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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: April 16, 2024)
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Case No.: PSH-24-0107

Issued: August 20, 2024

Administrative Judge Decision

Steven L. Fine, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXX (hereinafter referred to as “the Individual”) to hold an 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 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 restored.

The present case involves an Individual with a history of four Driving Under the Influence (DUI) arrests. A DOE-contracted Psychiatrist (Psychiatrist), applying the criteria set forth in the *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition – Text Revision* (DSM-5-TR), evaluated the Individual and diagnosed him with Alcohol Use Disorder (AUD). This decision considers whether the Individual has resolved the security concerns raised by his DUI arrests and AUD diagnosis.

I. Background

On July 30, 2023, police arrested the Individual for his fourth DUI. Exhibit (Ex.) 7 at 29.² The Individual had previously been arrested for DUI on May 2, 2012, January 22, 2004, and April 19, 2002. Ex. 9 at 41; Ex. 11 at 79, 81, 91–92, 134–136, 152.

A. Letter of Interrogatory

¹ Under the regulations, “[a]ccess 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.

² The exhibits submitted by DOE were Bates numbered in the upper right corner of each page. This decision will refer to the Bates numbering when citing to exhibits submitted by DOE.

On September 22, 2023, the Individual responded to a Letter of Interrogatory (LOI) issued to him by the LSO seeking information about his arrests and alcohol use. Ex. 8 at 37. In his response, the Individual stated that he “decided to not consume alcohol at least in the near future” and had not used alcohol since July 31, 2023. Ex. 8 at 32. However, he denied having a problem with alcohol. Ex. 8 at 34.

B. Psychiatric Evaluation

At the LSO’s request, the Psychiatrist conducted a psychiatric evaluation of the Individual which included a clinical interview (CI) of the Individual on January 12, 2024. Ex. 9 at 40. The Psychiatrist also reviewed the Individual’s personnel security file and had him undergo a Phosphatidylethanol (PEth) laboratory test to detect alcohol consumption. Ex. 9 at 47. The Individual’s PEth test was positive at 721 ng/mL, indicating that the Individual had been engaging in alcohol use during the previous four weeks.³ Ex. 9 at 47. During the CI, the Individual admitted that he was continuing to use alcohol and denied having an alcohol problem. Ex. 9 at 42–43.

On January 28, 2024, the Psychiatrist issued a report (the Report), in which he found that the Individual met sufficient DSM-5-TR criteria for a diagnosis of AUD, Moderate.⁴ Ex. 9 at 40–41. He also opined there was inadequate evidence of rehabilitation or reformation, and that the Individual could demonstrate rehabilitation or reformation by: (1) enrolling in an intensive outpatient treatment program (IOP); (2) attending meetings of “substance recovery activities on at least a three times per week basis for a minimum of 12 months;” (3) abstaining from alcohol use for one year; and (4) submitting PEth or other reliable screening tests for alcohol on a monthly basis. Ex. 9 at 41, 49.

C. Present Administrative Review Proceeding

³ The laboratory report for the PEth test indicates that “PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy ethanol consumption,” but cautioned that “the Center for Substance Abuse Treatment (CSAT) advises caution in interpretation and use of biomarkers alone to assess alcohol use. Results should be interpreted in the context of all available clinical and behavioral information.” Ex. 9 at 51.

⁴ The Psychiatrist’s Report also contains important biographical information concerning the Individual, stating in pertinent part:

[The Individual’s] clearance was previously suspended on February 12, 2013, due to his prior DUIs in 2002, 2004, and 2012, and a speeding citation on October 29, 2012. Following his report of his DUI in 2012, he underwent a Personnel Security Interview. During this interview, he admitted that he had continued to drive without a driver’s license, and the DMV required an interlock device on his vehicle. A psychological evaluation was recommended. On January 18, 2013, [a DOE-contracted Psychologist] evaluated [the Individual] and gave the opinion that [the Individual] was not a user of alcohol habitually, was also not alcohol dependent or suffering from alcohol abuse. [The Individual] underwent an administrative review, and his clearance was revoked on December 11, 2013. He requested a reconsideration, and his . . . clearance was reinstated on January 17, 2018.

Ex. 9 at 45.

The LSO began the present administrative review proceeding by issuing a Notification Letter to the Individual informing him that it received derogatory information creating substantial doubt regarding his eligibility to hold a security clearance. The Notification Letter further informed the Individual that he was entitled to a hearing before an Administrative Judge to resolve the security concerns. *See* 10 C.F.R. § 710.21. The Individual requested a hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), I took testimony from the Individual; his team lead, his supervisor; and the Psychiatrist. The DOE Counsel submitted eleven exhibits, marked as Exhibits 1 through 11. The Individual submitted sixteen exhibits, marked as Exhibits A through P.

