

also reported that he traveled to the Sensitive Country three times from August 2019 to September 2021. *Id.* at 6.

Subsequently, the DOE Office of Counterintelligence (CI) initiated an assessment considering the risk the Individual presents to DOE. Ex. 4. In August 2023, CI released its assessment of the Individual in a report (Report). *Id.* The Report noted that in an enhanced subject interview (ESI) in August 2021, the Individual told a Defense Counterintelligence and Security Agency (DCSA) investigator that he first had contact with SC Citizen in January 2020. Ex. 3 at 77–78; Ex. 4 at 3. However, during a pre-travel briefing for a September 2021 trip to the Sensitive Country, the Individual told CI personnel that he planned to visit the Sensitive Country for sightseeing and to see a “female friend,”³ who he met in November 2020 on a trip to a separate foreign country (Country A).⁴ Ex. 4 at 3. The Individual’s narrative was further contradicted by a letter the Individual’s brother wrote to U.S. Customs and Immigration Services (USCIS) in support of SC Citizen’s visa application, which stated that the Individual told his brother about SC Citizen after returning from a trip to the Sensitive Country in September of 2019. *Id.*

The Report additionally noted that in a debriefing for the September 2021 trip to the Sensitive Country, the Individual again failed to mention to CI personnel that the Sensitive Country foreign nationals with whom he interacted were his wife and mother-in-law. *Id.* During the debriefing, the Individual told CI personnel that since returning from the Sensitive Country, he had only received two text messages from SC Citizen. *Id.* However, in his August 2021 ESI, the Individual had told the DCSA investigator that he was in daily contact with SC Citizen, and the Individual’s brother confirmed this daily contact in his letter to USCIS. *Id.* Further, during travel briefings in September 2021, the Individual failed to inform CI personnel that he had submitted paperwork for SC Citizen to obtain a CR-1 visa⁵ in May 2021 so that she could live in the United States. *Id.* at 4.

Ultimately, CI found that the Individual presented a risk because he provided “deliberately false and misleading information to counterintelligence personnel” regarding his travel to the Sensitive Country, his marriage to SC Citizen, and his sponsorship of SC Citizen’s visa. *Id.* at 4. The Report explained that the Individual’s “pattern of lack of candor . . . provides numerous avenues for foreign intelligence actors from . . . sensitive countries to attempt to target and manipulate [the

³ The “female friend” was his wife, SC Citizen; however, according to the Report, the Individual failed to identify her as such during the pre-travel briefing. Ex. 4 at 3. Furthermore, in a “Pre-Departure Foreign Travel Notification” the Individual prepared in August 2021, he stated that he was traveling to the Sensitive Country to see SC Citizen and listed the nature of his business as “significant other, intimate.” Ex. 10. Nowhere in the document did the Individual list SC Citizen as his wife. *Id.* He further omitted that he would be interacting with his mother-in-law despite knowing that he would be seeing her and staying in the town in which she resided. *Id.*; Hearing Transcript, OHA Case No. PSH-24-0169 (Tr.) at 39.

⁴ The Individual did not report the November 2020 trip to Country A on the QNSP when asked to report his foreign travel in the prior seven years, and he failed to correct the omission during the ESI. Ex. 4 at 3; *see* Ex. 3 at 47–53.

⁵ A CR-1 visa is a visa that allows the spouse of a U.S. citizen to immigrate to the United States. <https://travel.state.gov/content/travel/en/us-visas/immigrate/family-immigration/immigrant-visa-for-spouse.html>.

Individual].” *Id.* As such, CI determined that the Individual posed a “**HIGH**” potential risk to DOE equities. (emphasis in original).⁶ Ex. 4 at 1.

In July 2022, the Individual reported to DOE that he and SC Citizen would be divorcing. Ex. 8. In April 2024, he reported that although he “started the process of divorce around June of 2022[,]” the divorce was “unresolved.” Ex. 9.

Due to unresolved security concerns, 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. Ex. 1. In the Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline B (Foreign Influence) and Guideline E (Personal Conduct) of the Adjudicative Guidelines. *Id.*

Upon receipt of the Notification Letter, the Individual exercised his right under the Part 710 regulations to request an administrative review hearing. Ex. 2. 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 fifteen numbered exhibits (Ex. 1–15) into the record. The Individual submitted sixteen lettered exhibits (Ex. A–P)⁷ into the record,⁸ and he presented the testimony of three witnesses as well as his own testimony.

