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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 6, 2023	)	Case No.:	PSH-23-0088
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Issued: September 11, 2023

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**Administrative Judge Decision**

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Katie Quintana, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX(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’s access authorization should not be granted.

**I. Background**

The Individual is employed by a DOE contractor in a position that requires him to hold an access authorization. In September 2022, the Individual completed a Questionnaire for National Security Positions (QNSP). Exhibit (Ex.) 10. In response to questions about his financial record, the Individual disclosed that, since September 2019, he had been delinquent on several debts. *Id.* at 126–129.

In late September 2022, the Individual underwent an Enhanced Subject Interview (ESI). Ex. 11 at 194. During the ESI, the Individual disclosed that he had additional delinquent accounts, including credit cards, medical bills, a car loan, a cell phone, and personal loans. *Id.* at 195–199. The Individual further explained that he received letters from collection agencies, but he “threw the collection letter[s] away.” *Id.* at 195. The Individual also disclosed that, in July 2011, he was involved in a car accident, in which his friend was the driver. *Id.* at 199–200. He explained that, after having consumed “about five shots of hard liquor or less” and becoming intoxicated, he fell

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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.

asleep in the passenger seat. *Id.* After the accident, he woke up in jail the following day, with no memory of leaving his friend's home or how he got into the car. *Id.*

In January 2023, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual, which sought additional information about his "financial issues" and the alcohol-related incident. Ex. 6. Subsequently, in February 2023, the Individual underwent an evaluation by a DOE consultant psychologist (Psychologist), who issued a report of his findings (the Report). Ex. 8. Based on the evaluation, the Psychologist opined that the Individual "heavily and habitually binge drink[s] [alcohol] multiple times a month." *Id.* at 58. However, the Psychologist noted that the Individual's "use of alcohol has not resulted in the personal, social or legal problems which would lead to a [Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition, Text Revision (DSM-5-TR)] diagnosis of substance abuse." *Id.* at 57. The Psychologist also opined that the Individual did not demonstrate adequate evidence of rehabilitation or reformation. *Id.* at 58. He additionally concluded that the Individual's "lack of urgency/effort about fulfilling his financial responsibilities . . . a mental condition that impairs his reliability and judgment." *Id.* at 59.

Due to security concerns related to the Individual's finances, psychological condition, and alcohol consumption, the 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 (SSC) that accompanied the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline F (Financial Considerations), Guideline G (Alcohol Consumption), and Guideline I (Psychological Conditions) of the Adjudicative Guidelines. Ex. 1 at 5–7.

Upon receipt of the Notification Letter, the Individual exercised his right under the Part 710 regulations to request an administrative review hearing. 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 eleven numbered exhibits (Exs. 1–11) into the record and presented the testimony of the Psychologist. The Individual introduced four lettered exhibits (Exs. A–D) into the record and testified on his own behalf. The hearing transcript in the case will be cited as "Tr." followed by the relevant page number.

## **II. Regulatory Standard**

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all 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).

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 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.

## II. Notification Letter and Associated Concerns

As previously mentioned, the Notification Letter included the SSC, which sets forth the derogatory information that raised concerns about the Individual’s eligibility for access authorization. The SSC specifically cites Guidelines F, G, and I of the Adjudicative Guidelines. Ex. 1.

Guideline F relates to security risks arising from financial distress. It provides that a “[f]ailure or inability to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or [an] unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified information.” Adjudicative Guidelines at ¶ 18. Conditions that could raise a security concern under this guideline include the “inability to satisfy debts,” an “unwillingness to satisfy debts regardless of the ability to do so,” and “a history of not meeting financial obligations.” *Id.* at ¶ 19(a)-(c).

In citing Guideline F, the LSO noted that the Individual had the following collection accounts totaling \$16,893: (1) \$315 with Creditor A, (2) \$198 with Creditor B, (3) \$649 with Creditor C, (4) \$865 with Creditor D, (5) \$11,312 with Creditor E,<sup>2</sup> and (6) \$3,554 Creditor F. Ex. 1 at 5. The LSO also indicated that the Individual had two “charge-off accounts totaling \$10,419.” *Id.* at 6.

