

judgment, in September 2014, the LSO issued the Individual a notification letter suspending his security clearance (Notification Letter). Ex. 1. Additionally, the Notification Letter outlined the specific derogatory information, described in 10 C.F.R. § 710.8 (l) (Criterion L), which created doubt regarding the Individual's continued eligibility to hold a security clearance.² The Notification Letter informed the Individual that he was entitled to a hearing before an Administrative Judge to present evidence to resolve these doubts. The Individual requested a hearing in this matter. The LSO forwarded this request to OHA and the OHA Director assigned me as the Administrative Judge in this matter. The DOE introduced eight exhibits (Exs. 1-8) into the record of this proceeding as well as the testimony of the DOE Psychiatrist. The Individual introduced four exhibits (Ex. A-D) into the record and offered his testimony as well as the testimony of his second-line supervisor (Supervisor). Three of the Individual's exhibits consist of written reports from his current psychiatrist (Individual's psychiatrist) and the Individual's current and immediate past therapist who have treated the Individual.

II. REGULATORY STANDARDS AND SECURITY CONCERNS

In its Notification Letter, the LSO invoked Criterion L to support its suspension of the Individual's security clearance. Additionally, the LSO cited Guidelines E and I of the Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, issued on December 29, 2005, by the Assistant to the President for National Security Affairs, The White House (Adjudicative Guidelines). Guideline E references behavior involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations, which raises questions about an individual's reliability, trustworthiness, and ability to protect classified information. Adjudicative Guidelines, Guideline E, ¶ 15. Guideline I references emotional, mental, and personality conditions that can impair judgment, reliability, or trustworthiness. As outlined in my findings below, given the Individual's prior history of honor code violations, the DOE Psychiatrist's finding that the Individual's problems with reading social cues may affect his judgment, and the reported workplace incidents detailed in the Memorandum, I find that the LSO had sufficient grounds to invoke Criterion L.

The criteria for determining eligibility for security clearances set forth at 10 C.F.R. Part 710 dictate that, in these proceedings, an Administrative Judge undertakes a careful review of all of the relevant facts and circumstances, and make a "common-sense judgment . . . after consideration of all relevant information." 10 C.F.R. § 710.7(a). I must therefore consider all information, favorable and unfavorable, that has a bearing on the question of whether granting the Individual a security clearance would compromise national security concerns. Specifically, the regulations compel me to consider the nature, extent, and seriousness of the Individual's conduct; the circumstances surrounding the conduct; the frequency and recency of the conduct; the age and maturity of the Individual at the time of the conduct; the absence or presence of rehabilitation or reformation and other pertinent behavioral changes; the likelihood of continuation or recurrence of the conduct; and any other relevant and material factors. 10 C.F.R.

² Criterion L refers to information indicating that an individual has "[e]ngaged in any unusual conduct or is subject to any circumstances which tend to show that the individual is not honest, reliable, or trustworthy; or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security. . ." 10 C.F.R. § 710.8(l).

§ 710.7(c). In considering these factors, the Administrative Judge also consults the Adjudicative Guidelines that set forth a more comprehensive listing of relevant factors.

A DOE administrative proceeding under 10 C.F.R. Part 710 is “for the purpose of affording the individual an opportunity of supporting his eligibility for access authorization.” 10 C.F.R. § 710.21(b)(6). Once the DOE has made a showing of derogatory information raising security concerns, the burden is on the Individual to produce evidence sufficient 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 regulations further instruct me to resolve any doubts concerning the Individual’s eligibility for access authorization in favor of the national security. 10 C.F.R. § 710.7(a).

II. FACTUAL FINDINGS AND ANALYSIS

At the hearing, the Individual asserted that the incidents described in the Notification Letter were misleading with regard to his judgment and reliability. The Individual further asserted that his Asperger’s Syndrome explains in part the origins of the incidents and why the incidents are not reflective of his judgment and reliability. Below, I present my factual findings regarding the derogatory information contained in the Notification Letter and the effect this information has on the Individual’s eligibility to hold a security clearance.