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

⁶ The Report specifically notes that it “is not issued as a statement on [the Individual’s] loyalty to the U.S. It is only provided as a means to recognize the vulnerabilities to coercion and/or influence.” Ex. 4 at 4.

⁷ The Individual submitted these exhibits to the LSO in response to the SSC, and the DOE Counsel submitted the exhibits to OHA as part of Exhibit 2. I will refer to these exhibits by the exhibit letters provided by the Individual rather than citing DOE’s Exhibit 2.

⁸ The Individual submitted the following exhibits: (A) the SSC; (B) a copy of Guideline B; (C) a copy of Guideline E; (D) an untranslated document regarding his divorce proceedings in a Country A; (E) his military discharge records; (F) an excerpt from the Individual’s 2021 QNSP; (G) an excerpt from the Individual’s 2021 Office of Personnel Management background investigation; (H) an excerpt from a 2008 background investigation into the Individual; (I) a college transcript; (J) a letter of recommendation from a supervisor; (K) a letter of recommendation from a second supervisor; (L) a letter of recommendation from a coworker; (M) a letter of recommendation from a second coworker; (N) a letter of recommendation from a third supervisor; (O) a letter of recommendation from a third coworker; (P) a copy of Appendix C of the Adjudicative Guidelines.

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. *Id.* § 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 SSC, which sets forth the derogatory information that raised concerns about the Individual’s eligibility for access authorization. The SSC specifically cites Guideline B and Guideline E of the Adjudicative Guidelines. Ex. 1. Guideline B relates to security risks arising from foreign contacts and interests.

Foreign contacts and interests . . . are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest.

Adjudicative Guidelines at ¶ 6. Specifically, there may be a security concern where “counterintelligence information . . . indicates the individual’s access to classified information or eligibility for a sensitive position may involve unacceptable risk to national security.” *Id.* at ¶ 7(d).

In raising Guidelines B, the LSO cited the following as support:

- (1) In March 2021, the Individual married SC Citizen. She is a foreign national from the Sensitive Country. SC Citizen continued to live in the Sensitive Country while the Individual attempted to sponsor her for a CR-1 visa. In July 2022, the Individual reported that he and SC Citizen were planning to divorce. As of April 2024, the divorce proceeding was still pending.
- (2) The Individual’s mother-in-law is a foreign national from the Sensitive Country.
- (3) In response to the LOI, the Individual reported that he travelled to the Sensitive Country three times from 2019 to 2021.
- (4) According to an assessment completed by DOE CI in 2023, the Individual “demonstrates a lack of candor, questionable judgement and reliability when it comes to [his] contacts with foreign nationals from a DOE Sensitive Country.” The assessment determined that,

given the Individual's placement and access, "the risk to the [DOE's] equities being compromised, disclosed without authority, or the misuse of classified national intelligence information . . . is **HIGH**." (emphasis in original).

Ex. 1 at 4–5.⁹

Guideline E addresses conduct involving questionable judgment, lack of candor, dishonesty, or an unwillingness to comply with rules and regulations. Adjudicative Guidelines at ¶ 15. Such conduct "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." *Id.* In raising Guideline E, the LSO cited the following as support:

- (1) In 2009, the Individual was denied a security clearance by DOD based on Guideline E and Guideline F.¹⁰
- (2) In 2020, DOD made a preliminary decision to deny the Individual's eligibility for a security clearance based on Guideline F.
- (3) CI found that the Individual provided "deliberately false and misleading information to counterintelligence personnel regarding the nature of [his] travel to [the] Sensitive Country, and [his] sponsorship of [his] spouse for a visa to enter the United States." It also found that the Individual's "overall lack of candor and lack of judgement bring into question [his] reliability, trustworthiness, and ability to protect classified and/or sensitive information."
- (4) CI identified several inconsistencies and omissions in the Individual's statements to security personnel. The LSO specifically cited: (1) the Individual's inconsistent disclosures about when he met SC Citizen; (2) the Individual's failure to appropriately report travel to a foreign country; (3) the Individual's failure to disclose that some of his travel to the Sensitive Country was to visit familial relations (his wife and mother-in-law); and (4) the Individual's failure to report that he was sponsoring SC Citizen's application for a CR-1 visa.

