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**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)	
)	
Filing Date: December 29, 2025)	Case No.: PSH-26-0033
)	
_____)	

Issued: June 3, 2026

Administrative Judge Decision

Phillip Harmonick, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material 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's access authorization should not be restored.

I. BACKGROUND

The Individual was granted access authorization in 2020 in connection with her employment by a DOE contractor. Transcript of Hearing, OHA Case No. PSH-26-0033 (Tr.) at 43; *see also* Exhibit (Ex.) 13 at 175 (reflecting the Individual's employment by the DOE contractor beginning in 2020).² On May 29, 2025, the Individual completed a Questionnaire for National Security Positions (QNSP) as part of a routine reinvestigation of her continued eligibility for access authorization. Ex. 11. Therein, the Individual disclosed that she had experienced financial problems due to gambling since 2022 and represented that she had lost approximately \$5,000 gambling. *Id.* at 141. She also disclosed that she had fallen into delinquency on a debt on which she owed \$1,945. *Id.* at 142–43. The Individual checked a box marked "No" in response to a question inquiring as to whether she had fallen into delinquency on any other debts in the prior seven years. *Id.* at 143.

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 the local security office (LSO) 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 the LSO.

In June 2025, the local security office (LSO) issued the Individual a letter of interrogatory (LOI) concerning her financial situation. Ex. 6. In response to the LOI, the Individual stated that she was prepared to “discuss” questions posed to her concerning whether she was current on financial responsibilities, other than the debt she disclosed on the QNSP, and the details of the difficulties gambling had caused her but did not answer all of the questions asked of her. *Id.* at 31–33. She acknowledged that in 2024 she had realized that she had a problem with gambling but that she continued to gamble approximately monthly. *Id.* at 32, 36.

The LSO obtained copies of the Individual’s credit report in July 2025 (July 2025 Credit Report) and September 2025 (September 2025 Credit Report) which showed that the Individual had eleven debts, on which she owed a cumulative balance of over \$35,000, charged off or referred to collections by the creditor. Ex. 7 at 41–42; Ex. 8 at 54–58.

On August 5, 2025, the Individual met with a DOE-contracted psychologist (DOE Psychologist) for a psychological evaluation. Ex. 9 at 81. The DOE Psychologist issued a report (Report) of the psychological evaluation on August 7, 2025, wherein he opined that the Individual met sufficient diagnostic criteria for a diagnosis of Gambling Disorder, Persistent, Mild, under the *Diagnostic and Statistical Manual of Mental Health Disorders – Fifth Edition – Text Revision (DSM-5-TR)*. *Id.* at 85. He further opined that the Individual had a personality condition characterized by incurring and failing to satisfy debt. *Id.* According to the DOE Psychologist, these conditions could impair the Individual’s judgment and trustworthiness. *Id.*

The LSO issued the Individual a Notification Letter advising her that it possessed reliable information that created substantial doubt regarding her eligibility for access authorization. Ex. 1 at 9–11. 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 5–8.

The Individual exercised her 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 thirteen exhibits (Ex. 1–13). The Individual submitted four exhibits (Ex. A–D).³ The Individual testified on her own behalf. Tr. at 3, 11. The LSO offered the testimony of the DOE Psychologist. *Id.* at 3, 47.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline E (Personal Conduct) of the Adjudicative Guidelines as the first basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 1 at 5–6. “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 alleged that the Individual

³ The Individual’s exhibits were compiled into a single PDF. Tr. at 6–7. I will refer to the Individual’s exhibits by reference to their pagination in the PDF regardless of their internal pagination.

failed to disclose her debts as required pursuant to DOE Order 472.2A,⁴ on the QNSP, and in response to the LOI and did not respond to questions on the LOI related to delinquent financial accounts. Ex. 1 at 4–6. The LSO’s allegations that the Individual failed to cooperate with security processing by failing to respond to questions on the LOI and omitting or concealing relevant information by failing to report her financial delinquencies as required and omitting this information from the QNSP and LOI justify its invocation of Guideline E. Adjudicative Guidelines at ¶¶ 15(a)–(b), 16(b).

The LSO also 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 6–7. “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 cited the delinquent debts revealed via the credit reports and the Individual’s resorting to loans to support her significant gambling losses. Ex. 1 at 6–7. The LSO’s allegations that the Individual demonstrated an inability or unwillingness to satisfy debts, demonstrated a history of not meeting financial obligations, and borrowed money to fund gambling justify its invocation of Guideline F. Adjudicative Guidelines at ¶ 19(a)–(c), (h).

The LSO cited Guideline I (Psychological Conditions) of the Adjudicative Guidelines as the final basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 1 at 8. “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 cited the DOE Psychologist’s opinion that the Individual met sufficient criteria for a diagnosis of Gambling Disorder, Persistent, Mild, under the *DSM-5-TR*, the Individual had a personality condition characterized by a pattern of incurring and failing to repay debts, and these conditions could impair her judgment and trustworthiness. Ex. 1 at 8. The LSO’s citation to the opinion of the DOE Psychologist that the Individual has a mental health condition that could impair her judgment, stability, reliability, or trustworthiness justifies its invocation of Guideline I. Adjudicative Guidelines at ¶ 22(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 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

⁴ DOE Order 472.2A generally requires all individuals who possess a DOE security clearance to disclose certain derogatory information within three working days. *Infra* p. 5.