The LSO noted that, during his September 2022 ESI, the Individual stated he would pay Creditor B within two weeks. *Id.* However, when the Individual submitted his LOI in January 2023, he admitted that the account “slipped his mind,” and he had not paid it. Ex. 1 at 6. Finally, the LSO cited the Individual’s admissions that he threw away collection notices after reading them and that he was “financially incompetent” and “not financially able to pay” his debts. *Id.*

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. Conditions that could raise a security concern under Guideline G include the “habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.” *Id.* at ¶ 22(c). In citing Guideline G, the LSO relied upon the Psychologist’s determination that the Individual was “found to heavily and habitually binge drink to the extent that he regularly drinks past the level found to impair

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<sup>2</sup> The SSC indicated that the Individual held three separate accounts with this creditor in the amounts of \$5,950, \$4,630, and \$732. Ex. 1 at 5.

judgment.” Ex. 1 at 6. It additionally cited the Psychologist’s conclusion that the Individual had not demonstrated adequate evidence of rehabilitation or reformation. *Id.*

Guideline I relates to security risks arising from one’s psychological condition. “Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline.” Adjudicative Guidelines at ¶ 27. Conditions that raise a security concern under Guideline I include “behavior that casts doubt on an individual’s judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible . . . behaviors.” *Id.* at ¶ 28(a). Further, “an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness” may give rise to a Guideline I security concern. *Id.* at ¶ 28(b). In citing Guideline I, the LSO relied upon the Psychologist’s determination that the Individual’s “lack of urgency/effort about fulfilling his financial responsibilities is a mental condition that impairs his reliability and judgment.” Ex. 1 at 6–7.

### **III. Findings of Fact and Hearing Testimony**

#### **A. Findings of Fact**

##### **1. The Individual’s Delinquent Debts**

In the September 2022 QNSP, the Individual disclosed that he was delinquent on various accounts for “failing to pay as agreed.” Ex. 10 at 127. He disclosed that he: owed \$315 on a credit card account, owed \$865 on a second credit card account, and owed an estimated \$11,231 in medical bills. *Id.* at 126–129. The Individual indicated that each account was in “collection” and that he was “planning on working on” paying them. *Id.*

During the September 2022 ESI, the Individual was confronted with various delinquent accounts that he did not report on his QNSP. Ex. 11 at 195–199. These additional delinquent accounts included credit cards, medical bills, a car loan, a cell phone, and personal loans. *Id.* at 195–199. Regarding a delinquent car loan of \$7,125, the Individual stated that he did not list the account on the QNSP because “he did not know the account information.” *Id.* at 196. He explained that the car was “totaled” in an accident, and he became unemployed as a result of injuries sustained during the accident. *Id.* When confronted with the accounts related to the medical bills, the Individual acknowledged that they had been sent to collections. *Id.* at 196–197.

The Individual explained that he owed \$3,554 on a collections account with a credit union for a personal loan he obtained “because he needed money.” *Id.* at 197. The Individual could not explain, however, “why he needed the extra money.” *Id.* When confronted with collection accounts related to a \$649 credit bill and a \$315 personal loan, the Individual denied having knowledge of either account, but he stated that he intended to contact the collection agencies to repay the debts within a year. *Id.* at 198. Regarding a \$198 delinquent cell phone bill, the Individual explained that he did not list the account of his QNSP because he “did not have knowledge of the account.” *Id.* Further, he “could not explain what led to [his] financial delinquency.” *Id.* The Individual told the investigator that he would “make payment in full and take care of this account within two weeks.”

*Id.* Lastly, the Individual explained that he owed \$2,600 on a third delinquent personal loan that he obtained because “he needed money to get by.” *Id.* at 198. The Individual told the investigator that he received letters regarding his debts from collection agencies, but he would read the letters and throw them away. *Id.* at 195. The Individual represented that he would take courses “to help him understand his finances better.” *Id.* at 199.

