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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: February 27, 2025)
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Case No.: PSH-25-0089

Issued: June 26, 2025

Administrative Judge Decision

Phillip Harmonick, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXXXXXXXXXXXX (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 or Eligibility to Hold a Sensitive Position."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 should not be granted access authorization.

I. BACKGROUND

In 2024, as part of its consideration of the Individual's eligibility for access authorization, the local security office (LSO) learned that the Individual had made several transactions on a bank card totaling \$278,794.95. *See* Exhibit (Ex.) 4 at 7. The LSO subsequently issued the Individual a letter of interrogatory (First LOI) in which it asked him to explain the transactions. *Id.* In his response, the Individual indicated that he had received the money from his mother and used it for online gambling. *Id.*

In February 2024, the LSO obtained a credit report for the Individual which showed that he had fallen into delinquency on numerous consumer debts on which he owed a cumulative total of \$38,809. Ex. 5 at 4–6. A subsequent credit report obtained by the LSO in August 2024 showed that the Individual's delinquent debts had increased to \$66,211. Ex. 9 at 1–2. In responses to LOIs on February 8, 2024 (Second LOI), February 15, 2024 (Supplement to the Second LOI), and September 3, 2024 (Third LOI), the Individual indicated that he had experienced financial

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.

difficulties due to gambling but that he was either reducing or had quit gambling. Ex. 8; Ex. 10 at 2.

In October 2024, the Individual met with a DOE-contracted psychologist (DOE Psychologist) for a psychological evaluation. Ex. 3 at 5. During the evaluation, the Individual admitted to having engaged in problematic gambling behaviors and indicated that he had only recently shared his gambling problems with his friends and family. *Id.* at 9–12. On October 14, 2024, the DOE Psychologist issued a report of the evaluation (Report) in which she concluded that the Individual met sufficient criteria under the *Diagnostic and Statistical Manual of Mental Health Disorders – Fifth Edition (DSM-5)* for a diagnosis of Gambling Disorder, Persistent, Moderate, and opined that this condition could impair the Individual’s judgment or reliability. *Id.* at 10, 12.

The LSO issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 1–3. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guidelines E, F, and I of the Adjudicative Guidelines. *Id.* at 4–6.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing. The LSO submitted twelve exhibits (Ex. 1–12). The Individual submitted five exhibits (Ex. A–E).² The Individual testified on his own behalf. Hearing Transcript, OHA Case No. PSH-25-0089 (Tr.) at 6. The LSO offered the testimony of the DOE Psychologist. *Id.* at 38.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline I (Psychological Conditions) of the Adjudicative Guidelines as the first basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 1 at 4. “Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline.” Adjudicative Guidelines at ¶ 27. The SSC alleged that the Individual acknowledged financial problems due to gambling, resumed gambling after attempting to stop, admitted to losing approximately \$100,000 due to gambling, engaged in \$278,794.95 in financial transactions related to gambling, and was diagnosed with Gambling Disorder, Persistent, Moderate, by the DOE Psychologist. Ex. 1 at 6. The LSO’s allegations that the Individual was diagnosed by a duly qualified mental health professional with a condition that may impair his judgment, stability, reliability, or trustworthiness, and that the Individual engaged in pathological gambling, justify its invocation of Guideline I. Adjudicative Guidelines at ¶ 28(b), (e).

² Four of the Individual’s five exhibits concern his trustworthiness and reliability in the workplace and during his prior service in a branch of the U.S. Military. Ex. A (Individual’s resume); Ex. B (letter of recommendation from Individual’s supervisor); Ex. C (letter of recommendation from former coworker of the Individual); Ex. E (Form DD-214 summarizing the Individual’s military service); *see also* Tr. at 7–12 (Individual testifying regarding the contents of the exhibits and his service and employment record). While I have considered this information, I find that it does not establish the applicability of any of the mitigating conditions for the reasons set forth below.