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

A. Individual’s Gambling and Failure to Meet Financial Obligations

In 2013, the Individual obtained an auto title loan on a vehicle she owned. Ex. 13 at 211. The Individual fell into delinquency on the debt, and in 2014 a creditor obtained a judgment against the Individual in the amount of \$5,368.59. *Id.* at 229–30. The Individual’s wages were garnished to satisfy the judgment. *Id.* A credit card debt of \$628 owed by the Individual was charged off by the creditor in December 2017 after the Individual failed to make payments as agreed. *Id.* at 235; *see also id.* at 214 (telling an investigator in January 2020 that she was unaware of the delinquent debt and that she would not incur delinquent credit card debt in the future because she “*does not use credit cards anymore*”) (emphasis added). A debt owed by the Individual in the amount of \$743 to a telecommunications company was assigned to collections in February 2018. *Id.* at 235; *see also id.* at 215 (Individual telling the investigator that the delinquency was unlikely to recur because she “intend[ed] to *check [her] credit report each year* to ensure there are no unresolved debts”) (emphasis added). Another credit card debt on which the Individual owed a balance of \$461 was assigned to collections in March 2019. *Id.* at 236; *see also id.* at 212 (telling the investigator that she inadvertently failed to make payments on the credit card and that it was referred to collections before she realized that she owed a balance).

In 2021, the Individual began gambling on slot machines. Ex. 6 at 32; Ex. 9 at 81. The Individual testified at the hearing that she could not “give a definite, [] exact reason” why she began gambling at that time, but that managing stressors was one reason. Tr. at 19. The Individual set herself a \$200 per occasion limit but exceeded this limit and increased the frequency of her gambling over time. Ex. 9 at 81–82; *see also* Ex. 6 at 32 (indicating that one month prior to responding to the LOI she lost \$500 in a single session of slot machine gambling). Eventually, the Individual needed to take out loans to pay living expenses due to her gambling losses. Ex. 9 at 82; *see also* Tr. at 15–17 (testifying that several of the delinquent debts listed in the SSC were personal loans the Individual secured to meet her living expenses after the monthly payments on her bills became unsustainable). The Individual fell into delinquency on eleven debts on which she owed a cumulative balance of over \$35,000.⁵ Ex. 7 at 41–42; Ex. 8 at 54–58.

⁵ At the hearing, the Individual denied that she owed one of the debts listed on the September 2025 Credit Report in the amount of \$13,902. Tr. at 44–45; Ex. 8 at 60–61. She testified that her identity had been stolen in 2022 and

By 2024, the Individual recognized that her gambling was problematic. Ex. 6 at 36. The Individual self-excluded herself for one year from two local casinos to prevent her from gambling in those facilities. Ex. 11 at 141; Tr. at 26 (testifying that she self-excluded from one casino in March 2025 and the other in January 2026). However, she continued to gamble at casinos from which she had not self-excluded herself until at least March 2026. Ex. 9 at 82; Tr. at 43. The Individual did not tell her husband the amount she was losing gambling because “he might have a different opinion [about her gambling] if he knew.” Ex. 9 at 82; *see also* Tr. at 20 (testifying that she and her husband maintain separate finances and that he would not have learned of her gambling in the ordinary course of managing household finances).

B. Individual’s Failure to Report

The Individual was required to disclose all instances of “[d]elinquency [of] more than 120 days on any debt” to the LSO within three working days of the event. DOE Order 472.2A at ¶ 4(w)(5), Att. 5 (Jun. 10, 2022). However, the Individual failed to ever independently disclose any of her delinquent debts directly to the LSO. According to the Individual, her delinquent debts “were[n’t] affecting [her] work wise, so [she] didn’t” disclose them. Tr. at 44.

On the QNSP, the Individual disclosed that she had experienced financial problems due to gambling and estimated her losses at \$5,000. Ex. 11 at 141. She also disclosed that she had fallen into delinquency on a credit card debt which she estimated at \$1,945. *Id.* at 143. However, she checked a box marked “No” in response to a question asking whether she had any other debts fall into delinquency in the prior seven years. *Id.* At the hearing, the Individual explained that she had only listed one delinquent debt on the QNSP, despite knowing that she had other delinquent debts, because she had completed the QNSP at work and could not recall the names of her creditors, except for the one she disclosed, “offhand” when she was completing the QNSP. Tr. at 12–13, 15.