A. Factual Findings

1. Academic Dishonesty

As part of a 2005 Office of Personnel Management (OPM) background investigation, an OPM investigator obtained the Individual’s academic records. Ex. 8. These records revealed that a college placed the Individual on deferred academic suspension in April 2000 for an honor code violation. The college subsequently cited the Individual for two plagiarism offenses in the fall of 2000. Ex. 8 at 85-86. In December 2000, the college suspended the Individual for the spring and summer terms of the 2001 academic year. Ex. 8 at 85-89. During the 2005 OPM background investigation, four individuals who knew the Individual during his time at the college stated that they would not recommend the Individual for a position of national security. Ex. 8 at 87, 100, 112-13, 119-20. During the same investigation, the Individual stated that: (i) mental illness was interfering with his studies and (ii) he sought treatment from four mental health providers during the period 2000 to 2002 to resolve his problems without admission into a treatment facility. Ex. 8 at 77.

At the hearing, the Individual admitted that he had committed the acts of academic dishonesty described in the Notification Letter. Hearing Transcript (Tr.) at 149. The Individual testified that when he went to college, he put himself under extreme pressure to excel. Tr. at 150. The Individual believes that his then undiagnosed mental illnesses contributed to his academic problems. Tr. at 113. His decision to see a therapist was a condition for re-entry into college. Tr. at 114. The Individual further testified that the therapist that he was seeing at that time explained to him that many of his academic difficulties were aggravated by depression and anxiety along with panic attacks. Tr. at 113.

2. Memorandum Reporting Workplace Incidents

In July 2013, the LSO received a memorandum (Memorandum) from a federal official (Federal Official) who had responsibility for overseeing the office in which the Individual worked. Ex. 5. In the Memorandum, the Federal Official expressed concerns regarding the fitness of the Individual to have access to classified material. Ex. 5 at 1. The Federal Official characterized the Individual's behavior as "sometimes verbally inappropriate and disruptive." Ex. 5 at 1. The Federal Official also reported that in September 2011, the Individual used a "sexually explicit phrase" that a female co-worker overheard (Language Incident) which resulted in the Individual being banned from a work area. Ex. 5 at 1. Additionally, the Federal Official noted that the Individual, in late 2011 or early 2012, had sent \$30,000 overseas prompted by an internet "scam." Ex. 5 at 1-2. In June 2013, the Federal Official noted that the Individual had an "outburst," concerning the Individual's opinion regarding a workplace procedure, requiring contractor staff members to calm the Individual. Ex. 5 at 2. The Federal Official also reported that the Supervisor informed him that it was difficult to calm the Individual. The Federal Official asserted that he had become "increasingly uncomfortable" about the Individual having access to classified materials. Ex. 5 at 2.

With regard to the incident in 2011 where the Individual used an allegedly "sexually explicit phrase," the Individual testified that he was in a certain workplace area with four other co-workers. Tr. at 77, 88. The co-workers started to play a game where the next player would make a sentence ending with the last letter of the last word of the previous player. The Individual wanted to try to fit in, so he participated in the game. When his turn came, he replied using a word referring to a female anatomical part. Because the Individual tends to speak with a loud voice, a female employee heard the last two words of the Individual's sentence and reported it to her supervisor. Tr. at 88-89.³ The Individual, as well as all the co-workers at the table during the incident, was required to make a presentation on sexual harassment and workplace etiquette to the rest of the Individual's office and was no longer allowed in that area of the workplace facility. Tr. at 91. The Supervisor testified that the Individual's then-immediate supervisor informed her that the Individual had not used the offending word regarding a specific employee or in any type of derogatory manner. Tr. at 23.

The Supervisor testified as to June 2013 incident involving the "outburst." Tr. at 59. The Individual was present at an "all-hands" meeting with federal and contractor employees to resolve differences in opinions regarding proper procedures. The Supervisor testified that the Individual, during the conversation, stated that a certain federal employee had made a certain type of decision. Tr. at 59. The Supervisor believed that the federal employee felt that he had been "thrown under the bus" by the Individual. Tr. at 59. As everyone left the meeting, the Individual, the federal employee, and several other co-workers had a discussion that quickly turned into an argument with everyone using loud voices. Tr. at 59-60. Contrary to what the Federal Official stated in his Memorandum, the Supervisor testified that she had never told the Federal Official that the Individual was difficult to control. Tr. at 61. Further, the Supervisor testified that sharp disagreements concerning substantive matters were common in their work. Tr. at 61.