⁹ In reviewing the allegations raised pursuant to Guideline B, I cannot find that having a foreign national familial relation from a DOE sensitive country or traveling to a DOE sensitive country are sufficient bases, in and of themselves, to raise a security concern pursuant to Guideline B. The SSC does not allege, nor does the CI Report conclude, that the Individual's contact with his Sensitive Country familial relations "create[s] a heightened risk of foreign exploitation, inducement, manipulation, pressure or coercion." Adjudicative Guidelines at ¶ 7(a). Without a clear explanation as to how the Individual's mere connection to foreign relations creates a security concern, I cannot find that that allegations (1)–(3) were properly raised by the LSO. As such, I will not analyze them herein.

¹⁰ Guideline F concerns "[f]ailure to live within one's means, satisfy debts, and meet financial obligations." Adjudicative Guidelines at ¶ 19. These issues "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." *Id.*

Ex. 1 at 5–6.¹¹

IV. Hearing Testimony

At the hearing, the Individual’s former supervisor (Former Supervisor) testified on his behalf. Tr. at 116. The Former Supervisor worked directly with the Individual from approximately November 2018 until mid-2020, at which time, the Former Supervisor moved to another position. *Id.* at 117. After moving positions and due to COVID, he would see and speak to the Individual during virtual meetings. *Id.* Following the pandemic, the Former Supervisor “would periodically run into . . . [the Individual] and [they] discussed work and personal things.” *Id.* at 118. He testified that the Individual had a reputation around the office for being “reliable, accountable, [and] punctual.” *Id.* at 118. He also stated that he would recommend the Individual to be placed in a “position of trust.” *Id.* at 123–24. The Former Supervisor testified that he was aware that the Individual took several personal trips to the Sensitive Country. *Id.* at 128–29. He also stated that he did not become aware that the Individual had married SC Citizen until approximately a month prior to the hearing. *Id.* at 127.

The Individual’s coworker (Coworker) also testified on his behalf. *Id.* at 138. The Coworker met the Individual in 2018 and worked with him until the Coworker retired in 2020. *Id.* at 138–39. After the Coworker retired, he continued to socialize with the Individual. *Id.* at 151. The Coworker testified that he believes that the Individual is honest, dependable, and trustworthy. *Id.* at 140. He noted that he was aware that the Individual had met a woman who was a citizen of the Sensitive Country, but he did not know that the Individual had married the woman until “just recently.” *Id.* at 144, 147.

The Individual’s current supervisor (Supervisor) testified on his behalf. *Id.* at 153. The Supervisor was the Individual’s coworker from 2018 to 2020 and began supervising him in July 2020. *Id.* at 153–54. She said that the Individual was “the most dependable person [she] think[s] [she’s] worked with thus far.” *Id.* at 163. The Supervisor was aware that the Individual had traveled to the Sensitive Country several times but did not recall having any conversations with him about meeting or marrying SC Citizen. *Id.* at 160, 166, 168.

The Individual testified that in August 2019, he decided to visit the Sensitive Country because he was “fascinated” with the culture there.¹² *Id.* at 31. He stated that his second cousin (the cousin) was familiar with the Sensitive Country from his travels and offered to serve as a guide. *Id.* at 32, 62. While the Individual was visiting the Sensitive Country in September 2019, he met the cousin’s

¹¹ Guideline E is invoked when an individual’s personal conduct raises security concerns. The denial of a security clearance does not constitute a person’s conduct, and given that the underlying conduct at issue in the 2009 and 2020 security clearance denials is not raised as a security concern in the present proceeding, I find that allegations (1)–(2) were not properly raised by the LSO under Guideline E. As such, I will not analyze them herein.

¹² The Individual testified that he was aware that the Sensitive Country was a DOE sensitive country, and several of his coworkers warned him that traveling to the Sensitive Country could create problems with his security clearance and made him aware that he needed to be mindful to carefully and candidly report information related to those trips. Tr. at 101.

friend, SC Citizen, at a bar.¹³ *Id.* at 34. Later during that same trip, SC Citizen visited another region of the Sensitive Country with the Individual and the cousin. *Id.* at 35, 65.

The Individual testified that he took a second trip to the Sensitive Country from December 2019 to January 2020. *Id.* at 35. As a part of this trip, the Individual spent three to four days in the town where SC Citizen's parents lived. *Id.* at 36. SC Citizen traveled with the Individual during this part of his trip, and he met both of her parents. *Id.* at 39, 75. The Individual testified that he next saw SC Citizen when she was on a trip to Country A in November 2020. *Id.* at 41–42, 70. The Individual testified that he did not report this trip to the LSO because “there [were] many trips[,]” and he “must have overlooked it.” *Id.* at 71.

