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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: July 20, 2023)	Case No.: PSH-23-0114
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_____)	

Issued: October 19, 2023

Administrative Judge Decision

Janet R. H. Fishman, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material."¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should not be granted.

I. Background

A DOE Contractor employs the Individual in a position that requires him to hold an access authorization. In April of 2022, the Individual completed a Questionnaire for National Security Positions (QNSP) in which he reported that he had been reprimanded at work in two previous positions, had been terminated from four previous positions, had consumed marijuana weekly until 2019, had been involuntarily hospitalized for a mental health condition in 2017, and had been diagnosed with bipolar disorder in 2016. Exhibit (Ex.) 10 at 26, 65, 69.

As a result of these admissions, DOE asked the Individual to undergo an evaluation with a DOE-consultant Psychologist (DOE Psychologist). Ex. 11. In January 2023, the Individual underwent that evaluation. *Id.* As part of the evaluation, the DOE Psychologist conducted a clinical interview of the Individual, administered a battery of assessments to evaluate his credibility,² and reviewed the Individual's personnel security file. *Id.* at 1.

¹ The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

² The tests which were administered by the DOE Psychologist were: Minnesota Multiphasic Personality Inventory-3 (MMPI-3), Paulhus Deception Scales (PDS), Substance Abuse Subtle Screening Inventory-4 (SASSI-4), Drug Use

On January 14, 2023, the DOE Psychologist issued a report (Report) explaining the results of the Individual's evaluation. Ex. 11 at 1. In the Report, the DOE Psychologist wrote that it was her opinion that the Individual had a history of regular marijuana use. *Id.* at 10. She further explained that the Individual had stopped using marijuana in September 2019, and there was no evidence of current drug use or abuse. *Id.* at 10–11. Because of the Individual's three years of abstention from marijuana use, she stated that he could be considered rehabilitated from any previous drug abuse or dependence. *Id.* at 11. The DOE Psychologist asserted that the Individual reported that "many of his employment problems resulted from his . . . substance use." *Id.* at 10.

The DOE Psychologist opined that the Individual had untreated bipolar mood disorder and ADHD, which, until better managed, put him at risk for "problems in judgment and reliability." Ex. 11 at 11. The DOE Psychologist recommended that the Individual undergo psychiatric treatment with a qualified medical professional for at least six months and that he follow all treatment recommendations.³ *Id.* The Individual informed the DOE Psychologist that he ceased taking his medications because he did not like how the medications made him feel and that he thought he could manage the symptoms. *Id.* at 4.

Due to the 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. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline E (Personal Conduct), Guideline H (Drug Involvement and Substance Abuse), and Guideline I (Psychological Conditions) of the Adjudicative Guidelines. Ex. 3.

The Individual requested an administrative hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual testified on his own behalf and presented the testimony of two witnesses: his father and his supervisor. *See* Transcript of Hearing, Case No. PSH-22-0114 (Tr.). The Individual submitted three exhibits, marked as Exhibits A through C. DOE Counsel submitted 12 exhibits, marked as Exhibits 1 through 12, and presented the testimony of the DOE Psychologist. *Id.*

II. The Summary of Security Concerns

Guideline E states that "[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information." Adjudicative Guidelines at ¶ 15. Conditions that could raise a security concern under Guideline E include: "[c]redible adverse information that is not explicitly covered under any other guideline and may

Disorders Identification Test (DUDIT), Mood Disorders Questionnaire (MDQ), and Adult ADHD Self-Report Scale (ASRS-v1.1). Ex.11 at 2.

³ The DOE Psychologist misstated in her Report that the Individual received mental health care support as recently as May of 2022. Ex. 11 at 3. However, the Individual presented evidence that no such mental health care support occurred. Ex. A. In fact, the DOE Psychologist admitted her mistake at the hearing. Tr. at 91.

not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations” *Id.* at ¶ 16(d). In citing Guideline E, the LSO cited the two reprimands and four firings in the Individual’s employment record that were reported by the Individual in the QNSP. Ex. 3 at 4–5.

