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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: November 29, 2019)	Case No.:	PSH-20-0016
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_____)		

Issued: March 2, 2020

Administrative Judge Decision

Steven L. Fine, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXX (hereinafter referred to as “the Individual”) for access authorization under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, “Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.”¹ For the reasons set forth below, I conclude that the Individual’s security clearance should not be granted.

I. BACKGROUND

The Individual is an applicant for a DOE security clearance. The LSO alleged that it had obtained derogatory information showing that the Individual had not filed his Federal and state income tax returns for tax year 2017, as of June 24, 2019. *See* Ex. 1; Ex. 5 at 6. The LSO also obtained derogatory information showing that the Individual had five outstanding delinquent debts. *See* Ex. 1; Ex. 6 at 3–5. The LSO accordingly issued a Letter of Interrogatory (LOI) to the Individual on June 17, 2019. Ex. 5 at 1. The Individual submitted a response to the LOI (the Response) on June 24, 2019. Ex. 5 at 1. In the Response, the Individual acknowledged his five outstanding delinquent debts, and admitted that he had not taken any action to resolve these outstanding debts. He also stated that he had not filed his Federal and state tax returns for tax year 2017. Ex. 5 at 1–5. Because the Response did not resolve the security concerns raised by the allegations and derogatory information, the LSO began the present administrative review proceeding by issuing a Notification Letter informing the Individual that he was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt regarding his eligibility for a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing and the LSO forwarded the Individual’s request to the Office

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

of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter on November 29, 2019. I took testimony from the Individual at the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e) and (g). See Transcript of Hearing, Case No. PSH-20-0016 (hereinafter cited as “Tr.”). The LSO submitted eight exhibits, marked as Exhibits 1 through 8 (hereinafter cited as “Ex.”). The Individual submitted eight exhibits, marked as Exhibits A through H.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

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

Under Guideline F, the LSO alleged that the Individual had not filed his Federal or state income tax returns for tax year 2017. Ex. 1 at 1. The LSO further alleged that the Individual had two unpaid accounts in collection status and three unpaid charge-off accounts. Ex. 1 at 1. In addition, the LSO cited the Individual’s admission that he had not taken any action to resolve his outstanding collection or charge-off accounts. Ex. 1 at 1. These allegations adequately justify the LSO’s invocation of Guideline F. Guideline F (Financial Considerations) provides: “failure to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information.”² Guideline F at § 18. Guideline F sets forth nine conditions that “could raise a security concern and may be disqualifying.” Guideline F at § 19. Among these conditions that can raise security concerns under Guideline F are an individual’s inability to satisfy debts; unwillingness to satisfy debts regardless of the ability to do so; history of not meeting financial obligations; a history of late payments or non-payment, other negative financial indicators; failure to file annual Federal or state income tax returns, and failure to pay annual Federal, or state income tax. Guideline F at §§ 19(a), (b), (e), and (f).

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The entire process is a conscientious scrutiny of a number of variables known as the “whole person concept.”

² Guideline F further provides: “Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.” Guideline F at § 18.

Adjudicative Guidelines ¶ 2(a). The protection of the national security is the paramount consideration. The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990), cert. denied, 499 U.S. 905 (1991) (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 so as 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.

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

IV. FINDINGS OF FACT

The QNSP

On December 13, 2018, the Individual signed and submitted a QNSP to the LSO. Ex. 7 at 46. In this QNSP, the Individual reported that he had not filed his Federal or state income tax returns for tax year 2017. Ex. 7 at 38. The Individual also disclosed that he had outstanding debts owed to four creditors: Creditors A, C, D, and E.³ Ex. 7 at 39–42.

The Office of Personnel Management (OPM) Investigation

The OPM obtained a credit report (the OPM Credit Report) for the Individual on December 22, 2018. Ex. 6. The OPM Credit Report indicated that the Individual had three unpaid charge-off accounts. The first charge off account, with Creditor A, had an outstanding balance of \$2,278. The second charge-off account, with Creditor B, had an outstanding balance of \$2,600. The third charge-off account, with Creditor C, had an outstanding balance of \$795. Ex. 6 at 4–5. The OPM Credit Report also indicated the Individual had two open collection accounts. The first, with Creditor D, had an outstanding balance of \$822. A second collection account, with Creditor E, had an outstanding balance of \$1,310. Ex. 6 at 3, 5.

