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In the Matter of: Personnel Security Hearing)	
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Filing Date: November 20, 2024)	Case No.: PSH-25-0032
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)	

Issued: April 17, 2025

Administrative Judge Decision

Noorassa A. Rahimzadeh, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXX (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

As part of the access authorization application process, the Individual completed and submitted a Questionnaire for National Security Positions (QNSP) in July 2023. Exhibit (Ex.) 10.² When asked whether he ever "experienced financial problems due to gambling[,]" the Individual marked "no." *Id.* at 127. When asked whether he had failed to "file or pay Federal, state, or other taxes when required by law or ordinance[,]" the Individual marked "yes." *Id.* He indicated that he failed to pay his Federal and state income taxes for tax years 2021 and 2022. *Id.* The Individual stated that he did not file his federal tax return in 2022, and that he believed that he owed the IRS approximately \$4,000 in unpaid taxes for tax years 2022 and 2021. *Id.* He represented that he had established a payment plan to satisfy the aforementioned unpaid Federal taxes, and his first payment was coming due in August 2023. *Id.* at 127–28. The Individual did not disclose any delinquencies on any routine accounts in the last seven years on his QNSP. *Id.* at 128–29.

As part of the investigation process, the Individual underwent an Enhanced Subject Interview (ESI) conducted by an investigator in January 2024. *Id.* at 138. During the ESI, the Individual told

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 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.

the investigator that he had filed his tax returns for tax years 2021 and 2022, “but was not able to pay what he owed.” *Id.* at 142. He indicated that between the two tax years, he owed approximately \$4,000 in unpaid taxes. *Id.* The Individual stated that he entered into a payment plan with the IRS in August 2023, paying the IRS \$100 every month, but as he had other bills to pay, he failed to adhere to the payment program. *Id.* In October or November 2023, the Individual called the IRS to secure a new payment plan of \$100 per month, which he “paid up through” December 2023. *Id.* Once again, the Individual stopped making payments to the IRS, citing other bills as the reason why. *Id.*

He admitted during the ESI that he had suffered financial difficulties due to his gambling. *Id.* He stated that in 2021, he accessed a total of \$2,000 in personal loans “to build his credit” and admitted that he also used some of the money to gamble. *Id.* As the Individual suffered gambling losses, he was “not able to pay [back] these loans.” *Id.* In 2021, the Individual began gambling at a casino about two to three times per week, losing between \$200 and \$500 every week. *Id.* From mid-2022, he reduced his gambling to two times per month, losing between \$200 and \$500 per month. *Id.* He told the investigator that he “no longer has gambling issues[,]” as he visited the casino less frequently. *Id.*

The Individual also explained to the investigator that he failed to pay the aforementioned personal loans “due to not having the money to pay them[,]” and provided assurances that he would engage with the relevant financial institutions to establish payment plans. *Id.* He stated that he did not believe that his financial issues were the result of gambling. *Id.* Later in the interview, the Individual indicated that his financial struggles began after his girlfriend stopped working, resulting in the household’s loss of her income, and “some of [the] gambling he did back then.” *Id.* at 145. Now that his girlfriend “has a job with pay” and he was gambling less, he reported that his financial circumstances had improved. *Id.*

As part of the investigation, a copy of the Individual’s credit report was secured in July 2024, which revealed that the Individual had five delinquent accounts, totaling approximately \$6,090. Ex. 7 at 53–54. As questions still remained, the Local Security Office (LSO) asked the Individual to complete a Letter of Interrogatory (LOI), which the Individual signed and submitted in April 2024. Ex. 6. The Individual also underwent a psychological evaluation at the behest of the LSO, which was conducted by a DOE-consultant psychologist (DOE Psychologist) in July 2024. Ex. 8. The DOE Psychologist issued a report (the Report) the same month, concluding that the Individual suffers from Gambling Disorder, Persistent, Mild, pursuant to the *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition, Text Revision (DSM-5-TR)*, which could impair his judgment, stability, reliability, or trustworthiness. *Id.* at 73.

The LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual in which it notified him that it possessed reliable information that created a substantial doubt regarding his eligibility for access authorization. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guidelines F (Financial Considerations) and I (Psychological Conditions) of the Adjudicative Guidelines. Ex. 1. The Notification Letter informed the Individual that he was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding his eligibility to hold 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 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. *See* Transcript of Hearing, OHA Case No. PSH-25-0032 (hereinafter cited as "Tr."). The Individual also submitted thirteen exhibits, marked Exhibits A through M. The DOE Counsel submitted ten exhibits marked as Exhibits 1 through 10 and presented the testimony of the DOE Psychologist.