Guideline H states that “[t]he illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual’s reliability and trustworthiness.” Adjudicative Guidelines at ¶ 24. Conditions that may be a security concern under Guideline H include: “[a]ny substance misuse,” “[i]llegal possession of a controlled substance,” and/or “[d]iagnosis by a duly qualified medical or mental health professional . . . of a substance use disorder.” *Id.* at ¶ 25(a), (c), (d). In citing Guideline H, the LSO cited the Individual’s statement to the DOE Psychologist’s that his past employment issues were related to substance use. Ex. 1 at 5. In addition, the LSO cited the DOE Psychologist’s conclusion that the Individual, because of his untreated bipolar disorder and ADHD, is at an increased risk for future substance abuse problems. *Id.* at 6.

Guideline I states that “[c]ertain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness.” Adjudicative Guidelines at ¶ 27. Conditions that could raise a security concern under Guideline I include: “[a]n opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness,” and “[f]ailure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including, . . . failure to take prescribed medication.” *Id.* at ¶ 28(b), (d). Regarding Guideline I, the LSO cited the Individual’s 2016 diagnosis of bipolar disorder and his decision to discontinue his medication in 2017, the DOE Psychologist’s diagnosis of bipolar disorder and ADHD, which create the potential for problems with the Individual’s judgment and reliability, and the Individual’s reported history of depressive episodes. Ex. 3 at 7.

Based on the Individual’s employment history, past substance use, and medical history, I find the LSO’s security concerns under Guidelines E, H, and I are justified.

III. Regulatory Standards

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. Findings of Fact and Hearing Testimony

The Individual reported in his QNSP that he consumed marijuana on a regular basis from around 2007 to 2019. Ex. 10 at 89. In 2010, he was arrested for Simple Possession of Marijuana on School Property. *Id.* He was a minor at the time of this charge, and because of the charge, he underwent three drug tests at a juvenile center over the course of a year. *Id.* When all the tests came back negative for drug use, the charge against him was expunged from his record. *Id.* In his QNSP, the Individual also stated that he did not plan to use marijuana in the future. *Id.* at 70.

As stated above, the Individual was diagnosed with bipolar disorder in September of 2016. *Id.* at 65, 88. The Individual was prescribed medication and began psychotherapy in September of 2016. *Id.* In February 2017, the Individual ceased treatment and stopped taking his medications because he felt that he did not need them anymore to control his emotions and the medications made him feel slow and foggy. *Id.* The Individual stated in his QNSP that he has not sought out any other counseling or medication since 2017. The Individual admitted to the investigator that his bipolar disorder affected his ability to keep a job between 2016 and 2019. Ex. 10 at 88.

The Individual was involuntarily hospitalized in 2017 when a friend called local law enforcement because the friend was concerned about some posts, which discussed self-harm, that the Individual had made on Facebook. *Id.* When law enforcement arrived at the Individual’s location, the Individual had been cutting himself, so law enforcement took him to the hospital where he was evaluated and, eventually, released without being admitted. *Id.*

In his QNSP and during the subsequent investigation, the Individual admitted that he was fired from two jobs in 2017, a job in 2018, and a job in 2020.⁴ Ex. 3 at 4–5. He was reprimanded at a job for misuse of equipment in 2018 and at a different job for leaving work early in 2021. *Id.*

The Individual’s supervisor testified on his behalf. Tr. at 21. He testified that he has directly supervised the Individual for approximately two years. *Id.* The supervisor stated that in his experience, the Individual is trustworthy, organized, and has a good work ethic. *Id.* at 22. He feels that the Individual has overcome previous challenges related to his conduct at work, has good judgment, and is reliable. *Id.* at 23. The supervisor also confirmed that the Individual has not had any issues with supervisors or coworkers in the two years the supervisor has worked with him. *Id.* at 25.