On February 4, 2019, an OPM Investigator conducted an Enhanced Subject Interview (ESI) of the Individual. Ex. 8 at 63. During this ESI, the Individual reported that he had not filed his Federal or state taxes for tax year 2017. Ex. 8 at 67. Nor had he resolved his outstanding delinquent debts with Creditors A, B, D, and E. Ex. 8 at 67–68. He further disclosed that prior to obtaining his current employment, he “struggled to maintain gainful employment and had to supplement his

³ The Individual did not report any debts owed to Creditor B in the QNSP.

erratic income with payday loans which [he] had difficulty repaying.” Ex. 8 at 68. According to the OPM Investigator, the Individual stated that he is able to meet all his current legal financial obligations and there is a low likelihood of recurrence because his current income is higher and more stable, and that he planned to pay off all of his outstanding debts by December 2019. Ex. 8 at 68.

The LOI

The LSO issued the LOI to the Individual on June 17, 2019. The Individual submitted the Response on June 24, 2019. In the Response, the Individual admitted that he had five outstanding delinquent accounts. Ex. 5 at 1-5. The Individual admitted that he had not taken any action to resolve his outstanding charge-off accounts or outstanding collection accounts. Ex. 5; Ex. 1. The Individual further reported that he had not filed his Federal or state income taxes returns for tax year 2017. Ex. 5 at 6.

The Hearing

The Individual testified that he had timely filed an extension for his 2017 Federal taxes, and then filed his 2017 income taxes within the time allowed by his extension. Tr. at 9–10. Tr. at 9–10, 36.

The Individual admitted that he still has outstanding debts with Creditors A, C, D, and E. Tr. at 12–18, 20. When asked about the LSO’s allegation that he also has a charge-off account with Creditor B, in the amount of \$2,600, the Individual testified that although he recalled that he inquired or applied for this loan in approximately 2016, he was unsure if he had actually accepted the loan. Tr. at 18–20. He stated that this alleged debt from Creditor B was not listed on his credit report, which is why he had not disclosed that he owed a debt to Creditor B during his background investigation. Tr. at 20. He further testified that he contacted the original lender of this debt and was informed that it had sold his debt to another creditor. Tr. at 18–19. The Individual testified that he contacted the new creditor, who informed him that it did not have any records indicating it had purchased this debt. Tr. at 19–20.

Regarding his outstanding debt from Creditor D, the Individual testified that he made a \$50 payment to Creditor D on January 13, 2020, and entered into a Deferred Payment Agreement with Creditor D on January 14, 2020. Tr. at 12–13; Ex. C. The Individual testified that he plans to make \$50 payments every two weeks to Creditor D. Tr. at 13. The Individual testified that Creditor D has accepted this payment plan. Tr. at 13.

The Individual agreed that he owes \$1,310 to Creditor E and testified that he entered into a payment agreement with Creditor E on December 8, 2019. Tr. at 14. The terms of the payment agreement are for monthly payments of \$55 every 8th day of the month. Tr. at 14. He stated that he has made two payments and plans to pay off this debt by the end of 2020. Tr. at 14–15. The Individual testified that when he requested that Creditor E provide him with written verification of his payment agreement, Creditor E refused to send mail to him because it could not confirm his street address. Tr. at 14–15.

The Individual acknowledged that he has a delinquent debt with Creditor A. Ex. 5 at 2; Tr. at 16.⁴ He testified that Creditor A sold his debt to a debt collection agency, and he made an initial payment of \$200 to the debt collection agency on January 18, 2020. Tr. at 16. The Individual further testified that he agreed to a payment plan with the debt collection agency, under which he is obligated to pay \$200 a month, and that he is waiting for a letter from the collection agency to confirm his payment plan for Creditor A. Tr. at 17. The Individual testified that he would submit his bank statement which shows his most recent payment to the collection agency. Tr. at 18.

The Individual testified and submitted evidence at the hearing that showed he made a \$20 payment on January 10, 2020, towards his outstanding debt with Creditor C. Ex. D; Tr. at 20, 22. He further testified that he requested a payment agreement from Creditor C, however, Creditor C informed him that it is not necessary for him to be on a payment plan as long as he is making payments. Tr. at 20–21. He stated he wants to increase his future payment amount to \$50 every two weeks. Tr. at 22. The Individual submitted a copy of his bank statement which reflected his payment of \$20 to Creditor C on January 13, 2020. Ex. G at 2.