The LSO cited Guideline F (Financial Considerations) of the Adjudicative Guidelines as another basis for its substantial doubt regarding the Individual's eligibility for access authorization. Ex. 1 at 7. "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. The SSC reiterated its allegations under Guideline I related to the Individual's pathological gambling, cited the Individual's admission of not disclosing his gambling issues to friends and family until shortly before the psychological evaluation, and additionally alleged that the Individual owed \$66,211 in delinquent debts, which had increased since February 2024, due to financial problems caused by his gambling. Ex. 1 at 5–6. The LSO's allegations that the Individual demonstrated an inability to satisfy debts, had a history of not meeting financial obligations, borrowed money or engaged in significant financial transactions to fund gambling or pay gambling debts, and concealed gambling losses from his family justify its invocation of Guideline F. Adjudicative Guidelines at ¶ 19(a), (c), (h)–(i).

The LSO cited Guideline E (Personal Conduct) of the Adjudicative Guidelines as the final basis for its substantial doubt regarding the Individual's eligibility for access authorization. Ex. 1 at 6. "Conduct 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. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes." Adjudicative Guidelines at ¶ 15. The SSC invoked all of the aforementioned allegations as evidence that the Individual's conduct presented security concerns under Guideline E. Ex. 1 at 6. To the extent that the LSO alleged that the Individual deliberately omitted, concealed, or falsified relevant facts from a form used to determine national security eligibility or trustworthiness in his responses to the LOIs, in which he claimed to have stopped or reduced his gambling, the LSO's invocation of Guideline E is justified.³ Adjudicative Guidelines at ¶ 16(a).

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 Dep't 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

³ The other facts cited by the LSO appear to relate to security concerns under Guideline E concerning "credible adverse information in several adjudicative issue areas." Adjudicative Guidelines at ¶ 16(c). However, that security concern is only applicable where the alleged conduct "is not sufficient for an adverse determination under any other single guideline." *Id.* Here, the conduct cited by the LSO was sufficient to raise security concerns under both Guideline F and Guideline I, and therefore it cannot be asserted under ¶ 16(c) of Guideline E.

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).

An 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). An individual is afforded a full opportunity to present evidence supporting his or her 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

The LSO issued the Individual the First LOI in January 2024 after receiving information that the Individual had engaged in financial transactions via a bank card totaling \$278,794.95. Ex. 4 at 4, 7. In his response to the First LOI, the Individual stated that he received the money from his mother and “[t]he above amount was used for online gambling.” *Id.* at 7. On February 2, 2024, the LSO obtained a credit report for the Individual showing that ten consumer debts on which the Individual owed \$38,809 had fallen into delinquency. Ex. 5 at 4–5. The LSO issued the Individual the Second LOI on February 5, 2024. *Id.* at 1. In his response to the Second LOI, the Individual indicated that he had engaged a debt settlement company to resolve the delinquent debts. Ex. 6 at 2–3. The Individual appended to his response a May 2023 agreement with the debt settlement company pursuant to which he was scheduled to fully resolve the debts by making semi-monthly payments for fifty-three months. *Id.* at 4. The total enrolled debt to be resolved as of May 2023 was \$70,145; thus, the Individual’s debts had been reduced significantly between the Individual’s engagement of the debt settlement company in May 2023 and the February 2, 2024, credit report obtained by the LSO. *Compare id.* at 10 with Ex. 5 at 4–5. In response to a question on the Second LOI as to whether he considered himself a financially responsible person, the Individual stated: “I do consider myself a financially responsible person, unfortunately, I got behind on some bills but I am paying them down now.” Ex. 6 at 2.

On February 13, 2024, the LSO issued the Individual the Supplement to the Second LOI requesting that the Individual explain the circumstances that led to his financial delinquencies. Ex. 7 at 1. In his February 15, 2024, response, the Individual stated that “[t]he circumstances that led to these debts was [sic] gambling.” Ex. 8 at 1. The Individual represented that he had “quit gambling and [was] on the right track to get [his] life back in order.” *Id.* At the hearing, the Individual claimed that he had stopped gambling for “probably weeks” and had “a few conversations” with two gambling counselors before submitting the response to the Supplement to the Second LOI. Tr. at 25–26.