II. Notification Letter

Guideline F

Guideline F provides that 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." Adjudicative Guidelines at ¶ 18. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern are the "inability to satisfy debts[,]" "failure to file . . . or failure to pay annual Federal, state, or local income tax as required[,]" and "borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts[.]" *Id.* at ¶ 19(a), (f), (h). Under Guideline F, the LSO alleged that:

1. The Individual indicated in his April 2024 LOI response that he suffered financial difficulties due to his gambling, stating that he "took out a total of \$2,000[] in loans and used that to gamble." Ex. 1 at 5. The Individual also "admitted that he fell behind on those loan payments due to gambling." *Id.*
2. The Individual owes the IRS approximately \$4,000 in income taxes for tax years 2021 and 2022. *Id.*
3. The Individual has five delinquent debts totaling approximately \$6,090. *Id.*

The LSO's invocation of Guideline F is justified.

Guideline I

Under Guideline I, "[c]ertain emotional, mental, and personality conditions can impair one's judgment, reliability, or trustworthiness." Adjudicative Guidelines at ¶ 27. Conditions that could raise a security concern and may be disqualifying include "an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness[,]" and "pathological gambling, the associated behaviors of which may include unsuccessful attempts to stop gambling[,]" or "borrowing . . . money to fund gambling or paying gambling debts[.]" *Id.* at ¶ 28(b), (e). Under Guideline I, the LSO alleged that:

1. The DOE Psychologist diagnosed the Individual with Gambling Disorder, Persistent, Mild, not yet in early remission. Ex. 1 at 2. The DOE Psychologist also concluded that the Individual “has shown poor judgment in continuing to gamble while having significant gambling-caused financial problems[,]” and “that his gambling disorder is a condition that can impair his judgment, stability, reliability, or trustworthiness.” *Id.*
2. The Individual admitted in the April 2024 LOI response that “his gambling became addicting” in 2021, and that by 2022, he had become even more addicted. *Id.*
3. The Individual stated in the April 2024 LOI response that he intended to keep away from casino, but admitted during the psychological evaluation that he “continued to gamble[.]” *Id.*

The LSO’s invocation of Guideline I is 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 so as 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

Gambling and Subsequent Diagnosis

The Individual began playing slot machines around October 2017, because he “was seeing everybody always winning” at the casino and he “thought it would be the same for [him].” Ex. 6 at 41, 43; Ex. 8 at 67–68; Tr. at 49–50. “[B]y 2021[,] he was wagering about [two to three] times a week, losing up to \$500 a week.” Ex. 8 at 67–68; Ex. 6 at 44, 48; Tr. at 50. The Individual began experiencing financial difficulties as a result. Ex. 8 at 67–68; Tr. at 52. In 2022, the Individual was

going to casinos with “\$400 to \$500” to play the machines. Ex. 8 at 69; Tr. at 49. The Individual acknowledged that he would suffer “significant losses[,]” but he would return to the casino to “win [his] money back.” Ex. 8 at 69; Ex. 6 at 46; Tr. at 62–63. In 2022, the Individual reduced his visits to the casino to a few times every couple of weeks. Ex. 8 at 69; Ex. 6 at 44, 48. The Individual indicated that he was not really interested in gambling outside of playing the slots, but did admit that he “occasionally wagered \$20 on a football game.” Ex. 8 at 70. Around 2022, he began feeling as though he could no longer control his gambling and that it had become a challenge that he had to “work through.” Tr. at 48–49, 62. He acknowledged that this behavior was causing personal feelings of guilt and stress in his romantic relationship. Ex. 8 at 69; Ex. 6 at 47. He also came to realize that this behavior kept him from spending time with his children. Ex. 6 at 47–48.

While the Individual acknowledged that he had accessed \$2000 in personal loans in 2021, he denied that “all of the money was used to gamble.” Ex. 2 at 12. He stated that at the time he took out the personal loans, he “needed several other things,” like “a babysitter, repairs on [his] vehicle, and paying down debt that [he] already had.” *Id.*; Tr. at 63. The Individual acknowledged that he used what was left to gamble. Ex. 2 at 12; Ex. 6 at 45; Tr. at 42, 63. He also told the DOE Psychologist that “[h]e became delinquent on his loans due to gambling and spending money on other things.” Ex. 8 at 69. He admitted that at one point, he wanted to gamble with the money his family needed, and stated in the April 2024 LOI response that he was “making changes and [] progress[ing].” Ex. 6 at 42; Tr. at 62. Before, the Individual did not consider that he could use the money with which he was gambling to pay off his debts. Tr. at 49.