When the Individual was asked why he had accrued so many outstanding debts, he testified that in January 2017, he became unemployed and since he was unemployed for five months, he was unable to pay his outstanding debts. Tr. at 33. He further testified that due to the nature of his previous employment, it was difficult for him to obtain 40 hours of work per week because his job required him to work outdoors, but the inclement weather resulted in a decrease in his work hours. Tr. at 33-34. He stated that during this time period, he was already making car payments, automobile insurance payments, and paying his telephone bill, so he did not have enough remaining funds to pay his outstanding debts. Tr. at 33. The Individual testified that prior to his unemployment, he did not have financial problems as extensive as the current problems he has with outstanding delinquent debts. Tr. at 34.

The Individual testified that he received the Notification Letter with the associated Summary of Security Concerns on or about October 2019. Tr. at 28. He admitted that although he was aware of the outstanding debts that were the source of the LSO's security concerns, he did not take any action at that time to resolve the unpaid collection accounts or charge-off accounts. Tr. at 28–29. He testified that the reason he did not take action at that time was because in September 2019, he learned that his father was diagnosed with cancer, and he eventually learned that his father's cancer is at an advanced stage. Tr. at 28, 35. He explained that when he received the news of his father's diagnosis, he "wasn't really thinking of the bills" but instead, he focused on how his family was going to proceed in light of his father's illness. Tr. at 29. The Individual testified that he took a leave of absence from September through December 2019, under the Family and Medical Leave Act (FMLA) in order to provide care for his father during his father's medical treatment for cancer. Tr. at 31. He testified that during his leave of absence under FLMLA, he still worked

⁴ During the hearing, the DOE Counsel stated that the Individual owed \$278 to Creditor A. Tr. at 16. However, in the Individual's response to the LOI, he admitted that he owes a balance of \$2,278. Ex. 5 at 2. The Individual also submitted a credit report dated January 15, 2020, showing that his outstanding balance with Creditor C is \$2,278. Ex. E at 1–2.

approximately one or two days per week during the times his mother and brother could provide caregiving duties for his father.⁵ Tr. at 31.

The Individual testified that his monthly net income is approximately \$3,300 to \$3,500 per month. Tr. at 26. Additionally, he testified that his other monthly expenses include monthly car payments, gasoline and maintenance for his vehicle, insurance, food, and a payment for home improvement loans that he borrowed in August and December 2019. Tr. at 23–26. He estimated that his total monthly expenses, including the expected payments for his delinquent debts, range from \$2,900 to \$2,930. Tr. at 27.

At the hearing, the Individual submitted four exhibits marked as Exhibits A through D. Exhibit A is his 2017 federal tax return. Ex. A at 1-3. Exhibit B is his 2017 New Mexico state tax return. Ex. B at 4-8. Exhibit C is his Deferred Payment Agreement for Creditor D. Ex. C at 9. Exhibit D is a receipt which reflects the Individual's \$20 payment that he made to Creditor C on January 10, 2020. Ex. D at 10.

The Post Hearing Submissions

On January 23, 2020, the Individual submitted evidence demonstrating that he had filed an extension for his 2017 Federal taxes and his request for extension was accepted on April 18, 2018. Ex. F. He also submitted letter from Internal Revenue Service (IRS) to him granting his request for an extension of his tax return filing deadline for tax year 2017. Ex. F at 1. The Individual further submitted copies of his Federal and state tax returns for tax year 2017, showing that he had in fact filed those returns in a timely manner. Ex. A; Ex. B. The Individual also submitted a copy of a credit report dated January 15, 2020, which does not reflect an outstanding debt from Creditor B, in accordance with the Individual's hearing testimony. Ex. E. The Individual also submitted bank statements showing that he submitted a payment of \$200 to the collection agency representing Creditor A on January 18, 2020. Ex. G at 2. The Individual has submitted several bank statements to document the payments he made in December 2019 and January 2020 to Creditor E. Ex. H at 2 (reflecting payment to Creditor E on December 10, 2019); Ex. G at 2 (reflecting payment to Creditor E on January 9, 2020).