The Supervisor also testified that she believed the Federal Official was "picking" on the Individual. Tr. at 27. She based her belief on the fact that the Federal Official had one of his employees monitor the Individual. Tr. at 27. The Supervisor would only receive complaints about the Individual and

³ The Supervisor testified that the Individual does have voice volume issues and that the Individual's management team counsels him to be mindful of the volume of his speech. Tr. at 47, 58.

never any other employee. Tr. at 28. Other than the incident regarding the “outburst,” she was unable to discover any evidence that other complaints against the Individual had any merit. Tr. at 28 (Supervisor personally investigated alleged racial remark made by Individual and interviewed the employee allegedly the subject of the remark).⁴

The Supervisor evaluated the Individual’s workplace technical capabilities so highly that she recommended that the Individual receive training to allow him to exercise additional decision making authority. Tr. at 19-20. Nonetheless, the Federal Official objected to the Individual receiving the training at his workplace facility. Tr. at 20. The Supervisor arranged for the training materials to be transported to her facility so the Individual could qualify for a position with additional decision making authority. Subsequently, the Individual was granted the additional decision making authority. Tr. at 20.

3. Internet Incident

The Individual testified that, around March 2013, he became involved in what he found out later was an internet fraud. Tr. at 158. He met a foreign woman who had various alleged travel difficulties and over the course of several months, he sent the woman approximately \$30,000. Tr. at 158. He asked the woman various questions he believed would reveal whether her story was a fraud. However, he later found out from the Supervisor that these scams had elaborate storylines that would continue to deceive him including sending him a copy of a check the woman claims to have received from her job offered as an assurance that she would pay him back. Tr. at 158. A co-worker overheard the Individual participate in a telephone conversation about the fraud. The co-worker then warned the Individual and informed the Individual’s Supervisor. Tr. at 160.

The Supervisor testified that when she was informed about the internet scam, she immediately went to see a personnel security manager at a DOE facility to inform her of the incident and to discover if there were any security issues raised by the Individual’s participation in the scam. Tr. at 45. After consultation with other officials, the Supervisor was informed that there was no security concern arising from the incident. Tr. at 45. In the Supervisor’s opinion, the Individual would not be likely to make a similar error in judgment. Tr. at 46, 57. Unlike in 2011, where the Individual did not feel that his co-workers valued him, the Individual now works with co-workers closer to his age and who value his technical expertise. Tr. at 57. The Individual feels at ease with his co-workers and would be more comfortable bringing up issues to his fellow co-workers and management team. Tr. at 57-58. Further, the Individual’s management team is comfortable dealing with the Individual’s mannerisms including his lack of eye contact and the Individual’s tendency to speak loudly. Tr. at 58. In his testimony, the DOE Psychiatrist opined that the Individual internalized what happened with regard to the internet fraud to become more aware of future frauds. Tr. at 180-81.

4. Psychiatric History

In December 2004, the Individual’s employer requested that the Individual receive an Interim Access Authorization (IAA) through the Accelerated Access Authorization Program (AAAP). Ex. 4. As part of the AAAP process, the Individual was examined by a DOE-contractor psychologist. Ex. 4. Psychometric testing indicated that the Individual was experiencing significant anxiety, distress, low moods, and possible suspicious and unusual thinking. Ex. 4 at 6. The DOE-contractor psychologist

⁴ The Federal Official did not testify at the hearing.

recommended that the Individual receive a full background investigation to determine the Individual's fitness for an access authorization. Ex. 4 at 6. Upon completion of a regular background investigation, the Individual received a security clearance in 2006. Ex. 7 at 42.

As indicated above, the Memorandum and the Individual's answers during the November 2013 PSI prompted the LSO to refer the Individual for a forensic psychiatric evaluation. In December 2013, the Individual underwent a forensic psychiatric evaluation by the DOE Psychiatrist. Ex. 3. In his report, the DOE Psychiatrist recorded that the Individual had attempted suicide at the age of seven. Ex. 3 at 1. The last time the Individual experienced suicidal thoughts was approximately three years ago and was prompted by the Individual's brother's suicide. Ex. 3 at 2. The DOE Psychiatrist found that the Individual's prior diagnosis of Asperger's Syndrome was accurate and that the syndrome affects the Individual's ability to understand others' social cues, to relate to others emotionally and to see others' perspectives. Ex. 3 at 3. As a result, the Individual's ability to understand and control his emotional life is limited and the disorder affects the Individual's intimate and work relationships. Ex. 3 at 3. The Individual's impairment in social relationships contributed to the Individual being victimized in the internet fraud. Ex. 3 at 3. The DOE Psychiatrist opined that Asperger's Syndrome was treatable but not curable. He also opined that, while he could not predict whether the Individual would be misled in situations such as the internet fraud, the Individual's "problems in reading social cues and judgments could lead to further problems in judgment." Ex. 3 at 3.