In 2023, the Individual’s girlfriend began urging him to sign a self-exclusion form, and in June 2024, the Individual signed one such form, excluding himself from a local casino for two years.³ Ex. 2 at 15; Ex. F; Ex. 8 at 69; Ex. 6 at 48; Tr. at 52, 57, 63. Pursuant to the form, as of June 2024, the Individual was also excluded from the casino’s promotions or advertisements. Ex. 2 at 15; Ex. F at 1. The Individual also submitted a self-exclusion form from his state’s Gaming Council Board, indicating that in September 2024, he had applied to the board for self-exclusion. Ex. 2 at 16; Ex. G. The form states that from September 2024 to September 2029, the Individual’s name would be “removed from direct mail, electronic advertisement, and promotional lists” and that he would be “immediately escorted off the property” and forfeit any winnings should he “enter the gaming floor” of any gaming facility in the state. *Id.* The Individual admitted that between June 2024 and September 2024, he occasionally gambled at casinos from which he was not excluded. Tr. at 60. Since signing the statewide exclusion form in September 2024, the last time the Individual gambled was March 2025, the same month the hearing was held, when he placed bets on basketball games. *Id.* at 56. With regard to his future intentions, the Individual indicated that while he does not intend to continue gambling at a casino, he feels that he will likely continue to place bets on basketball games on a “minimal” basis. *Id.* at 64. The Individual has not sought therapy, counseling, or joined a support group like Gamblers Anonymous. *Id.* at 70.

³ The Individual testified that he felt that he had control over his gambling in 2023, and accordingly, did not sign the self-exclusion forms then. Tr. at 52. He also indicated that he continued to gamble around the time he completed his LOI responses, because he was experiencing some difficulty arranging for a self-exclusion form with casino management. *Id.* at 54. The last time the Individual gambled at his casino of choice was right before he signed the June 2024 self-exclusion form. *Id.* at 55–56.

In diagnosing the Individual with Gambling Disorder in July 2024, the DOE Psychologist observed that the Individual “has made repeated unsuccessful efforts to control, cut back, or stop gambling[,]” that “[a]fter losing money gambling, [he] often returns another day to get even[,]” and that he “[l]ies to conceal the extent of involvement with gambling.” Ex. 8 at 72–73. Finally, the DOE Psychologist concluded that the Individual “[h]as jeopardized or lost a significant relationship, job, or educational or career opportunity because of gambling,” and “[r]elies on others to provide money to relieve a desperate financial situation caused by gambling.” *Id.* Accordingly, as stated above, the DOE Psychologist determined that the Individual suffers from Gambling Disorder, Mild, and that his prognosis was fair.⁴ *Id.* at 73.

At the hearing, the DOE Psychologist testified that at the time of the evaluation, he felt that the Individual’s condition could cause “a significant defect in [the Individual’s] judgment or reliability.” Tr. at 76. In terms of negative prognostic factors, the DOE Psychologist took into consideration the fact that the Individual “[did not] seem to acknowledge that he had a problem[,]” and the fact that the disorder was “fairly severe[.]” *Id.* at 76–78. The DOE Psychologist also considered the lack of treatment and the paucity of other psychological problems. *Id.* The DOE Psychologist testified that the prognostic factors he identified at the hearing were “quite similar” to the prognostic factors he identified during the psychological evaluation. *Id.* at 78. The difference, as the DOE Psychologist noted, was the fact that at the time of the psychological evaluation, the Individual’s last wager was in May 2024, approximately two months prior. *Id.* at 79. As stated above, the Individual had last gambled less than a month prior to the hearing. *Id.* Accordingly, the DOE Psychologist could only conclude that the Individual’s Gambling Disorder was still “active” and that his prognosis remained fair. *Id.* at 79–80. While the DOE Psychologist did not conclude that the Individual absolutely required treatment to overcome his disorder, he noted that “the odds are a lot better if [the Individual] get[s] treatment.” *Id.* at 80–81.