V. ANALYSIS

Guideline F Concerns

As an initial matter, I find the Individual has shown he filed his Federal and state tax returns for tax year 2017 in a timely manner. Ex. A; Ex. B; Ex. F. Therefore, the security concerns raised by the derogatory information in the record indicating to the contrary have been resolved.

⁵ He further testified that because the end of the fiscal year was at the end of September, his employer had estimated in advance the total number of hours he was anticipated to work during September 2019, and paid him based on that estimation. Tr. at 31. However, the Individual testified he did not work during the last few weeks of September, although his employer had already paid him for the month of September. Tr. at 31. As a result, he had to pay back the outstanding balance to his employer during October and November 2019, so he did not receive a paycheck until December 2019. Tr. at 32

I further find that the Individual, through his testimony and submission of his January 15, 2020, credit report, has shown that he does not have an outstanding obligation to Creditor B. Accordingly, I find that the derogatory information in the record concerning this alleged obligation has been resolved.

I now turn to the other four outstanding debts cited in the notification letter. Guideline F provides seven conditions that can mitigate security concerns, Guideline F at § 20. The Adjudicative Guidelines provide that an individual may mitigate security concerns under Guideline F if:

- (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 judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, ...unexpected medical emergency,...clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source...;
- (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.

Guideline F at §20(a)–(g). Four of the above mitigating factors may be applicable in the instant case.⁶

Regarding the mitigating conditions described in Guideline F at § 20(a), the Individual's pattern of incurring outstanding delinquent debts and not taking action to resolve his outstanding collection accounts continued until relatively recently, and therefore, cannot be said to have occurred long ago.

⁶ Section 20(c) applies if an individual has received or is receiving financial counseling for the problem from a legitimate and credible source. However, since the Individual did not receive financial counseling, this section does not apply. Section 20(f) applies when an individual has unexplained affluence. This section does not apply because the Summary of Security Concerns revolve around outstanding unpaid debt, and there are no allegations involving a source of the Individual's affluence. Section 20(g) applies when an individual has made arrangements to address tax issues, but this section does not apply because, as discussed above, the Individual has resolved the security concerns concerning allegations that he failed to file his Federal and state tax returns for tax year 2017. Ex. A; Ex. B; Ex. F.

Moreover, while the Individual recently began taking substantive action to resolve his unpaid collection accounts, he failed to do so until well after he received the Notification Letter. Nevertheless, the Individual has, very recently began to address his financial issues. During the present proceeding he has provided payment receipts, one deferred payment plan, and bank statements demonstrating that he has entered payment plans with his creditors and began making recent payments to address his outstanding debts. In addition, he submitted written evidence that was consistent with his testimony concerning the dates and amounts of his recent payments to his delinquent accounts, and payment plans he made with his creditors. Ex. C; Ex. D; Ex. G at 1-2; Ex. H at 2. He also submitted bank statements that he testified would show that his current income provides him with the ability to maintain his payment plans. Ex. G; Ex. H.

However, this evidence is not sufficient to demonstrate that the Individual's behavior of failing to pay his outstanding debts will not recur. While the Individual testified that his proposed payment plans to pay-off his outstanding debts are within his monthly budget, he has not provided a sufficiently detailed budget in support of this assertion. The bank statements submitted by the Individual, standing alone, do not present a sufficiently comprehensive picture of his finances. For example, there is no evidence in the record that provides a comprehensive listing of his monthly expenses. Moreover, the Individual has not demonstrated that his monthly income allows him to pay for both his regular monthly expenses as well as his monthly payments to each of his charge-off and collection accounts. While the Individual has fully documented his monthly income by submitting his bank statements for December 2019 and January 2020, the bank statements raised additional concerns about the Individual's ability to maintain a positive cash-flow going forward. While the Individual testified at the hearing that his monthly income ranges from \$3,300 to \$3,500, the bank statements indicate that his monthly income was approximately \$3,000 during December and January.⁷ Given this uncertainty, the Individual has not sufficiently demonstrated that his financial concerns will not recur. Accordingly, I find that the mitigating conditions articulated in Guideline F at §20(a) are not present in this case.