The Individual testified that he has been treated for depression and anxiety issues by the Individual's psychiatrist since 2002 and he currently takes medication for both conditions. Tr. at 77-78; Ex. C. The Individual's psychiatrist's report confirmed the Individual's testimony and notes the Individual's difficulty in picking up on social cues and making eye contact with others. Ex. A at 1. The Individual has also submitted written statements from the therapists who have treated the Individual since 2008. Ex. A; Ex. B. Both of these therapists opined that the Individual suffers from Asperger's Syndrome. Ex. A; Ex. B. The Individual's current therapist reports that the Individual has a "hard time making eye contact . . . is very literal . . . is very honest, sometimes to a fault, e.g., has difficulty responding in a tactful, evasive way in order to avoid hurting someone's feelings..." Ex. A. at 2. The primary focus of their therapy has been to improve the Individual's social skills. Ex. A. at 2; see Ex. B at 1. Overall the Individual has shown improvement in his social skills. Ex. A. at 2; see Ex. B at 2.

The DOE Psychiatrist testified that he confirmed the Individual's diagnoses of anxiety disorder, depressive disorder, and Asperger's Syndrome. Tr. at 168. For individuals who suffer with Asperger's Syndrome, they experience a disconnection between their emotional life and the ability to pick up social cues when interacting with others. Tr. at 169. Generally individuals with Asperger's Syndrome are hard-working and loyal. After reviewing the statements from the Individual's psychiatrist and past and current therapists, the DOE Psychiatrist believes that the Individual is a committed patient who does not take his mental illness problems lightly. The DOE Psychiatrist also found that the Individual, unlike other individuals with Asperger's Syndrome, has obtained insight as to his condition. Tr. at 170. Overall, the DOE Psychiatrist believes that the Individual is receiving appropriate treatment. Tr. at 171. As for the risk of the Individual experiencing future problems of judgment, the DOE Psychiatrist opined that, in light of the Individual's approximately 8 to 10 years of therapy and the relationships the Individual has developed, the DOE Psychiatrist believes that the risk of future lapses of judgment is "minimal." Tr. at 173, 180-81.

4. November 2013 PSI Statements

During the November 2013 PSI, the Individual reported that, in the past, he had lost his sense of right or wrong. In this regard, he elaborated “when you’re in the deepest bouts of depression, it kind of affects your thought patterns . . . and sometimes thoughts will crawl into your mind of various scenarios and various things.” Ex. 6 at 35. When asked to provide examples of these scenarios, the Individual replied “I can very easily say with, like, the various events that have happened in the news over the past several years, I have been at points to where I can say I actually know what it’s like to be within that mind set or within that understanding of why that person probably did what they did, but I’ve never.” Ex. 6 at 36. The Individual, when asked to be more specific about the scenarios, responded “shootings.” Ex. 6 at 36. After pondering aloud as to how truthful he should be, the Individual further stated “I can say the thoughts have crossed my mind, but I’ve never actually planned anything.” Ex. 6 at 37.

The Individual, during the November 2013 PSI, was asked if he had ever been unable to control his behavior. In response, the Individual replied “if somebody confronts me and accuses me of something I know that I didn’t do or mistakes something I . . . may . . . have an outburst of anger or an outburst of rage” Ex. 6 at 49. He went on to describe rage as “where my blood, it’s just like I can feel my blood pressure going up . . . it’s just like my whole body just starts to shake and I start to get very vocal and very outspoken about things . . . the shaking, I literally just want to burst at the seams and just start yelling and screaming and counter-argue everything . . . defend myself” Ex. 6 at 49, 54. The Individual last experienced these feeling a few months prior to the November 2013 PSI. In talking to his then-therapist about these feelings, the Individual reported that she had told him “You can’t always be as honest as you would like to be. You can’t always be as open and as up front as you would like to be.” Ex. 6 at 58.

In describing his thoughts when he experienced extreme anger concerning his academic problems, the Individual stated in the November 2013 PSI that, “I wonder what it would be like if I were to . . . I went through middle . . . high school . . . in the mid to late '90s in Seattle, Washington, Jonesboro, Columbine, Virginia Tech A lot of those people, they end up also getting bullied relentlessly and they don’t know how to deal with it and they want to show . . . people this is how you made me feel.” Ex. 6 at 59-60. He further stated that he wondered how it would feel “[i]f I were to do this . . . for revenge, redemption, payback.” Ex. 6 at 60. The Individual also stated that he mentally acts out a scenario of physical harm against someone to prevent him from physically acting it out. Ex. 6 at 61. The Individual reported that he had confrontations with individuals at work once every couple of months and that in the past had thoughts of physically harming family members, a co-worker, and a supervisor. Ex. 6 at 63-69.