⁴ The SSC states that the Individual was fired from a job in 2019. Ex. 3 at 4. However, during the hearing, it was determined that there had been a transcription error and the Individual had been fired from that position in 2020. Tr. at 50.

The Individual's father also testified on his behalf. *Id.* at 26. The father explained that the Individual moved away from his home state to work when he was 18 or 19.⁵ *Id.* at 29. When the Individual moved back to his home state a few years later, he told his father that he had moved because he did not want to continue to be around the people that he had been associating with in the state he had moved to. *Id.* at 29–30. The father stated that the people the Individual was associating with used marijuana and when the Individual associated with them, he also used marijuana. *Id.* at 30. The father testified that the Individual no longer associates with those people. *Id.* at 30.

The father also provided his insight into the 2017 incident when the Individual was involuntarily hospitalized. *Id.* at 31–32. He stated that, around that time, the Individual had broken up with his long-term girlfriend and “was kind of sad.” *Id.* at 31. After the incident, the father said that he talked to the Individual about how things often change in life, but “nothing’s worth . . . giving up on everything.” *Id.* at 32.

Regarding the Individual's mental health diagnoses, the father testified that the Individual told him about his bipolar diagnosis, but the father did not “really understand the concept of bipolar because . . . he seemed like any normal child to [him].” *Id.* at 32. He also explained that the Individual had been diagnosed with ADHD in “grade school,” and the Individual was prescribed Adderall for a period, but eventually, “the doctor wanted to take him off of it.” *Id.*

The Individual testified that he stopped using marijuana in 2019 because he realized he needed to change his lifestyle if he wanted to become more professionally successful. *Id.* at 40. He stated that, to his knowledge, he no longer associates with anyone who uses any illicit substances. *Id.* at 41.

The Individual explained the circumstances of each of his workplace incidents. *Id.* at 42–53. In 2017, he was fired for repeated transcription errors that occurred in the course of his work. *Id.* at 42. Later that year, he was fired from a different company for failing to follow a handwashing policy. *Id.* at 42–43. In early 2018, he was given a written reprimand for a safety incident. *Id.* at 44–45. In August of 2018, the Individual testified, he had a disagreement with the owner of the establishment he was working at that led to his firing.⁶ *Id.* at 45–47. In mid-2020, the Individual was fired from a different job for playing a prank involving “snap pops” on his coworkers. *Id.* at 47–48, 50. In 2021, the Individual was suspended from his position for leaving work early. *Id.* at 51–52. The Individual asserted that the workplace incidents from 2017 to 2019 all occurred while he was still using marijuana. *Id.* at 47.

The Individual confirmed his father's testimony that he was first diagnosed with and medicated for ADHD as a child. *Id.* at 54. He stated that he is no longer medicated for ADHD, and for the most part, he feels that the condition has not affected his life as an adult. *Id.* at 55. The Individual also testified that he sought out mental health help in 2016 because his fiancé had recently left him and he “was not sure how to deal with those emotions.” *Id.* at 56. At that time, the Individual was

⁵ The Individual later clarified that his father was misremembering, and he moved to the other state when he was around 23. Tr. at 37.

⁶ At the hearing, the Individual stated that it was his contention that he quit the job, though his former employer would likely say he was fired. Tr. at 46–47. In his QNSP, the Individual stated that he was fired. Ex. 10 at 38.