In the January 2023 LOI, the Individual reported that he was delinquent on ten accounts, and he was “[f]inancially not able to make payments” on the debts. Ex. 6 at 23–28. Although he stated that he had not yet taken any steps to resolve the delinquent debts, he expressed his intent to resolve certain debts “within the next 6 months,” and to resolve other debts “within the next 2 years.” *Id.* Regarding the \$198 cell phone debt, he disclosed that he was “actively trying” to resolve the debt and would do so “within the next 2 weeks.” *Id.* at 28. The Individual reported that his QNSP did not include delinquent accounts discovered by the DOE because he was “irresponsibly unaware” of the delinquencies. *Id.* at 30. The LOI asked the Individual to explain the circumstances that led to his financial issues, and the Individual reported that he was “financially incompetent and irresponsible from a young age.” *Id.* at 28. He stated that he did not have “guidance on being financially responsible” and that he was “actively trying to be better.” *Id.* The Individual reported that he always makes sure his “more pressing bills” are paid, and his overall financial situation was “slowly getting better.” *Id.* at 28–29.

## 2. The Individual’s Alcohol Consumption

During the ESI, the Individual told an investigator that he was in a car accident, around July 2011, in which alcohol was involved. Ex. 11 at 199–200. He stated that, prior to the accident, he consumed “about five shots of hard liquor or less,” while at a friend’s house. *Id.* The Individual explained that he was intoxicated at the time of the crash, but he was a passenger in the vehicle and was not driving. *Id.* He stated that he did not remember leaving his friend’s house, did not remember how he got into the car, and only remembers that he woke up in jail the following day. *Id.* at 199. The Individual told an investigator that he typically consumed “about a 12 pack of beer beverages a week” and “about a shot or two of hard liquor” while at home and at friends’ homes. *Id.* at 200. The Individual also explained that he consumed alcohol to intoxication “about three times a year on special occasions,” did not feel that he had “a problem with alcohol,” and “continues to consume alcohol once a week.” *Id.*

In the LOI, the Individual reported that, since he was twenty-one years old, he would consume “about 12 beers one day out of the week” and “some weeks [he would not] consume any” alcohol. Ex. 6 at 34. The Individual reported that he last consumed alcohol on January 1, 2023, when he consumed “18 beers and 2 or 3 shots. Starting at 3pm til about 1am.” *Id.* at 35. The Individual again reiterated that he did not feel as though he had a problem with alcohol. *Id.* at 36.

## 3. The Psychological Evaluation

Regarding his alcohol consumption, the Individual told the Psychologist that, during the past five or six years, he typically consumed twelve beers and “a shot or two of hard liquor over four to five hours, once a week.” Ex. 8 at 55. According to the Report, the Individual stated that he did not feel intoxicated after consuming that amount of alcohol, but “18 to 20 beers to cause him to feel

intoxicated.” *Id.* The Psychologist opined that the Individual had a “substantial alcohol tolerance.” *Id.* According to the Report, the Individual stated that he last consumed alcohol on January 28, 2023, when he had “12-light beers and two shots of whiskey over four hours.” *Id.* at 56–57. As part of the evaluation, the Individual underwent a Phosphatidylethanol (PEth) test to detect his alcohol consumption. The Report indicated that the Individual’s PEth test was positive, at a level of 141 ng/mL, which was “consistent with significant alcohol consumption.” *Id.* The Psychologist opined that the Individual “uses alcohol in a heavy binge pattern, to the extent that he regularly drinks past the level found to impair judgment.” *Id.* at 57. The Psychologist also noted that the Individual’s consumption was “not a pattern suggestive of alcohol dependence, but because it [was] associated with years of socializing, it [would] likely be a difficult pattern for him to break.” *Id.*

The Psychologist concluded that the Individual “heavily and habitually binge drink[s] [alcohol] multiple times a month,” but “his use of alcohol has not resulted in the personal, social or legal problems which would lead to a diagnosis of substance abuse.” *Id.* at 57–58. The Psychologist also opined the Individual had not demonstrated adequate evidence of rehabilitation or reformation. *Id.* at 58. He recommended that the Individual abstain from alcohol for a minimum of six months to evaluate whether the Individual was willing and able to control his alcohol use. *Id.* at 58. The Psychologist also noted that the Individual’s abstinence should be supported by negative monthly PEth tests. *Id.* The Psychologist additionally recommended the Individual participate in an intensive outpatient program (IOP), followed by weekly aftercare meetings. *Id.*