The Individual and SC Citizen married in Country A in March 2021. *Id.* at 43. Upon the Individual's return to the United States, the Individual submitted a form to the LSO reporting that he had married a foreign national. *Id.* at 44. He testified that he also submitted paperwork to obtain a visa for SC Citizen that would allow her to live in the United States. *Id.* at 45.

The Individual visited SC Citizen in the Sensitive Country in September 2021. *Id.* at 45–46. The Individual testified that he did not identify SC Citizen as his wife in his Pre-Departure Foreign Travel Notification¹⁴ because he thought “they'd already know that[,]” and he stated that he failed to list his mother-in-law as a foreign contact because he “forgot.” *Id.* at 80–81; Ex. 10 at 2. Upon returning from the trip, the Individual testified that he identified SC Citizen as his “friend” in the post-travel debriefing because “after that trip, there were some issues” and he was “upset.”¹⁵ *Id.* at 83, 101. According to the Individual, at some point during or after this trip, the Individual and SC Citizen decided that they would be seeking a divorce due to cultural differences.¹⁶ *Id.* at 47–48.

At the time of the hearing, according to the Individual, the divorce petition was still pending in a court in Country A. *Id.* at 49; *see* Ex. D (containing an untranslated document regarding his divorce proceedings in a Country A). The Individual testified that, “once the relationship started to fall apart[,]” he declined to sign a document necessary to move SC Citizen's visa application forward,

¹³ As stated above, during the August 2021 ESI, the Individual told the DCSA investigator that he first met SC Citizen on a December 2019/January 2020 trip to the Sensitive Country. Tr. at 68–69; Ex. 3 at 78. The Individual testified that he “interpreted” the investigator's question asking when he met SC Citizen as inquiring into when he “g[o]t to know her a bit more.” Tr. at 104–05. In a September 2021 pre-travel briefing regarding the Sensitive Country, the Individual reported that he met SC Citizen through the cousin on a November 2020 trip to Country A. *Id.* at 70; Ex. 4 at 3. He explained that he provided this answer because he and SC Citizen became intimate on that trip, and he was “reporting [his] intimacy.” Tr. at 105.

¹⁴ The Individual's Pre-Departure Foreign Travel Notification document is not an official DOE form. Ex. 10. In an email attached to the document, the Individual notes that he is “attaching [his] itinerary in a [W]ord document setup similarly to the Pre-Departure Foreign Travel Notification.” *Id.* at 1. The Word document contains a section entitled “Travel Purpose” in which he indicates that he will have contact with a foreign citizen. *Id.* at 2. As stated previously, he reported: “Nature of Business: significant other, intimate.” *Id.*

¹⁵ This testimony contradicts the Report, which states that the Individual referred to the SC Citizen as his “female friend”, during the pre-travel briefing as well, even before the alleged “issues” that arose during the trip. Ex. 4 at 3.

¹⁶ It is unclear from the Individual's testimony exactly when the Individual and SC Citizen decided they would be seeking a divorce.

effectively canceling her application. Tr. at 45, 86, 107. The Individual reported that he has not communicated with SC Citizen since around the spring of 2022. *Id.* at 87.

V. Analysis

I have thoroughly considered the record of this proceeding, including the submissions tendered in this case and the testimony of the witnesses during 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 mitigated the security concerns cited by the LSO under Guideline B and Guideline E of the Adjudicative Guidelines. Therefore, I find that the Individual's access authorization should not be granted. The specific findings that I make in support of this decision are discussed below.

A. Guideline B

Conditions that may mitigate a Guideline B security concern include:

- a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;
- b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;
- c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;
- d) the foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;
- e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; and
- f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

Adjudicative Guidelines at ¶ 8.

The Individual married SC Citizen, a foreign national from a DOE sensitive country, and he repeatedly displayed a lack of candor in disclosing information to DOE about this relationship and his contacts in the Sensitive Country. He gave several contradictory statements regarding when he met SC Citizen, failed to report a trip to Country A where they spent a significant amount of time together, and failed to disclose his contacts with his mother-in-law while in the Sensitive Country. As a result, CI determined that the Individual potentially presented a high risk of compromising DOE equities. Although the Individual is in the process of seeking a divorce, at the time of the hearing, he was still legally married to SC Citizen. Despite his claims he has no contact with SC Citizen or her family, he failed to present any additional evidence to corroborate his statements,¹⁷ and given his repeated lack of candor, I have some doubt as to the credibility of his claims of no contact. As such, I cannot be certain that the nature of the Individual's relationships with these foreign persons is such that it is unlikely that the Individual "will be placed in a position of having to choose between the interests of a foreign individual . . . and the interests of the United States." Adjudicative Guidelines at ¶ 8(a). Similarly, I cannot find that his "contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create risk of foreign influence or exploitation. *Id.* at ¶ 8(c).