diagnosed with bipolar disorder and placed on two medications, which he stopped taking in February of 2017 because “it was just keeping [him] from feeling at all” and he does not “believe that medication is a means to an end whenever it comes to [treating a mental health condition].” *Id.* at 56, 60. He stated, “[he] would rather tackle the underlying problem of the issues that’s going on in [his] life in order to create a healthier lifestyle both professionally, personally, and financially.” *Id.* When he told his healthcare provider his concerns about how the medications made him feel, the Individual testified, she told him that he needed to discontinue his marijuana use before they could find drugs that would work for him. *Id.* at 69. When asked if he believed there was a connection between ceasing his medication in February 2017 and his involuntary hospitalization in April of 2017, the Individual said he was young at the time and he does not believe the two issues were correlated. *Id.* at 60. He also testified that the only mental health treatment he has had since being involuntarily hospitalized is a counseling group for people with impulsive and addictive behaviors, particularly pornography. *Id.*

The DOE Psychologist first testified that she has no reason to disbelieve the Individual’s assertion that he stopped using marijuana in September of 2019 and does not plan to use again. *Id.* at 74–75. She stated that she had no concerns about current drug use or future drug use, except to the extent that some individuals with untreated mental health conditions are at higher risk for substance use. *Id.* at 75.

As to the Individual’s mental health conditions, the DOE Psychologist testified that, based on the Individual’s responses to the Mood Disorders Questionnaire, she diagnosed him with bipolar disorder. *Id.* at 82. She testified that she also administered the Adult ADHD Self-Report Scale, which showed that there was high likelihood that the Individual currently meets criteria for ADHD. *Id.* at 89. After explaining these diagnoses, the Psychologist opined in the Report that the Individual’s “untreated bipolar illness and ADHD . . . put him at increased risk for future substance use problems and should be addressed.” Ex. 11 at 11. At the hearing, the DOE Psychologist testified that, in her opinion, there is significant evidence that the Individual’s untreated bipolar disorder and ADHD create “a potential for problems in judgment or reliability” until they are better managed. Tr. at 90. She stated that, in her professional opinion, the Individual’s counseling group for impulsive and addictive behaviors would not provide adequate treatment for either of the Individual’s conditions. *Id.* at 91–92. The DOE Psychologist testified that “the first line of treatment is medication” for both ADHD and bipolar disorder. *Id.* at 90.

V. Analysis

A. Guideline E

The Adjudicative Guidelines set forth seven factors that may mitigate security concerns under Guideline E:

- (a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being

made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

(c) The offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(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.

Regarding mitigating factors (a) and (b) there is no allegation that the Individual concealed, omitted, or falsified information. As such, those factors are not applicable here. *Id.* at ¶ 17(a), (b).

Between 2017 and 2021, the Individual was fired from four positions and reprimanded while working two other jobs. These incidents were the result of the Individual making errors at work and not following workplace rules, including transcription errors and failure to follow handwashing rules and safety rules. The frequency of these incidents, particularly the continuation of the incidents after the Individual stopped his drug use, is concerning and casts doubt on the Individual's reliability, trustworthiness, and good judgment. Therefore, I cannot find that the Individual has mitigated the security concerns pursuant to mitigating factor (c). *Id.* at ¶ 17(c).

Regarding mitigating factors (d) and (e), the Individual testified that, at the time of the hearing, he was involved with a counseling group for people who struggle with impulsive and addictive behavior, specifically pornography. While the Individual's testimony advances the idea that this group is a positive step for the Individual, it is not clear to me that this counseling is addressing the issues related to his repeated workplace misconduct, and as such, I cannot find that he has mitigated the security concerns under mitigating factors (d) or (e). *Id.* at ¶ 17(d), (e).

There is no allegation that the information regarding the Individual's work history is unsubstantiated or from a source of questionable reliability. In fact, the Individual admitted to the workplace history of firings and reprimands. Therefore, factor (f) does not apply to the present situation. *Id.* at ¶ 17(f).

The Individual and his father both testified that the Individual has moved away from the former friends that influenced his drug use. However, the Individual had additional incidents of being

reprimanded or fired from jobs after he was no longer involved with those individuals and had ceased his drug use. Therefore, mitigating factor (g) does not apply. *Id.* at ¶ 17(g).

For the reasons stated above, I find that the Individual has not mitigated the security concerns raised under Guidelines E.