Exhibit A is a power of attorney designating his counsel as his representative in the present proceeding.

Exhibit B consists of five letters whose authors generally attest to the Individual's good character, trustworthiness, and reliability.

Exhibit C consists of several of the Individual's performance evaluations.

Exhibit D is the Individual's resume.

Exhibit E is a one-page letter, dated June 18, 2024, from a chemical dependency services Counselor (Counselor) documenting the Individual's enrollment in an "Early Recovery Group" program. The letter indicates that the Individual "has maintained regular attendance since starting the program on 5/2/2024." The letter further indicates that the Individual has also attended two individual sessions with a psychologist and notes that the Individual had not undergone any "drugs of abuse screenings" through the program.

Exhibit F is a letter to the Individual, dated November 10, 2023, from a local sheriff's department indicating that the official status of the Individual's July 30, 2023, law enforcement contact had been recharacterized from an "arrest" to a "detention." Ex. F at 2. The letter further states: "This letter is to confirm *that as of this date*, there have been no charges filed against you by the . . . District Attorney's Office." Ex. F at 2. (emphasis supplied).

Exhibit G consists of two laboratory reports. One report indicated that a PEth test administered to the Individual on May 31, 2024, was negative for alcohol use. The other report indicated that a PEth test administered to the Individual on April 30, 2024, was positive at 189 ng/mL.

Exhibit H is a one-page sworn statement signed by the Individual on April 3, 2024, in which he "knowingly, voluntarily, and under oath declares his intent not to *abuse or excessively consume* alcohol in the future." (emphasis supplied).

Exhibits I and J consist of several documents documenting the Individual's volunteer work and recognition by his employer for his contributions to important programs.

Exhibit K consists of the Individual's transcripts from several academic institutions he attended.

Exhibit L is a personal biographical statement by the Individual describing his education and professional career at a DOE facility.

Exhibit M is a Certificate of Completion indicating that the Individual completed a "4 Hour Drug and Alcohol Awareness Class" on July 2, 2024.

Exhibit N is a Certificate of Completion indicating that the Individual completed a "4 Hour Behavior Modification Class" on July 3, 2024.

Exhibit O is a laboratory report indicating that a PEth test administered to the Individual on July 11, 2024, was negative.

Exhibit P is a "Summary of Psychological Evaluation" prepared by a psychologist (the Evaluator) who interviewed the Individual on June 7, 2024. Ex. P at 1. The Evaluator indicated that he is "an independent evaluator." Ex. P at 1. The Evaluator reported that the Individual had informed him that after meeting with the Counselor on three occasions, the Counselor had opined that the Individual did not require the intensive treatment recommended by the Psychiatrist. Ex. P at 6. The Individual further informed the Evaluator that he had decided to follow the Counselor's recommendations instead of the Psychiatrist's recommendations. Ex. P at 6. The Evaluator's report further states, in pertinent part:

Based on the data collected during the present evaluation, including review of background information, psychological tests results, and clinical interview, *I do suspect [the Individual] meets criteria for an Alcohol Use Disorder*. However, in contrast to the opinion of the DOE psychiatrist, I believe his condition is best classified as mild rather [than] moderate or severe. I reviewed the DOE psychiatrist's report and found that he noted [the Individual] presented with three of the 11 symptoms of an AUD. It was not clear that these symptoms were present in the 12-month period prior to his January 2024 psychiatric evaluation (which is necessary to assign the AUD diagnosis). It was also noted that the psychiatrist put a lot of weight on the results of the PEth test. PEth test results cannot be used to make definitive diagnoses of an AUD. In fact, the amount of alcohol a person consumes is not an explicit part of the [DSM]-5-TR diagnostic criteria. Nevertheless, *I agree that [the Individual] has had a problematic relationship with alcohol over the year*, but again his condition should be seen as mild.

Ex. P at 9. (emphasis supplied). The Evaluator further opined that the Individual's prognosis is "very good." Ex. P at 9.

II. The Summary of Security Concerns (SSC)

The SSC attached to the Notification Letter informed the Individual that information in the possession of the DOE creates substantial doubt concerning his eligibility for a security clearance

under Guidelines G (Alcohol Consumption) and J (Criminal Activity) of the Adjudicative Guidelines.