Delinquent Debts

In the April 2024 LOI response, the Individual provided more information regarding the six delinquent accounts, four of which were in charge off status, one was in collection, and one was 120 days past due. Ex. 6 at 36. The Individual clarified that some of these delinquent accounts were, in fact, the loans that he took out amounting to \$2,000, and he stated his intention to satisfy them. *Id.* at 36, 42. The Individual indicated that he believed that these outstanding accounts “were still active and payable[,]” as he had not seen any account go into collection status. *Id.* at 36. The Individual fell behind on his payments, as he was financially supporting his girlfriend and gambling. *Id.* at 36, 38–41; Tr. at 47–48, 51. Of the \$6,090 in delinquent accounts, the Individual provided testimony and documentation at the hearing indicating that he had satisfied \$3,514 of that debt. Tr. at 36–41; Ex. A; Ex. D; Ex. E; Ex. J; Ex. K; Ex. L. As to the outstanding debts, the Individual testified that once he established contact with the relevant financial entities, he would resolve the matter by satisfying the outstanding amounts owed. Tr. at 41. The Individual indicated that although he now has more money saved to pay such financial obligations, approximately \$1,400, he has never created a monthly budget, ensuring that all of his monthly obligations can be met. *Id.* at 44–47.

Taxes

⁴ The DOE Psychologist did not make any relevant recommendations for treatment in the Report.

The Individual explained during the hearing that in years past, a neighbor used to file his income tax returns for him, and he would simply alert the Individual whether the Individual “was getting [money] back or not.” *Id.* at 15–16, 32. His neighbor did not tell him whether he owed the IRS anything for tax years 2018, 2019, or 2020.⁵ *Id.* at 16–17. He testified that he began receiving letters from the IRS regarding his outstanding tax obligations around last year.⁶ *Id.* at 15, 18. The Individual has since engaged a certified public accountant who has filed his tax returns for a few years now. *Id.* at 16, 18. The Individual admitted in his testimony that although he filed his Federal income tax returns, he owes the IRS money for tax years 2019, 2020, 2021, 2022, and 2023.⁷ *Id.* at 16, 19. He stated that around the end of 2024, he finished making payments to the IRS to satisfy the outstanding amount owed for tax year 2018.⁸ *Id.* at 15, 23–26; Ex. 2 at 18–19; Ex. H.

He indicated in the April 2024 LOI response that he had filed his Federal income tax returns for tax years 2021 and 2022, and that although he had not established a payment plan with the IRS to resolve the matter of his outstanding taxes, he simply logged into the IRS website on a biweekly basis to make a payment. Ex. 6 at 42. At that time, he was trying to make payments in the amount of \$300 to \$500 on a biweekly basis. *Id.* He indicated in the April 2024 LOI response that he had started making such informal payments the same month, April 2024. *Id.* During his testimony, the Individual indicated that he could not adhere to this informal monthly payment plan, as he had other bills and financial obligations. Tr. at 24. The Individual indicated that he has since established a payment plan with the IRS, scheduled to begin in April 2025, wherein the Individual would make monthly payments of \$410 every month to satisfy the outstanding amount he owes for tax years 2019 through 2023.⁹ *Id.* at 25–29; Ex. B; Ex. I; Ex. K. The Individual testified that he did not believe that he would “have any issues with making these payments every month[.]” as the payments will be automatically withdrawn from his account, and further, he can change the payment amount. Tr. at 30, 32.

V. Analysis

Guideline F

⁵ The Individual also indicated that he never examined his tax paperwork, and he did not recall asking his neighbor whether he owed any outstanding income taxes. Tr. at 17–18.

⁶ At the hearing, the Individual explained that he did not know the exact tax years or amounts for which he owed income taxes until he “started logging into the IRS website[.]” Tr. at 15.

⁷ At the time of the hearing in late March 2025, the Individual had not yet filed his income taxes for tax year 2024. Tr. at 19. The Individual also testified that he was under the belief that if he paid the IRS, his state income tax obligations would also be satisfied, as “everything was just altogether, all in one . . . balance.” *Id.* at 33. At the time of the hearing, he could not definitively confirm that he had filed or paid his state income taxes. *Id.* at 34.

⁸ The Individual submitted a screenshot of the IRS.gov payment portal indicating that from April 2024 to October 2024, he made twelve payments ranging from \$50 to \$300, all to satisfy his outstanding balance for tax year 2018. Ex. 2 at 18–19; Ex. H.

⁹ At the time of the hearing in March 2025, the Individual had not yet made any payments pursuant to this payment plan. Tr. at 28.

The Adjudicative Guidelines provide that conditions that could mitigate security concerns under Guideline F include:

- (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 good judgment;
- (b) The conditions that resulted in the financial problem were largely beyond the person's control (*e.g.*, loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, 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, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;
- (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.

Adjudicative Guidelines at ¶ 20.