The LSO obtained a second credit report for the Individual on August 1, 2024. Ex. 9 at 1. This credit report indicated that the Individual’s delinquent debts totaled \$66,211. *Id.* at 1–2. In response to the Third LOI, the Individual sought to explain the changed amount of his delinquent debts from February 2024 to August 2024 as follows: “[t]he debt shows higher most likely due to it not being correctly displayed. The debt has always been the higher number.” Ex. 10 at 2. In response to a

question from the LSO concerning whether he had resumed gambling, the Individual stated that he was “no longer gambling near as much and ha[d] been making strides in quitting” *Id.* He also indicated that he had “been looking into getting counseling to help also.” *Id.* At the hearing, the Individual testified that he did not ever meet with a counselor regularly. Tr. at 26–27.

On October 4, 2024, the Individual met with the DOE Psychologist for the psychological evaluation. Ex. 3 at 1. The DOE Psychologist administered numerous psychological tests to the Individual, including the Brief Problem Gambling Screen (BPGS). *Id.* at 6–8. According to the DOE Psychologist, the Individual’s responses to the BPGS were “consistent with problematic gambling.” *Id.* at 8. During the clinical interview portion of the evaluation, the Individual stated that he began gambling in approximately 2019, at which time he placed one-hundred-dollar bets that he considered responsible. *Id.* at 9. However, the Individual said that he soon began gambling larger amounts, gambling online as much as one to two hours daily, “chasing that big win.” *Id.*

The Individual told the DOE Psychologist that he first began experiencing financial issues due to gambling in 2020, but “did not realize it was a problem until he ‘ran out of money’ in 2022,” by which point he estimated that he had lost approximately \$100,000. *Id.*; *but see* Tr. at 13, 28 (admitting in his hearing testimony that his gambling losses were in fact “closer to \$300,000 in total” and that he realized that his gambling was problematic as early as 2020). The Individual told the DOE Psychologist that he recognized that gambling was an addiction and that he had “an issue, and [] need[ed] help,” but also claimed that he felt “in control” of his gambling as of the date of the evaluation. Ex. 3 at 9–10. Despite the issues that gambling had caused him, both financially and with respect to his security clearance eligibility, the Individual reported having gambled two weeks prior to the psychological evaluation. *Id.* at 10. The Individual reported having shared his gambling issues with his family and friends, but only “recently.” *Id.* at 10–11; *but see* Tr. at 15–16 (admitting in his hearing testimony that he did not share his gambling issues with his family and friends until after the psychological evaluation).

Based on the aforementioned information, the DOE Psychologist determined that the Individual met sufficient criteria for a diagnosis of Gambling Disorder, Persistent, Moderate, under the *DSM-5*. Ex. 3 at 10. She further opined that this condition could impair the Individual’s decision-making and cognitive control, and therefore could negatively affect his judgment or reliability. *Id.* at 12. She indicated that Gambling Disorder is best managed through psychological treatment, such as cognitive-behavioral therapy, and that the Individual’s Gambling Disorder would be in remission after twelve months during which none of the diagnostic criteria were met. *Id.* at 13.

At the hearing, the Individual testified that he resumed “sporadic[],” “very limited” gambling at some point following the psychological evaluation but denied recollection of when he did so. Tr. at 22. On cross-examination, the Individual more specifically estimated that he gambled several times weekly in late 2024 for between thirty minutes and three hours per occasion. *Id.* at 29–30. He represented that he never gambled more than \$2,000 per occasion in late 2024. *Id.* at 30.

The Individual claimed that he stopped gambling approximately six months prior to the hearing, though he could not say specifically when, after installing gambling cessation software on his computer and cellphone that would block him from accessing gambling websites. *Id.* at 21–22, 30. A screenshot from the gambling cessation software submitted by the Individual, which was taken

May 9, 2025, indicated that the Individual had been “free from gambling” for one month and sixteen days. Ex. D at 12. The Individual testified that the information reflected in the screenshot was inaccurate and that the days “free from gambling” had been reset when his subscription to the software lapsed in March 2025. Tr. at 30–31.

The Individual testified at the hearing that he disclosed his gambling issues to his family and friends in late 2024. *Id.* at 16. The Individual claimed that his mother and friends supported his abstinence from gambling, and that one of his friends “check[ed] in with [him] daily.” *Id.* at 15–16. He testified that he spent time previously used gambling on home improvement, physical fitness, and reading, and that he had enrolled in an undergraduate program at a university. *Id.* at 22–23. The Individual expressed the intent to refrain from gambling in the future and stated that he did not know if he had a gambling disorder as of the date of the hearing. *Id.* at 23, 28. He denied having any current urges to gamble. *Id.* at 36.