The Individual testified that, as for the his statement about losing his sense of right from wrong, he believes that when people get into depressed states they may reach a point where they may not be able to tell right from wrong if they cross a line into an altered state or psychosis. Tr. at 141. The Individual does not believe he would ever reach that state as long as he continues treatment and participates in other activities. Tr. at 142. As for his November 2013 PSI answers regarding violence, he affirmed his statements that he has been angry on occasions and would think what it would be like to seek revenge. Tr. at 105-06. However, he has never acted on such thoughts. Tr. at 106. He also testified that he did not intend to indicate in his answers to the November 2013 PSI that he felt that he could become violent or harm people. Tr. at 104. The Individual testified that, when he was younger, he had deliberately failed a gun safety test so that he would not have to get a hunting license

and that he has never had an “affinity” toward firearms. Tr. at 106-07. When asked if there was a scenario where he might act if he were to suffer a rage producing incident, the Individual testified that he does everything he can do to keep himself as healthy as he possibly can so that there is little chance that he would act on any feelings of rage he might experience. Tr. at 143.

The DOE Psychiatrist found in his December 2013 report (Report) that the Individual was not in “any imminent danger of acting out in any aggressive fashion towards any particular identified individual.” Ex. 3 at 3. A written statement from the Individual’s former counsellor for the past five years before her retirement, stated that she did not think that the Individual was a danger to himself or others and that the Individual’s strong sense of right and wrong was “always evident regarding any forms of violence.” Ex. C at 2. The Individual’s current therapist noted in her written statement that the Individual had not demonstrated any anger or irritability. Ex. B at 1. At the hearing, the DOE Psychiatrist affirmed his opinion and testified that he did not see any red flags or warnings that violence was an issue in the Individual’s life. Tr. at 178. The DOE Psychiatrist went on to testify:

Again, you know, backup answering, again, I’ve assessed and treated people with Asperger’s . . . and some of them have gone violent. And I have had to deal with people who have set their houses on fire because of -- you know, directly related. So it's not like it's in the innocent phenomenon. However, in his case I don't get that feeling.

Tr. at 178.

B. Analysis

All of the incidents listed in the Notification Letter raise Criterion L security concerns. After reviewing the testimony and the other evidence submitted in the case, I find that the Individual has not resolved all of these concerns.

The incidents of academic dishonesty detailed in the Notification Letter are only partially mitigated by the Individual’s emerging mental illnesses. Nonetheless, the incidents occurred over 14 years ago and I find nothing in the record that indicates that the Individual has since committed any dishonest or misleading acts. Adjudicative Guidelines, Guideline E, ¶ 17(c) (Guideline E mitigating factor – “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”). The reports from the Individual’s psychiatrist and the Individual’s current therapist note the Individual’s honesty. Both the Supervisor and the DOE Psychiatrist testified as to their assessment that they would trust the Individual. Tr. at 29, 177. Given the evidence before me, I find that the Criterion L security concerns raised by the Individual’s past academic dishonesty have been resolved.

As for the incidents outlined in the Memorandum, I find that the “outburst” incident reflects a dispute that escalated in part because of the Individual’s behavioral characteristics and not from a defect in judgment on the Individual’s part. In this regard, I find the Supervisor’s testimony convincing as to the origin of the incident and the fact that such disagreements are not uncommon in the field of work the Individual works. At worst, this incident is a workplace conduct problem and not an incident that implies a basic defect in judgment and reliability. Similarly, I find that the Language Incident does not present, in itself, a significant security concern. The Supervisor’s testimony convinces me that the

Individual did not use the offending word to hurt or harass anyone and that the co-worker who heard the words was a significant distance away from the Individual. The fact that she heard the offending words was due to the Individual's problems in modulating the volume of his speech. To the extent that the Individual's behavioral pattern causes problems in the workplace, the Supervisor gave persuasive testimony that these behaviors are being addressed and that the Individual has responded well to instruction. Beyond being restricted from one area of the workplace and making a presentation, there is no evidence that the Individual has been subject to any additional workplace discipline. The written statements from the Individual's past and current therapist also confirm the Individual's progress in being more sensitive to others' behavioral cues. I also found the Supervisor's testimony convincing with regard to her claim that, contrary to the Memorandum, she did not tell the Federal Official that the Individual was difficult to handle. In sum, I find that the incidents described in the Memorandum alone do not raise a significant security concern.