B. Guideline H

The Adjudicative Guidelines set forth four factors that may mitigate security concerns under Guideline H:

- (a) The behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment.
- (b) The individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:
 - (1) Disassociation from drug-using associates and contacts;
 - (2) Changing or avoiding the environment where drugs were used; and
 - (3) Providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility;
- (c) Abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and
- (d) Satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Adjudicative Guidelines at ¶ 26.

During the hearing, the Individual testified that he had last consumed marijuana in 2019. His father corroborated that testimony. Additionally, the DOE Psychologist testified that she “found no evidence to the contrary that [the Individual] discontinued his use in September of 2019 and doesn’t plan to use again.” Tr. at 74-75. She further expressed that she had no concern that the Individual was drug dependent or would use drugs again. However, she did opine that the Individual’s bipolar illness and ADHD put him at increased risk for future substance abuse problems. Given the passage of four years since his last use of marijuana, I find that the Individual’s drug use occurred so long ago that it is unlikely to recur and does not cast doubt on

his current reliability, trustworthiness, or good judgment. *Id.* at ¶ 26(a). Therefore, I find that the Individual has mitigated the Guideline H concerns.⁷ Factors (b), (c), and (d) do not apply here.

In light of the foregoing, I find that the Individual mitigated the Guideline H security concerns.

C. Guideline I

The Adjudicative Guidelines set forth five factors that may mitigate security concerns under Guideline I:

- (a) The identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;
- (b) The individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;
- (c) Recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;
- (d) The past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability;
- (e) There is no indication of a current problem.

Adjudicative Guidelines at ¶ 29.

While both ADHD and bipolar disorder are readily controllable with treatment, the Individual is not currently seeing a medical professional regarding either of these conditions. Therefore, he is unable to demonstrate compliance with a treatment plan, and I find that he had not mitigated the security concerns pursuant to mitigating factor (a). *Id.* at ¶ 26(a).

While the Individual testified that he is attending group counseling, the DOE Psychologist opined that the Individual's group counseling is for impulsive and addictive behaviors and does not address his ADHD or bipolar disorder. The Individual did not allege that he had entered a counseling or treatment program for either his bipolar disorder or ADHD. As such, mitigating factor (b) does not apply here. *Id.* at ¶ 26(b).

During the hearing, the DOE Psychologist testified that the Individual's ADHD and bipolar disorder create the potential for problems with judgment and reliability as long as they remain untreated. There was no testimony by the DOE Psychologist or any duly qualified mental health

⁷ I would note, some of the LSO's stated bases for the Guideline H concern do not actually raise concerns under this guideline. For example, the LSO alleges that the Individual's marijuana use, in combination with his bipolar disorder, gave rise to employment-related problems, and that his mental health conditions put him at increased risk for future substance abuse problems. *Id.* at 5–6. Those allegations do not directly raise security concerns associated with drug misuse. Nonetheless, the Individual's admitted use of marijuana provides a sufficient basis for the LSO to invoke Guideline H.

professional that that either condition is under control or in remission. Therefore, I find that the Individual has not mitigated the security concerns pursuant to mitigating factor (c). *Id.* at ¶ 26(c).

The Individual did not allege that either of his conditions were temporary, nor did he allege that there was no indication of a current problem. As such, I find that the Individual has not mitigated the security concerns pursuant to mitigating factors (d) or (e). *Id.* at ¶ 26(d), (e).

For the reasons stated above, I find that the Individual has not mitigated the concerns raised under Guideline I.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines E, H, and I of the Adjudicative Guidelines. After considering all the evidence, both favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the security concerns set forth in the Notification Letter under Guidelines E, H, and I. Accordingly, I find the Individual has not demonstrated that granting his security clearance would not endanger the common defense and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should not be granted. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Janet R. H. Fishman
Administrative Judge
Office of Hearings and Appeals