Regarding the status of his delinquent debts, the Individual testified that the debt settlement company had negotiated settlements pursuant to which the Individual would pay \$7,132.81 to resolve two debts on which he owed over \$32,000. *Id.* at 17–18. The Individual testified that he had fully paid several smaller debts and that three additional debts on which he claimed to owe \$31,493 were being negotiated by the debt settlement company. *Id.* The Individual explained that he had paused his payments pursuant to the program multiple times since he began making payments in June 2023 due to other financial obligations, some of which he admitted “could have been” due to gambling. *Id.* at 35.

The DOE Psychologist testified that the Individual’s use of gambling cessation software and self-described period of months without gambling were positive developments since the October 2024 psychological assessment. *Id.* at 42–43. However, she opined that it is “pretty rare” for a person to overcome an addiction to gambling independently, and that evidence showing the Individual had followed her recommendations would be more supportive of the Individual’s recovery than the use of the software alone. *Id.* at 43. She further testified that Gambling Disorder is a chronic condition that does not resolve spontaneously. *Id.* at 50. As the Individual had not established twelve months without gambling or met her treatment recommendations, she opined that his Gambling Disorder was not in remission and that he had not demonstrated rehabilitation or reformation. *Id.* at 43, 47, 49.

V. ANALYSIS

A. Guideline E

Conditions that could mitigate security concerns under Guideline E include:

- (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.

Before addressing the mitigating conditions, I will first consider the Individual's arguments at the hearing that he did not seek to conceal information from or mislead the LSO in response to the LOIs. Specifically, the Individual alleged that he had stopped gambling for several weeks before submitting his response to the Supplement to the Second LOI and that he had in fact significantly reduced his gambling before submitting his response to the Third LOI. Tr. at 12–13, 25. The Individual has put forth evidence to show that he has been a reliable and trustworthy person in his military service and professional life, and therefore asserts that, in light of his good character, he would not have intentionally provided false or misleading information in his responses to the LOIs. *Supra* n. 2.

However, weighed against this general evidence of reliability and trustworthiness, there is specific evidence that the Individual has not been entirely honest and forthcoming about his gambling in the adjudication of his eligibility for access authorization. The Individual's response to the Second LOI, in which he asserted that he had "gotten behind on some bills," without any mention of the role that gambling played in his financial circumstances, was not a transparent account of the circumstances. Moreover, the Individual's hearing testimony revealed that he significantly underreported the extent of his gambling losses to the DOE Psychologist, told her that he had related his gambling problem to his friends and family when he had not yet done so, and continued to gamble multiple times weekly after meeting with the DOE Psychologist without seeking help despite telling the DOE Psychologist that he recognized his gambling addiction as problematic. Considering all of the evidence, I think it is sufficiently likely that the Individual sought to minimize the severity of his gambling problem in his responses to the LOIs that I do not accept the Individual's claims to have answered the LOIs fully and truthfully.

Turning to the first mitigating condition, the Individual denied that he minimized his gambling or sought to mislead the LSO in response to the LOIs. As he has denied that any falsification occurred, and because I find the Individual's explanations for his responses to the LOIs unconvincing for the aforementioned reasons, I find the first mitigating condition inapplicable. Adjudicative Guidelines at ¶ 17(a).

The second mitigating condition is irrelevant to the facts of this case because the Individual does not assert that he relied on the advice of counsel or another representative in responding to the LOIs. *Id.* at ¶ 17(b).

The Individual's responses to the LOIs were not minor falsifications because had the LSO relied on them without further inquiry it would not have concluded that the Individual's gambling presented an ongoing problem. Moreover, the Individual's minimization of his gambling problems occurred multiple times and, as revealed in the hearing, continued after his LOI responses into the psychological evaluation. Therefore, I find the third mitigating condition inapplicable. *Id.* at ¶ 17(c).