In addition to his alcohol use, the Individual discussed his finances with the Psychologist. *Id.* at 56. The Individual reported that he “weigh[s] things and pay[s] for the things that take care of [his] family” and noted that his financial situation was “slowly getting better.” *Id.* However, he told the Psychologist that he had not “made any payments on the smaller debts” discussed during the ESI or in the LOI, and he had “not consulted companies about developing payment plans for his larger obligations.” *Id.* The Psychologist concluded that the Individual had a history of financial difficulties and had “shown a weak concern about his debts.” *Id.* at 55–56. He opined that “[t]he lack of urgency/effort about fulfilling his financial responsibilities [did] not warrant [a DSM-5-TR] diagnosis but is a mental condition that impairs [the Individual’s] reliability and judgment.” The Psychologist noted that “[i]t is not possible to know whether this tendency extends beyond the financial area but counseling which addresses this tendency is recommended.” *Id.* at 59.

## **B. Hearing Testimony**

At the hearing, the Individual testified on his own behalf. Regarding his finances, he stated that several of his collection accounts had been paid in full. Tr. at 11–13. The Individual testified that, in May 2023, he contacted Creditor A and entered into a payment arrangement for \$315. *Id.* at 12. The Individual submitted documentation showing that Creditor A had agreed to a payment plan that consisted of six payments. Ex. A. The Individual submitted a second document showing that the debt was paid in full in August 2023. Ex. B. The Individual also stated the \$198 account with Creditor B, which was for a cell phone, was paid in full. *Id.* at 13. The Individual submitted documentation showing that, as of August 2023, the account was paid in full. Ex. C. The Individual acknowledged that, during his ESI, he told an investigator that he would pay off the cell phone

debt in two weeks, but he testified that he “just wasn’t able to pay it at the time” due to a move to a new city. *Id.* at 23–24.

The Individual testified that the debts with Creditors C–F remained unpaid, and he stated that he had not contacted these creditors to resolve the debts. *Id.* at 13–17. The Individual explained that the \$649 debt to Creditor C and the \$865 debt to Creditor D were associated with credit cards that he used to pay his bills when he did not have other funds.<sup>3</sup> *Id.* at 15, 22. He elaborated that the \$11,312 he owed to Creditor E was attributable to medical bills. *Id.* at 15–17. He stated that this debt resulted from an emergency room visit that was not covered by his health insurance. *Id.* at 21. The Individual indicated that he thought the visit would have been covered by his medical insurance, but he never contacted his insurance to determine if the bills were accurate. *Id.* at 21. Lastly, he explained that the \$3,554 debt owed to Creditor F was attributable to a loan he obtained approximately six years prior. *Id.* at 17.

Turning to the charge off accounts, the Individual testified that, despite showing that differing amounts were due, the first charge off account was the same debt due for the loan to Creditor F. *Id.* Regarding the second charge off account, the Individual testified that that this was attributable to the loan on the car that he totaled. *Id.* at 17–18.

The Individual explained that he wanted to resolve his “smaller” debts first and then, attempt to pay the larger debts at a pace at which he was still able to provide for his family. Tr. at 13–14, 18. He stated he is the sole provider for his family and is having difficulty “doing it all at the same time.” *Id.* at 18. The Individual noted that he had not created a monthly budget, but he estimated that he has \$400 to \$500 after his bills are paid that he can use to pay down his debts. *Id.* at 18–19.

The Individual testified that his financial issues began early in his life, and he was not taught to be “financially competent.” *Id.* at 20. However, now, as an adult, he stated that he has had to teach himself and is trying to “clean up [his] mistakes.” *Id.* The Individual stated that he has maintained steady employment, but he has never made enough money to pay his daily expenses and pay off his debts. *Id.* He noted that he has not received any financial counseling, but he would like to get counseling if he was able to find a program. *Id.* at 24.

Regarding the alcohol use, the Individual testified that he last consumed alcohol two weeks before the hearing, when he drank six beers over a “couple of hours.” *Id.* at 24–25, 27. He stated that he recalled that the Psychologist recommended that he abstain from alcohol for six months, but he believed he was to abstain only if it was necessary as a result of this hearing. *Id.* at 25. The Individual noted that, in the past, he was able to abstain from alcohol for a month, as part of a “fast.” *Id.* at 30–31.