With regard to the Internet Incident, I find that the Individual has presented sufficient evidence for me to find that his involvement in the internet fraud does not raise a significant security concern. From the Individual's and the Supervisor's testimony, I find that the Individual has learned from this incident and is now willing to seek advice from others if similar incidents present themselves. The DOE Psychiatrist opined that it was reasonable to assume that the Individual has internalized the lesson learned about his participation in the Internet Incident. Tr. at 180. Given this testimony, I find that the security concerns raised by the Individual's victimization in the Internet Incident have been resolved.

It is beyond dispute that the Individual suffers from psychiatric illnesses with the most significant being Asperger's Syndrome. I believe that the Individual's unusual way of interacting with others has played a role in some of the incidents described in the Notification Letter. However, after reviewing the expert testimony of the DOE Psychiatrist and the written reports issued by the Individual's past two therapists, I find there is a sufficiently low risk that the Individual's psychiatric illnesses would cause a lapse in judgment or reliability. The DOE Psychiatrist noted that it is possible because of the Individual's thought processes, which are very factually black and white and rule-oriented, the Individual will be at less risk to disclose restricted materials inappropriately. Tr. at 178-79. The Individual's former therapist stated in her written document that the Individual has been very trustworthy during the years he has possessed a security clearance. Ex. C at 2. Further, despite having the added stress of the revocation of his security clearance, the former therapist opined that the Individual has been the most stable in mood and judgment that he has ever been in his adult life. Ex. C at 2. Given the evidence before me, I find that the Individual has presented sufficient evidence to resolve the Criterion L security concerns raised solely by his psychiatric history.

The last remaining portion of derogatory information to be considered is the Individual's statements about violence made during the November 2013 PSI. The DOE Psychiatrist found in his Report that the Individual "harbored no signs of any anger or revenge fantasies" and that the Individual was not "in any imminent danger of acting out in any aggressive fashion towards any particular identified individual." As described earlier, the DOE Psychiatrist affirmed his finding at the hearing and testified that he does not see any "red flags" indicating that the Individual might be at risk for violence. Nor did the Individual's immediate past therapist see any indications that violence would be an issue for the Individual.

Balanced against this mitigating evidence are the statements themselves. The statements reveal that the Individual has occasional thoughts about committing violence of the type demonstrated by the

mass shootings at Columbine High School and Virginia Tech. *See* Tr. at 104, 142. From the PSI, it seems that the Individual has occasionally had such thoughts when he believes he is being wronged. A worrying factor in this regard is the Supervisor's testimony that states that disagreements and arguments at the Individual's workplace are not uncommon. I also note the DOE Psychiatrist's testimony that admits that there is some uncertainty in making an assessment as to the risk of future violence. While the Individual has presented substantial evidence arguing that the risk of the Individual becoming violent is low, is not sufficient to overcome the evidence before me regarding the Individual's history of violent thoughts, especially in light of the potential harm that could occur to others should the Individual fall victim to these thoughts. In making this finding, I note that the intensity of the Individual's occasional rage is described by the Individual himself as "[I] literally just want to burst at the seams and just start yelling and screaming." Ex. 6 at 54. My finding is not meant to express any immediate concern or expectation that the Individual will be violent. The testimony indicates that the Individual is an intelligent, capable employee and is dedicated to his work. However, given the high standard of reliability demanded of clearance holders, I must find that the Individual has not fully resolved the Criterion L concerns raised by the Individual's answers in the November 2013 PSI. *Dep't of the Navy v. Egan*, 484 U.S. 518, 531 (1988) (the "clearly consistent with the interests of national security" test indicates that "security clearance determinations should err, if they must, on the side of denials").

In sum, while I find that the Individual has resolved most of the concerns raised by the derogatory information described in the Notification Letter, the Criterion L concerns raised by the Individual's statements in the November 2013 PSI have not been fully resolved.

V. CONCLUSION

For the reasons set forth above, I conclude that the Individual has not mitigated the DOE's Criterion L security concerns raised by the Notification Letter. Consequently, I also find that the Individual has not demonstrated that restoring his access authorization would not endanger the common defense and would be clearly consistent with the national interest. Accordingly, I find that the DOE, at this time, should not restore the Individual's access authorization. Review of this decision by an Appeal Panel is available under the procedures set forth at 10 C.F.R. § 710.28.

Richard A. Cronin, Jr.
Administrative Judge
Office of Hearings and Appeals

Date: March 9, 2015