A. Guideline G

Under Guideline G, the LSO cited the Psychiatrist's conclusion that the Individual met sufficient DSM-5-TR criteria for a diagnosis of AUD, Moderate, as well as the Individual's four alcohol-related arrests. This information adequately justifies the LSO's invocation of Guideline G. Under Guideline G, "[e]xcessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses[] and can raise questions about an individual's reliability and trustworthiness." Adjudicative Guidelines at ¶ 21. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern are "alcohol-related incidents away from work . . ." and "diagnosis by a duly qualified medical or mental health professional (e.g. . . . Psychiatrist . . .) of alcohol use disorder." Adjudicative Guidelines at ¶ 22(a), (d).

B. Guideline J

The LSO also invoked Guideline J (Criminal Activity) of the Adjudicative Guidelines. Under Guideline J, the LSO cited the Individual's history of four arrests. This information adequately justifies the LSO's invocation of Guideline J. Guideline J states that "[c]riminal activity creates doubt about a person's judgment, reliability, and trustworthiness" and that, "[b]y its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations." Adjudicative Guidelines at ¶ 30. Conditions that could raise a security concern under Guideline J include "[e]vidence . . . of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted[.]" Adjudicative Guidelines at ¶ 31(b).

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 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 their eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R.

§ 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. Hearing Testimony

The Individual's team lead testified at the hearing that the Individual is conscientious, reliable, trustworthy, honest, and a hard worker. Transcript of Hearing (Tr.) at 13–14. The Individual's supervisor testified that the Individual is trustworthy, honest, and stands up for what he believes in. Tr. at 23–24.

The Individual testified that the July 30, 2023, DUI occurred after he had “a couple of drinks.” Tr. at 43. He said he was detained after police had conducted “a sobriety check.” Tr. at 43. He testified that no charges have been filed against him based upon this detention. Tr. at 49. The Individual testified that he has not consumed alcohol for “almost 110 days” and does not “plan on drinking anymore.” Tr. at 53, 56, 70, 74. He later testified that it had been 108 days since he last used alcohol. Tr. at 74. He testified that the Psychiatrist's Report motivated him to stop using alcohol. Tr. at 75. He further testified that he is not experiencing any urges to use alcohol. Tr. at 58. When the Individual was asked if he has an “alcohol problem,” he stated:

Well, we're here, and I've had a lot of time to reflect in the last year. I always like to think, and I think a lot of people do, they can handle it, you can control it. And I've done a lot of reflection and I -- I don't think that -- I think I do abuse alcohol and that's why I'm not going to put myself in that situation anymore, so I have quit drinking.

Tr. at 53–54. The Individual now sees the Counselor who he claims recommended a less intensive course of treatment for his alcohol issues than the Psychiatrist. Tr. at 54–55. He testified that he is fully complying with the Counselor's recommendations. Tr. at 57–58. The Individual claimed that when he showed the Counselor the Psychiatrist's Report, the Counselor disagreed with the Psychiatrist's recommendations and recommended a less intensive program. Tr. at 88. He is on a three-month program. Tr. at 58. He has taken a drug and alcohol awareness course. Tr. at 59. He has been attending groups and classes since April 2024, which he described as “a great experience.” Tr. at 55. He presently meets with the Counselor “every two to four weeks” and attends one-and-a-half-hour group meetings weekly. Tr. at 56. He feels less stress since he stopped using alcohol. Tr. at 69. His family and friends support his sobriety. Tr. at 69–70. The Individual has not yet completed the program suggested by the Counselor, because of his travel schedule for work. Tr. at 89. Nor has the Individual attended Alcoholics Anonymous or SMART Recovery meetings.⁵ Tr. at 90.

The Psychiatrist testified at the hearing after observing the other witnesses' testimony. The Psychiatrist testified that the Individual's high PEth test result following the CI on January 12, 2024, caused him to conclude that the Individual's AUD was Moderate rather than Mild. Tr. at

⁵ SMART stands for Self-Management and Recovery Training. It is an alternative to Alcoholics Anonymous and other twelve-step programs. The SMART approach is [secular](#) and [research-based](#), using [cognitive behavioral therapy](#), and non-confrontational motivational methods.

101–102. The Psychiatrist admitted that a high PEth test result does not, alone, show that an individual has AUD. Tr. at 102–103. However, he further testified that the Individual clearly met the criteria for AUD, Mild at least. Tr. at 102.