The Individual reiterated that he does not think his alcohol use is problematic, and he stated that he disagrees with the Psychologist’s opinion that he is a binge drinker. *Id.* at 26. The Individual noted that he “drink[s] a lot” when he consumes alcohol, on “either Fridays or Saturdays [when

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<sup>3</sup> Following the hearing, the Individual submitted documentation showing that, approximately one week after the hearing, the Individual contacted Creditor C to establish a payment plan, consisting of six payments, beginning in mid-September 2023. Ex. D.

he] always get[s] together with [his] family.” *Id.* He stated that he enjoys drinking with his family because “that’s the way [they] were raised.” *Id.* at 27.

The Psychologist testified that, after hearing the Individual’s testimony, he still holds the opinion that the Individual is not addicted to alcohol but consumes alcohol heavily and habitually. *Id.* at 33, 40. The Psychologist explained that, during the evaluation, the Individual reported that, when he drinks, he typically consumes 12 beers and two shots, but the Individual noted that he would not feel intoxicated until he had about 18 beers. *Id.* The Psychologist stated that, although the Individual testified to typically consuming alcohol once or twice a weekend, that level of consumption was “a very significant, very heavy amount of alcohol.” *Id.* at 33–34.

The Psychologist opined that the Individual had not shown adequate evidence of rehabilitation or reformation because he did not attempt to abstain from alcohol and did not undergo the alcohol testing that was recommended to him. *Id.* at 34. The Psychologist concluded that, because the Individual does not have a compulsion to drink alcohol, “it’s going to be a decision for him to cut back, and that decision [is] probably not going to be supported . . . by his social family context” given that he consumes with his family. *Id.* at 34, 40. The Psychologist felt that limiting his consumption “would be hard for him to maintain . . . in the context of his family, which is very important to him.” *Id.* at 40.

Regarding the Individual’s financial issues, the Psychologist testified that the Individual still displays a lack of urgency in fulfilling his financial obligations. *Id.* at 35. He stated the Individual’s indebtedness is not caused by a significant psychological condition, diagnoseable by the DSM. *Id.* at 35, 38–39. However, he opined that the Individual has a “mental condition,” “a behavior that in itself does not have the underpinnings of a lot of other problems . . . but he does have a behavior, mental behavior that is going to continue to cause him to be financially, probably, irresponsible.” *Id.* at 37–38.

The Psychologist elaborated that he believed that the Individual had developed a “comfort with not having to pay the debts,” arising from the way he was raised with his family, where others took care of things for him. *Id.* at 36. He stated that he understood the Individual’s testimony to be that he would pay his debts, “if it doesn’t intrude very much into his family.” *Id.* at 35. As such, the Psychologist expressed concern that the \$400 to \$500 he allots to paying his debts may be allocated to other family expenses when emergencies or unexpected needs arise. *Id.* at 35–36. The Psychologist noted that the Individual is “in a position to learn that he has to be the one who takes care of his own debts,” but he felt that the Individual was not “quite there yet.” *Id.* at 36. As such, he recommended that the Individual seek financial counseling. *Id.* at 36, 40. He stated the Individual’s financial choices have been acceptable in his family, and the Individual needs to “transition to meeting expectations that are outside of the way he was raised.” *Id.* at 39.

## **V. Analysis**

### **A. Guideline F**

An individual may be able to mitigate security concerns under Guideline F though the following conditions:



- 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 . . . 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 . . . ; 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.

First, I recognize that the Individual has begun to take steps to repay his debts through the establishment of payment plans with his creditors. *Id.* at ¶ 20(d). The Individual resolved his debts with Creditors A and Creditor B, and he has established a payment plan with Creditor C. However, there is no evidence in the record that he has made any payments towards this plan. Ultimately, the Individual has paid \$513 out of over \$25,000 in delinquent debts, less than 2% of his obligations. As such, I cannot find that the Individual's payments, thus far, are sufficient to resolve the Guideline F security concerns. *See id.*

Furthermore, the Individual acknowledges that he has struggled to responsibly manage his finances from a young age. *See id.* at ¶ 20(a). It appears that he is beginning to take action to resolve his finances and learn to better manage them through the repayment of small debts and the desire to learn better financial management. However, despite knowing that the DOE had concerns about his finances as early as September 2022 and offering reassurances that he would begin to pay his debts, the Individual only began taking such actions in May 2023, approximately three months before the hearing. *See id.* As such, there is not sufficient evidence in the record to conclude that his financial irresponsibility is unlikely to continue or recur. *See id.* Similarly, although the Individual expressed a desire to take financial management courses, he has not yet done so, and he chose not to undergo financial counseling despite the recommendation he received from the Psychologist in the February 2023 Report. *See id.* at ¶ 20(c).