The Individual has not sufficiently established that the mitigating conditions described in Guideline F §20(b) are present. The Individual stated that he incurred outstanding debts because he was unemployed for five months in 2017. Although his unemployment exacerbated his financial problem, the Individual subsequently obtained his current position but still failed to begin addressing his delinquent accounts until the hearing was imminent. The Individual did not address his delinquent debts after the June 24, 2019, LOI, when the LSO inquired about them. Nor did the Individual attempt to resolve his delinquent debts when he received the SSC in October 2019. While the Individual might have been distracted at that time because of his father's health concerns, I cannot find that this circumstance totally excuses the Individual's lack of action regarding his debts.⁸ Based on these facts and lack of evidence to support the Individual's testimony, the Individual has failed to present sufficient evidence for me to find that he acted

⁷ The bank statements showed that the Individual's total income for the two months (December 2019 and January 2020) was \$5,995.73, which amounts to \$2,997.86 per month. Ex. H

⁸ The Individual testified that his father diagnosed with cancer in September 2019. The Individual testified that he took a three month leave of absence under the Family Medical Leave Act (FMLA) to provide care for his father. The Individual also claimed he did not receive a paycheck until December 2019 because he had to pay a debt he owed his employer when they overpaid him, he provided no supporting evidence to corroborate his testimony. He did not indicate when he stopped receiving his paychecks.

responsibly under the circumstances. Accordingly, I find that the mitigating conditions articulated in Guideline F at §20(b) are not present in this case.

As to the mitigating conditions described in Guideline F at § 20(d), the Individual has, albeit, belatedly, made recent efforts to repay overdue creditors or otherwise resolve debts. He submitted bank statements to reflect the \$55 monthly payments he made to Creditor E in December 2019 and January 2020. Ex. G at 2; Ex. H at 2. Similarly, the Individual submitted a payment receipt from Creditor C at the hearing that showed he made a \$20 payment on January 10, 2020, towards his outstanding debt with Creditor C. Ex. D. However, he has not completely resolved each of his delinquent debts. The Individual testified that Creditor D accepted his payment plan, which required to submit \$50 payments every two weeks. Tr. at 13. In support of his testimony, he submitted his bank statements from January 2020, reflecting that he made a \$50 payment to Creditor D on January 14, 2020, and a \$50 payment on January 31, 2020. Ex. G at 1–2.

Nonetheless, any mitigation provided by the Individual's efforts to repay these debts are lessened by demanding repayment terms contained in the Creditor D Deferred Payment Agreement. The terms of the Creditor D Deferred Payment Agreement, submitted by the Individual, are inconsistent with the Individual's testimony that Creditor D had agreed to a payment plan under which the Individual would make biweekly payments of \$50. Rather, the Deferred Payment Agreement states the Individual had to make two payments: The first for \$50 on January 13, 2020, for \$50,⁹ and a second, for \$772.09, on January 27, 2020. Ex. C. The Deferred Payment Agreement also states, "if any of the above payments are missed, then Creditor D will resume collection efforts on the past due balance." Ex. C. It is therefore clear that the Individual has not presented sufficient evidence to totally resolve the security concern regarding this unpaid collection account. Accordingly, I find that the mitigating conditions articulated in Guideline F at §20(d) have not been sufficiently demonstrated in this case.

As discussed above, the Individual has demonstrated that the mitigating conditions under § 20(e) are present in this case for one of the debts cited in the Notification Letter: the Individual's \$2,600 charge-off account with Creditor B. However, the Individual has not disputed the legitimacy of any of the other four past-due debts. Accordingly, I find that the mitigating conditions articulated in Guideline F at §20(e) are not present in this case.

For the reasons stated above, I conclude that the Individual has not resolved the security concerns asserted by the LSO regarding his outstanding delinquent debts.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE that raised security concerns under Guideline F of the Adjudicative Guidelines. 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 find that the Individual has not brought forth sufficient evidence to resolve the

⁹ The Deferred Payment Agreement further indicated that the Individual made the \$50 payment scheduled for January 13, 2020, in a timely manner.

security concerns set forth in the Notification Letter. Therefore, I cannot conclude that granting DOE access authorization to the Individual “will not endanger the common defense and security and is clearly consistent with the national interest.” 10 C.F.R. § 710.7(a). Accordingly, I find that the DOE should not grant access authorization to the Individual at this time.

The parties may seek review of this Decision by an Appeal Panel, under the regulation set forth at 10 C.F.R. § 710.28.

Steven L. Fine
Administrative Judge
Office of Hearings and Appeals