The CI Report expressed concern about the Individual's inconsistent reporting and overall lack of candor and how those behaviors could pose a potential risk to DOE equities. I cannot find that he has mitigated the security concern by "promptly compl[ying] with existing agency requirements" as described in mitigating condition (e) because the security concern arises from the Individual's repeated failure to promptly and accurately comply with agency disclosure requirements. *Id.* at ¶ 8(e).

Because CI determined that the Individual presented a potentially high risk, notwithstanding the question of his loyalty to the United States, I cannot find that the Individual's loyalty to the United States mitigates the security concern presented in this situation pursuant to mitigating condition (b). *Id.* at ¶ 8(b). There is no allegation that the Individual was contacting foreign nationals on U.S. Government business or that the interactions were approved by the agency head or designee. Therefore, mitigating condition (d) does not apply here. *Id.* at ¶ 8(d). Similarly, there is no allegation that the Individual had any foreign business, financial, or property interests, so mitigating condition (f) is not applicable. *Id.* at ¶ 8(f).

For the foregoing reasons, I cannot find that the Individual has mitigated the Guideline B concerns.

B. Guideline E

Conditions that may mitigate a Guideline E security concern include:

- a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

¹⁷ The Individual's witnesses were unable to corroborate the nature of his relationship with SC Citizen as they were not privy to the details of his personal life regarding his marriage. Tr. at 127, 151, 160.

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

Adjudicative Guidelines at ¶ 17.

As stated above, the Individual repeatedly provided security personnel with incomplete, misleading, or contradictory information about his relationships with foreign nationals from the Sensitive Country and his foreign travel. He did not make any attempts to correct the omissions or falsifications before being confronted with the facts, and, as such, he has not mitigated the security concerns pursuant to mitigating condition (a). *Id.* at ¶ 17(a).

The Individual did not allege that his omissions and concealments occurred because he was following the advice of legal counsel or that of a person who was professionally responsible for advising him regarding the security processes. Therefore, I cannot find that he has mitigated the security concerns pursuant to mitigating condition (b). *Id.* at ¶ 17(b).

The Individual's lack of candor occurred in several routine briefings and interviews with counterintelligence personnel over approximately the last five years. The Individual was aware that the Sensitive Country was a DOE sensitive country, and he needed to be mindful to carefully report information related to his contacts and trips. Yet, the Individual repeatedly omitted information and provided inconsistent and inaccurate reports about his travels to and contacts in a country that he knew DOE subjected to a heightened scrutiny. Therefore, I cannot find that the

Individual's failure to provide complete and accurate information to DOE was so minor, so infrequent, or occurred under such unusual circumstances that is unlikely to recur and does not cast doubt on the Individual's reliability, trustworthiness, or good judgment. As such, the Individual has not mitigated the security concerns pursuant to mitigating condition (c). *Id.* at ¶ 17(c).

Neither the Individual nor his witnesses testified to any counseling or other positive steps that the Individual has taken to combat his lack of candor or make him less vulnerable to exploitation, manipulation, or duress. As stated above, although the Individual is seeking a divorce from SC Citizen and alleges that he has had no contact with her or her family since the spring of 2022, as of the date of the hearing, the divorce has yet to be finalized and his claims of no contact are unsubstantiated. As such, he has not mitigated the security concerns under mitigating conditions (d) or (e). *Id.* at ¶ 17(d)–(e).

The Individual does not assert that the information provided from CI was unsubstantiated, and the LSO did not allege that the Individual was associated with people involved in criminal activities, so I do not consider mitigating conditions (f) or (g). *Id.* at ¶ 17 (f)–(g).

For the foregoing reasons, I cannot find that the Individual has mitigated the Guideline E concerns.

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 B and Guideline E. Accordingly, I have determined that the Individual's access authorization should not be granted. This Decision may be appealed in accordance with the procedures set forth in 10 C.F.R. § 710.28.

Katie Quintana
Administrative Judge
Office of Hearings and Appeals