He testified that the amount of relatively low-intensity treatment the Individual had undergone was insufficient to meet his recommendations. Tr. at 103–104. He opined that the Individual is now in “early-remission” and characterized the Individual’s prognosis as “moderate or mixed.” Tr. at 105, 107. The Psychiatrist noted that his concerns about the Individual’s ability to remain sober are based upon the short time that the Individual has been sober and the low intensity and short length of his treatment. Tr. at 112. The Psychiatrist would recommend six months of sobriety rather than twelve months if he believed the Individual’s diagnosis to be Mild rather than Moderate AUD. Tr. at 113–114.

V. Analysis

A. Guideline G

The Evaluator and the Psychiatrist both agree that the Individual meets the criteria for AUD. The Evaluator’s letter opined that the Individual’s AUD is of Mild severity, while the Psychiatrist’s report and testimony communicated his opinion that the Individual met the criteria for Moderate severity. However, even if the Individual’s AUD is of Mild rather than Moderate severity, he still must show that he has been reformed or rehabilitated to mitigate the security concerns raised by his AUD. The Individual has been less than fully engaged in his recovery, having only partially complied with the Psychiatrist’s treatment recommendations. Instead of complying with the Psychiatrist’s recommendation that he attend an IOP, the Individual attended a treatment program of lesser intensity.⁶ It is also concerning that there is no evidence in the record from this program or the Counselor concerning the Individual’s progress in the program. Even had the Individual brought forth evidence concerning the details of his participation in the program recommended by the Counselor, the Individual admitted that he had not completed this program, citing his travel schedule as an excuse for failing to do so. The Individual has also failed to comply with the Psychiatrist’s recommendation that he attend a substance recovery activity such as Alcoholics Anonymous or SMART Recovery. Finally, I note that the Individual continued to use alcohol until 108 days before the hearing, and therefore has not yet demonstrated a clear and established pattern of abstinence as recommended by the Psychiatrist, who opined at the hearing that an individual with AUD, Mild needs to abstain from alcohol use for six months to establish rehabilitation.

The Adjudicative Guidelines set forth four conditions that can mitigate security concerns under Guideline G. None of these four conditions are present in the instant case.

Paragraph 23(a) provides that security concerns raised under Guideline G can be mitigated when an individual has shown that “[s]o much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on

⁶ The Individual claimed that the Counselor had opined that he did not need as intensive a recovery program as recommended by the Psychiatrist. However, the Individual did not submit any evidence corroborating this assertion.

the individual's current reliability, trustworthiness, or judgment.” Adjudicative Guidelines at ¶ 23(a). In the present case, the Individual admitted using alcohol as recently as three-and-a-half months before the hearing. Moreover, the Individual has a long history of problematic alcohol use. I therefore conclude that: (1) not enough time has passed since the Individual's last use of alcohol, (2) his long history of problematic alcohol use shows that his problematic alcohol use is not an unusual occurrence for him, and (3) he has not shown that his use of alcohol is unlikely to recur. Moreover, given the long-term nature of his problematic alcohol use and his half-hearted approach to his recovery, doubts remain concerning his current reliability, trustworthiness, and judgment. Accordingly, the first mitigating factor is not present in the instant case.

Paragraph 23(b) provides that security concerns raised under Guideline G can be mitigated when an individual: acknowledges their “pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.” Adjudicative Guidelines at ¶ 23(b). The Individual has acknowledged his pattern of maladaptive alcohol use and has provided evidence of (inadequate) actions taken to overcome this problem. However, he has not demonstrated a clear and established pattern of abstinence as recommended by the Psychiatrist, since he has only been abstaining from alcohol use for three-and-a-half months. Accordingly, the second mitigating factor is not sufficiently present in the instant case.

Paragraph 23(c) provides that security concerns raised under Guideline G can be mitigated when the “individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program.” Adjudicative Guidelines at ¶ 23(c). The Individual is participating in a counseling and treatment program. However, the Individual's treatment program is less intensive than recommended by the Psychiatrist. Further, the Individual has only been abstaining from alcohol use for three-and-a-half months, an insufficient period in which to demonstrate that his progress in the program has been satisfactory. Finally, I note that there is no evidence in the record from the Individual's treatment program or the Counselor indicating that he is making satisfactory progress in that program.⁷ Accordingly, the third mitigating factor is not sufficiently present in the instant case.