The Individual has not brought forth evidence of having received any relevant counseling and therefore the fourth mitigating condition is inapplicable. *Id.* at ¶ 17(d). The fifth mitigating condition is irrelevant to the facts of this case because the LSO did not allege that the Individual's minimization of his gambling in response to the LOIs placed him at special risk of exploitation, manipulation, or duress. *Id.* at ¶ 17(e). The sixth and seventh mitigating conditions are irrelevant to the facts of this case because the LSO did not rely on unsubstantiated information or sources of questionable reliability and did not allege that the Individual associated with persons involved in criminal conduct. *Id.* at ¶ 17(f)–(g).

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 E.

B. Guideline F

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.

The Individual has not put forth any evidence except for his own testimony to establish the last time that he gambled⁴ or the current state of his finances. Accordingly, I cannot conclude with any certainty that the Individual has stopped gambling or that his delinquent debts are not increasing. However, even if the Individual's testimony was true, the passage of approximately six months since he last gambled would not be sufficient to establish that the concern was resolved through the passage of time alone considering his years-long pattern of frequent gambling resulting in substantial losses. Furthermore, the Individual does not deny that a significant portion of his delinquent debts remain unresolved. Accordingly, I cannot find the first mitigating condition applicable. *Id.* at ¶ 20(a).

The Individual's financial circumstances were the product of his irresponsible gambling, not an external event beyond his control. Accordingly, the second mitigating condition is inapplicable. *Id.* at ¶ 20(b).

While the Individual has hired a for-profit debt settlement company to help him negotiate settlements to resolve his delinquent debts, he has not provided any evidence of receiving financial counseling to help him avoid financial difficulties in the future and his delinquent debts remain unresolved. Thus, the third mitigating condition is inapplicable. *Id.* at ¶ 20(c).

While the Individual has claimed to have made some progress in resolving his delinquent debts, by his own admission he has not entered into settlement agreements with several of his creditors. In light of the fact that he has been engaged with the debt settlement company for nearly two years,

⁴ Exhibit D contradicts the Individual's claim to have abstained from gambling since late 2024. However, even if I accepted the Individual's explanation that the gambling cessation software showed that he last gambled in late March 2025 due to a lapse in his subscription, the Individual's subscription to the gambling cessation software would have done nothing to stop him from gambling in a physical location or on a device on which he had not installed the software. Accordingly, Exhibit D is not sufficient evidence to show that the Individual has discontinued gambling for any length of time.

his minimal progress does not reflect a good-faith effort to resolve debts. Thus, the fourth mitigating condition is inapplicable. *Id.* at ¶ 20(d).

The remaining mitigating conditions are inapplicable to the facts of this case because the Individual does not dispute the legitimacy of the past-due debts, the LSO has not alleged that the Individual demonstrated unexplained affluence, and none of the allegations in the SSC pertain to tax-related issues. *Id.* at ¶ 20(e)–(g).

For the aforementioned reasons, none of the mitigating conditions are applicable to the facts of this case. Accordingly, the Individual has not resolved the security concerns asserted by the LSO under Guideline F.

C. Guideline I

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 first three mitigating conditions are inapplicable because the Individual has not entered treatment as recommended by the DOE Psychologist, and the DOE Psychologist opined that the Individual's Gambling Disorder is not in remission. *Id.* at ¶ 29(a)–(c). The DOE Psychologist testified that Gambling Disorder is not a temporary condition, and there is insufficient evidence for me to conclude that the Individual has stopped gambling for any length of time. Moreover, even if he had stopped gambling for approximately six months as he claimed, the DOE Psychologist opined that he would still remain at significant risk of returning to problematic gambling without a longer period of demonstrated abstinence from gambling and the treatment that she recommended. Accordingly, I cannot find either the fourth or fifth mitigating condition applicable to the facts of this case. *Id.* at ¶ 29(d)–(e).

For the aforementioned reasons, I find that the Individual has not established the applicability of any of the mitigating conditions. Accordingly, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline I.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guidelines E, F, and I of the Adjudicative Guidelines. After considering all the relevant information, 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 asserted by the LSO. Accordingly, I have determined that the Individual should not be granted access authorization. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Phillip Harmonick
Administrative Judge
Office of Hearings and Appeals