

1. The Individual redeemed her repossessed vehicle in October 2019(the same month that it was repossessed) and, since then, had paid some amount consistently toward the balance throughout her period of unemployment. Ex. 13 at 64. Ex. Q. Since getting a raise, she typically paid more than the minimum amount to chip away at the late fees that had accrued while she was delinquent. Tr. at 48, 50; Ex. L; Ex. Q at 9.
2. The Individual had been making payments toward her credit consolidation loan since at least June 2021. Ex. N. at 2–4. She set up a weekly payment plan for the loan in June 2022.

Tr. at 50; Ex. 11 at 11. Her weekly direct debit payments paid on the principle as well as her past due amount. Tr. at 50–51; Ex. N. She testified that the creditor told her that the credit report trade line would not be updated until she had been making payments for a year. *Id.* at 52.

3. The Individual had become current on her Capital One credit card in June 2022 and had set up automatic payments on the account. Tr. at 50; Ex. 11 at 7–10; Ex. I; Ex. Q at 3.
4. In February 2023, the Individual set up a payment plan toward a settlement for her Indigo credit card, now a collection account with Jefferson Capital, and was current on her first two payments toward the settlement. Tr. at 51; Ex. B. The last payment date is in July 2023. Ex. B.
5. The Individual fully resolved her collection account for a pay day loan. Ex. K. As of the hearing date, the collection agency was still attempting to find the account, but the Individual was able to enter into evidence a post-hearing submission showing the balance was paid on March 23, 2023. Tr. at 58; Ex. K.
6. In February 2023, the Individual fully resolved her collection account for the remainder of a rental agreement, which she originally incurred when she moved to a less expensive apartment after her 2018 car accident. Tr. at 66–67; Ex. A; Ex. P.
7. In December 2022, the Individual set up a payment plan for her former Credit One credit card, now with LVNV Funding LLC, and was current on the payment plan, which ends in October 2023. Tr. at 57–58; Ex. C; Ex. Q at 9.
8. The Individual fully resolved her medical account with Colgan in early 2023. Tr. at 63; Ex. E; Ex. O.
9. The Individual testified that her Discover account had been settled with her consolidation loan and would be removed from her credit report in June 2023. Tr. at 19; Ex. Q at 12.

The Individual had accrued some medical bills recently but had proactively set up a payment plan when they were incurred so she did not become delinquent. Tr. at 66. Though it was not on her credit report or listed in the Summary of Security Concerns, the Individual had fully resolved her Charter Cable account, now with Southwest Collections. Tr. at 68; Ex J. The Individual submitted a budget including all her household expenses, childcare, her debt payments, and monthly savings of \$250 per month. Ex. H. She testified that she paid for only a quarter of the monthly mortgage payment. *Id.* at 69; Ex. H. The budget showed a small net remainder of about \$35. *Id.* The Individual testified that as payment plans finish, she will add those amounts to her other payments so she can resolve her collection accounts more quickly. Tr. at 70. She had three payment plans scheduled to end within 2023. *Id.*

The Individual had been paying her bills on her own since college and had needed to shift her perspective to learn to seek help from family when needed. Tr. at 72–73, 79. She testified that she had grown during the administrative review process; she was finally able to recognize when she needed help and was comfortable asking for it. *Id.* at 79–80. She had been honest with herself

about her situation previously but was now able to be open about it with her family too. *Id.* The Individual wanted to set an example for her kids because she wanted them to learn the financial literacy skills she was not taught growing up. *Id.* at 80–81. She had also been in the process of finding a therapist in her insurance network to help her further develop her new outlook. *Id.* at 73.

V. ANALYSIS

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government places a high degree of trust and confidence in individuals to whom it grants access authorization. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

The issue before me is whether the Individual, at the time of the hearing, presents an unacceptable risk to national security and the common defense. I must consider all the evidence, both favorable and unfavorable, in a commonsense manner. “Any doubt concerning personnel being considered for access for national security eligibility will be resolved in favor of the national security.” Adjudicative Guidelines ¶ 2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Because of the strong presumption against granting or restoring security clearances, I must deny access authorization if I am not convinced that the LSO’s security concerns have been mitigated such that granting the Individual’s clearance is not an unacceptable risk to national security.

A. Guideline F

Conditions that could mitigate Guideline F security concerns include:

- (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 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; and

- (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.

Administrative Guidelines at ¶ 20(a)–(e). Conditions (a), (b), and (d) are applicable in this case.