Paragraph 23(d) provides that security concerns raised under Guideline G can be mitigated when the “individual has successfully completed a treatment program along with any required aftercare and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.” Adjudicative Guidelines at ¶ 23(d). While the Individual has been attending a treatment program, albeit a program of less-than-optimal intensity, he has not yet completed that program and, since he has only abstained from alcohol use for three-and-a-half months, has not yet demonstrated a clear and established pattern of abstinence in accordance with the Psychiatrist's treatment recommendations. Accordingly, the fourth mitigating factor is not present in the instant case.

⁷ Ex. E, a letter from the Provider, indicates only that the Individual's attendance was satisfactory. The Evaluator's letter indicates the author's opinion that the Individual's progress was satisfactory. However, the Evaluator does not appear to be affiliated with the Individual's treatment program. Moreover, the Evaluator did not testify at the hearing, and his conclusions were therefore not subject to questioning or further development.

I therefore find that the Individual has not sufficiently established the presence of any of the four mitigating conditions set forth at Guideline G. Accordingly, I find that he has not resolved the security concerns raised under Guideline G.

B. Guideline J

Each of the four criminal concerns cited in the SSC have one thing in common: they involve alcohol. The Individual's criminal activity was clearly symptomatic of his AUD. Because the Individual has not yet shown that his recovery from his AUD can be sustained, I am not convinced that the risk that the Individual will engage in future criminal activity is sufficiently low to resolve the security concerns raised under Guideline J.

The Adjudicative Guidelines set forth four conditions that can mitigate security concerns under Guideline J. None of these four conditions are present in the instant case.

Paragraph 32(a) provides that security concerns raised under Guideline J can be mitigated when the individual has shown that "[s]o much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment." Adjudicative Guidelines at ¶ 32(a). In the present case, the recency of the criminal activity, its recurrence over an extended period, and the Individual's inadequate approach to resolving the root cause of that behavior, show that the criminal behavior did not occur under unusual circumstances, and that he has not yet shown that his criminal behavior is unlikely to recur. Furthermore, the recency, frequency, continuing nature of these violations, and his failure to fully comply with the Psychiatrist's treatment recommendations reflect a lack of current reliability and good judgment. Accordingly, the first mitigating factor is not present in the instant case.

Paragraph 32(b) provides that security concerns raised under Guideline J can be mitigated when the individual has shown that "[t]he individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life." Adjudicative Guidelines at ¶ 32(b). In the present case, the Individual does not allege that he was pressured into any of the criminal conduct discussed above. Accordingly, the second mitigating factor is not present in the instant case.

Paragraph 32(c) provides that security concerns raised under Guideline J can be mitigated when the individual has shown that there is no "reliable evidence to support that the individual committed the offense." Adjudicative Guidelines at ¶ 32(c). While the Individual has shown that the local law enforcement authorities have not pressed charges against him for his recent DUI detention, providing evidence that a prosecuting agency elected not to pursue charges against him is insufficient to establish that there is no reliable evidence that he committed the offense, particularly in light of the Individual's admission in his hearing testimony to having consumed alcohol prior to being detained. Accordingly, the third mitigating factor is not present in the instant case.

Paragraph 32(d) provides that security concerns raised under Guideline J can be mitigated when the individual has shown that there "is evidence of successful rehabilitation; including, but not

limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.” Adjudicative Guidelines at ¶ 32(d). In the present case, there is evidence of rehabilitation since the Individual is addressing the AUD which is the root cause of his criminal activity. However, the Individual’s sobriety is in its earliest stages and, as discussed above, he has not yet established a clear and established pattern of abstinence. Accordingly, the fourth mitigating factor is not present in the instant case. The Individual’s volunteer activities provide some evidence of rehabilitation, but are insufficient to mitigate the security concerns arising from the Individual’s criminal activities resulting from his AUD until the Individual has shown that he is reformed or rehabilitated from his AUD. Finally, I note that two instances of the Individual’s criminal activity have occurred while he has been gainfully employed at a DOE facility. Accordingly, this gainful employment has not served to prevent the Individual from engaging in criminal activity.

I therefore find that the Individual has not sufficiently established the presence of any of the four mitigating conditions set forth at Guideline J. Accordingly, I find that he has not resolved the security concerns raised under Guideline J.

VI. CONCLUSION

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines G and J of the Adjudicative Guidelines. After considering all the evidence, both favorable and unfavorable, in a comprehensive, common-sense manner, I find that the Individual has not brought forth sufficient evidence to resolve each of the security concerns raised under Guidelines G and J. Accordingly, the Individual has not demonstrated that restoring his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, the Individual’s security clearance should not be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Steven L. Fine
Administrative Judge
Office of Hearings and Appeals