As indicated above, the Individual has not resolved his outstanding tax obligations and the entirety of his outstanding debts. He also admitted that he continues to place bets on basketball games. Accordingly, these matters are continuing and were not so long ago. Further, the Individual consistently failed to repay his delinquent debts until recently, some of which remain outstanding, and failed to satisfy his Federal income tax obligations over the span of years. These issues were exacerbated by the fact that he consistently gambled with funds that he could have used to satisfy the aforementioned obligations. I therefore cannot conclude that the Individual's behavior was infrequent or occurred under such circumstances that it is unlikely to recur or does not cast doubt on the Individual's current reliability, trustworthiness, or good judgment. Therefore, the Individual has failed to mitigate the stated concerns pursuant to mitigating factor (a).

Although the Individual testified that the loss of his girlfriend's income contributed to his financial difficulties, he also indicated that he was gambling hundreds of dollars on at least a monthly basis when he could have been using that money to satisfy his outstanding financial obligations. This

fact alone indicates that he was not acting responsibly under the circumstances. The Individual even admitted that his gambling contributed to his current financial state. Accordingly, I cannot conclude that the Individual mitigated the relevant concerns pursuant to mitigating factor (b).

The Individual provided testimony and documentation indicating that he satisfied \$3,514 of the approximately \$6,090 of his outstanding debts. With regard to the remainder of the debt, the Individual testified that he intends to contact the relevant financial institutions to pay the debt using the funds he has saved, as that had not yet been achieved at the time of the hearing. Accordingly, I have no information before me that the Individual is adhering to any good-faith efforts to repay relevant overdue creditors or otherwise resolve the remainder of the debt owed. The Individual has failed to mitigate the applicable stated concerns pursuant to mitigating factor (d).

While the Individual did provide evidence that he had established a payment plan with the IRS to satisfy his outstanding tax obligations, I have no information before me that the Individual is in compliance with those arrangements. As the Individual indicated, the first payment was scheduled to come due after the hearing. Further, the Individual has a history of establishing formal or informal payment plans and failing to follow through. The Individual's past behavior does not inspire any confidence that he will remain in compliance with payment arrangements. Therefore, he has failed to mitigate the tax-related concerns pursuant to mitigating factor (g).

The Individual did not provide any testimony or evidence disputing the legitimacy of a past-due debt. The SSC also did not allege any affluence on the part of the Individual from any source of income. Mitigating factors (e) and (f) are not applicable. I also have no information before me that the Individual has engaged a non-profit counseling service or is receiving financial counseling. Mitigating factor (c) is not applicable.

Having concluded that none of the mitigating conditions are applicable to the facts of this case, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline F.

Guideline I

The Adjudicative Guidelines provide that conditions that could mitigate security concerns under Guideline I include:

- (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 amendable 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.

The Individual has admitted to very concerning behavior surrounding the matter of his gambling. Although his girlfriend was no longer working and he had a young family, the Individual spent time and hundreds of dollars on slot machines on a regular basis. He admitted that he used part of what he obtained in a loan to gamble, and he understood that his gambling was causing him internal feelings of guilt and stress in his personal life. Although he took the admirable step of excluding himself from his local casino and signed an exclusion form with his state's Gaming Council Board, the Individual admitted that he last gambled less than a month before the hearing when he placed bets on basketball games. Accordingly, it is clear to me that although the Individual has placed deterrents before himself with regard to gambling in the casino, he has not completely precluded himself from engaging in the undesirable behavior. And further, he has not sought any professional treatment, counseling, or joined any support groups to address this behavior now and in the long term.

Quite the opposite of concluding the condition is under control or in remission, the DOE Psychologist opined that the Individual's Gambling Disorder was still active and that his prognosis was fair. The stated concerns have not been mitigated pursuant to mitigating factor (c). Additionally, as the Individual last gambled less than a month prior to the hearing and his diagnosis remains active, there is an indication of a current and ongoing problem. Therefore, the stated concerns have not been mitigated pursuant to mitigating factor (e).

I have no information before me indicating that the Individual sought treatment or counseling in response to his gambling behavior. Accordingly, mitigating factors (a) and (b) are not applicable. I have no information before me in the record that suggests that the Individual's diagnosis of Gambling Disorder was temporary or that it has been resolved. Mitigating factor (d) is not applicable.

Having concluded that none of the mitigating conditions are applicable to the facts of this case, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline I.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines F 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 he has not brought forth sufficient evidence to resolve

the concerns set forth in the SSC. Accordingly, the Individual has not demonstrated that granting his security clearance would not endanger the common defense and security 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.

Noorassa A. Rahimzadeh
Administrative Judge
Office of Hearings and Appeals