Although I recognize that there were unfortunate events out of the Individual's control that contributed to his financial difficulties, I cannot find that the Individual always responded responsibly. *Id.* at ¶ 20(b). For example, regarding the approximately \$11,000 in medical debt that resulted from an emergency room visit, the Individual acknowledged that he did not attempt to contact his insurance company to question the charges nor did he dispute or attempt to repay the debt in anyway. Similarly, there is no evidence in the record that the Individual has disputed or attempted to dispute any of the past due debts at issue in this case.<sup>4</sup> *Id.* at ¶ 20(e).

## **B. Guideline G**

An individual may be able to mitigate security concerns under Guideline G based on the following conditions:

- a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- b) The individual acknowledges his maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified alcohol consumption or abstinence in accordance with treatment recommendations;
- c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and
- d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23.

The Individual admitted to a pattern of heavy drinking—as many as 12 or 18 beers on the weekends, plus a couple shots—and as of the date of the hearing, had not taken any action to reduce his alcohol consumption. As such, the Psychologist concluded that the Individual consumed alcohol heavily and habitually and had not shown adequate evidence of rehabilitation or reformation. The Individual asserted that he does not have a problem with alcohol, and as such, he does not acknowledge his maladaptive alcohol use. *Id.* at ¶ 23(b). Furthermore, he chose not to abstain pursuant to the recommendations of the Psychologist and, therefore, has failed to demonstrate a pattern of modified alcohol consumption in accordance with treatment recommendations. *See id.* In fact, he testified that he continues to consume alcohol during weekend days with his family and did so as recently as two weeks prior to the hearing. *Id.* at ¶23(a)-(b). As such, the Individual has not demonstrated that his heavy consumption of alcohol is infrequent or

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<sup>4</sup> There are no allegations of unexplained affluence or tax liabilities in this case. As such, mitigating factors (f) and (g) are not relevant to this case, and I do not consider them. Adjudicative Guidelines at ¶ 20(f)-(g).

occurred under unusual circumstances such that it is unlikely to recur. *Id.* at ¶ 23(a). I cannot find that the Individual has mitigated the Guideline G security concerns.<sup>5</sup>

### **C. Guideline I**

The Psychologist concluded that the Individual’s “lack of urgency/effort about fulfilling his financial responsibilities . . . is a mental condition that impairs his reliability and judgment.” Ex. 8 at 59. The Psychologist additionally noted that the Individual’s choice to pay the “commitments he feels are important enough for him to fulfil could be problematic.” *Id.* First, I do not disagree with the Psychologist’s opinion that the Individual’s financial choices could be problematic; however, those concerns are fully encompassed within Guideline F. *See* Adjudicative Guidelines at ¶ 28(a) (indicating that behaviors may be raised as security concerns under Guideline I only if they are “not covered under any other guideline”). Furthermore, the Psychologist did not provide a sufficient basis for his conclusion that the Individual’s concerning financial situation constitutes a “mental condition that impairs his reliability and judgment.” The most the Psychologist was able to offer in this regard was that the Individual has a “mental behavior that is going to continue to cause him to be financially, probably, irresponsible.” Tr. at 37-38. I am not persuaded that merely exhibiting irresponsible financial behavior—behavior that is already addressed by another adjudicative guideline—is sufficient to constitute a mental condition for the purposes of Guideline I. As such, I find that Guideline I was not properly invoked by the LSO.

### **VI. Conclusion**

For the reasons set forth above, I conclude that although the LSO properly invoked Guidelines F and G of the Adjudicative Guidelines, it did not properly invoke Guideline I. After considering all the evidence, both favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the Guideline F and Guideline G security concerns. Accordingly, I find 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 find that the Individual’s access authorization should not be granted. 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

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<sup>5</sup> As the Individual has not undergone and treatment or counseling related to his alcohol use, I do not consider mitigating factors (c) or (d). Adjudicative Guidelines at ¶ 23(c)-(d).