Regarding conditions (a) and (b), the Individual reacted reasonably to an unusual circumstance that was beyond her control, and therefore, her delinquencies, as they stand today, do not cast doubt on her judgment, trustworthiness, and reliability. The Individual has supported herself and her children and kept her bills current for most of her adult life. Her previous employer had given her assurances that she would be permitted to telework full-time after completing her training and she had relied on those assurances in making her decision to move to her new state. Her financial troubles stemmed from the employer's unexpected refusal to allow her to telework full-time. This circumstance was out of the Individual's control and is unlikely to happen again. The Individual was unemployed for nearly one year but managed to keep current on her car payment and one credit card for most of that time. In 2018 she ended her lease to move to a less expensive apartment. She lived frugally and devoted any extra funds she received to paying her bills. She consistently applied for new jobs. These actions were reasonable responses to a sudden loss of income. Moreover, when she received a raise that provided for more than the basics of life, she resolved several debts and set up payment plans for the rest. She set up direct deposit so her payments would be on time and scheduled some payments to be divided into weekly payments to make them more affordable.

The Individual's persistence in paying her debts as best she could and her decision to spend her newly increased income on debt repayment are evidence that she is trustworthy, reliable, and possesses good judgment, as is the Individual's pre-move history of appropriately managing her expenses. Furthermore, the Individual's history of on-time payments and efforts to pay delinquencies while unemployed, as well as her decision to fully resolve a debt that was not on her credit report or the Summary of Security Concerns, make it unlikely that the Individual will be in this situation again. The Individual did not become delinquent on payments until faced with sudden unemployment. Even so, she still made some payments toward her debts while unemployed. Once she found a job that could pay for current expenses, she continued looking for a job to supplement her income so she could start paying down the delinquencies she had been unable to pay while unemployed. Finally, once she made enough money to resolve her debts, she immediately resolved the majority of her delinquent accounts and set up direct debit payment plans for the rest. Taken together, the facts indicate that the Individual's financial delinquency was wholly situational, rather than habitual. I find it unlikely that the Individual will begin to fall behind on her payments now because it appears outside her normal character to do so.

Regarding condition (d), the Individual has resolved several debts and is adhering to payment plans on all other debts. In the months between the Individual's December 2022 raise and her March 2023 hearing, the Individual resolved four debts, closing the accounts for good. She also set up payments on the remainder of the accounts in a manner that will not overextend her current income. She even managed to redeem her repossessed vehicle and became current on the payments. She submitted evidence of payments, including receipts for full resolution of debts, status reports showing compliance with payment plans, and bank records showing that she had made certain

payments. These reports and bank records show that she has adhered to all of her payment plans so far—about three months in most cases, which matches the Individual’s stated timeline of setting up payments as soon as she got her raise in December 2022—and is nearing completion of some payment plans. Accordingly, I find that the Individual has engaged in a good faith effort to pay her overdue creditors and other debts.

For these reasons, I find that the Guideline F concerns are mitigated.

B. Guideline E

Conditions that could mitigate Guideline E security concerns include:

- (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; and
- (e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Adjudicative Guidelines at ¶17(a)–(e).

Condition (a) is applicable in this case. Only a month after omitting the information from her QNSP, the Individual had a routine interview with the investigator and volunteered the information about her debts before being confronted with the facts. Her candor in the interview was sufficient such that the investigator wrote in the interview summary that the Individual “volunteered the information freely in her interview and did not attempt to mislead the investigation.” Ex. 13 at 65.

Since providing the inaccurate QNSP responses, the Individual has learned to ask questions and not to fill out forms when she is not sure what she has been asked to do. The Individual has also learned that she should err on the side of disclosure if she is truly unable to determine

what she should or should not report. She has learned to be more open about her problems and to depend on family; she has realized that she does not need to handle difficult situations alone.

The Individual has presented credible evidence that she made prompt, good-faith efforts to correct her omission before being confronted with the facts. She has also presented credible evidence that she has grown since entering the administrative review process and has become open to sharing her problems and to accepting help from others. For these reasons, I find that the Individual has mitigated the Guideline E concerns.

VI. CONCLUSION

Upon consideration of the entire record in this case, I find that there was evidence that raised concerns regarding the Individual's eligibility for access authorization under Guidelines E and F of the Adjudicative Guidelines. I further find that the Individual has succeeded in fully resolving those concerns. Therefore, I conclude that granting DOE access authorization to the Individual "will not endanger the common defense and security and is clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Accordingly, I find that the DOE should grant access authorization to the Individual.

This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Kristin L. Martin

Administrative Judge

Office of Hearings and Appeals