In response to the LOI, the Individual stated “we can discuss,” “we can discuss further,” and “can discuss further” in response to questions asking whether she was current on her debts other than the credit card debt she disclosed, what financial difficulties she had experienced due to gambling, and whether she obtained loans to gamble or pay gambling debts. Ex. 6 at 31, 33–34; *see also* Ex. 9 at 82 (telling the DOE Psychologist that she decided “not to write all of that” in answer to questions on the LOI because she “figured [she] was going to talk to someone” at a later date). One question in the LOI, concerning whether she had other financial difficulties within the prior seven years to disclose, she did not respond to at all, instead leaving the space for her answer blank. Ex. 6 at 31; *see also* Tr. at 14 (testifying that her failure to respond to this question was unintentional).

C. Evaluation by the DOE Psychologist

During her August 5, 2025, interview with the DOE Psychologist, the Individual provided an account consistent with that set forth above. Ex. 9 at 81–84. She told the DOE Psychologist that

speculated that the entry on the September 2025 Credit Report might have also been attributable to identity theft. Tr. at 44–45. However, as she provided no documentation of any efforts on her part to challenge the debt or other evidence to corroborate her claim, I do not credit her testimony that she did not incur the debt.

she did not know the full extent of her delinquent debts because she had not reviewed her credit reports since 2018. *Id.* at 83. She expressed that she was considering bankruptcy because she believed that without bankruptcy “it would ‘take forever’” to resolve her debts. *Id.*

In addition to interviewing the Individual, the DOE Psychologist administered the Personality Assessment Inventory (PAI) psychological test to the Individual. *Id.* at 84. The Individual produced an extremely elevated score on the Positive Impression Management (PIM) scale of the PAI. *Id.* at 91. According to the DOE Psychologist, this elevated PIM reflected “an attempt to portray oneself as exceptionally free of common shortcomings” and rendered the PAI invalid because of the Individual’s attempt to present an “unrealistic positive impression” of herself. *Id.* at 84.

In his Report, the DOE Psychologist concluded that the Individual met sufficient criteria⁶ under the *DSM-5-TR* for a diagnosis of Gambling Disorder, Persistent, Mild. *Id.* at 85. He further opined that the Individual had a “cyclical pattern” of incurring debt, avoiding satisfying the debt, and committing to but not following through on plans to avoid debt and live within her means. *Id.* at 84. According to the DOE Psychologist, this pattern constituted a “personality condition.” *Id.* The DOE Psychologist opined that both conditions impaired the Individual’s judgment and trustworthiness. *Id.* at 84–85. He recommended that she participate in “structured interventions[] such as weekly individual therapy, consistent participation in Gamblers Anonymous, or engagement in credit counseling” to address the conditions. *Id.* at 85.

D. Individual’s Recent Efforts to Address Her Financial Difficulties

In February 2026, the Individual began meeting with a licensed professional clinical counselor (LPCC) for “stress management.” Ex. A at 1. The Individual met with the LPCC approximately weekly from February 2026 to the date of the hearing in May 2026. *Id.*; Tr. at 29. The LPCC endorsed the Individual’s diagnosis with Gambling Disorder and indicated in a letter that the Individual had reported excluding herself from local casinos and was “aware” of gambling support groups. Ex. A at 1. At the recommendation of the LPCC, the Individual has attended movies at a theater and read books to manage stress as alternatives to gambling. Tr. at 30.

By her own admission, the Individual continued to gamble in casinos until March 2026, approximately two months prior to the hearing, when she claimed to have discontinued casino gambling. *Id.* at 20; *see also id.* at 43 (testifying that her most recent gambling episode was at a casino “super far away” from her home from which she had not self-excluded herself). The

⁶ Specifically, the DOE Psychologist concluded that the Individual:

- (1) Needs to gamble with increasing amounts of money in order to achieve the desired excitement;
- (2) Has made repeated unsuccessful efforts to control, cut back, or stop gambling;
- (3) Lies to conceal the extent of involvement with gambling;
- (4) Has jeopardized or lost a significant relationship, job, or educational or career opportunity because of gambling; and,
- (5) Relies on others to provide money to relieve desperate financial situations caused by gambling.

Ex. 9 at 85 (citing diagnostic criteria A1, A3, A7, A8, and A9). The DOE Psychologist further concluded that the Individual’s gambling behavior was not better explained by a manic episode. *Id.* (citing diagnostic criterion B).

Individual testified that she had accepted that she was addicted to gambling and intended to avoid gambling in the future. *Id.* at 24–25, 41. However, the Individual did not attend Gamblers Anonymous because she perceived that her needs were sufficiently met by the LPCC. *Id.* at 31. She also did not self-exclude herself from gambling facilities on a statewide basis, although she testified that she had contemplated doing so. *Id.* at 27.

The Individual characterized her current financial situation as “pretty difficult,” most notably because she is on leave without pay from her employment with the DOE contractor. *Id.* at 30. She has no savings and her husband is unable to contribute any money towards resolution of her delinquent debts because his earnings are fully exhausted meeting household expenses.⁷ *Id.* at 38. The Individual consulted with a credit counseling service to assist her in addressing her delinquent debts and, in May 2026, the credit counseling service prepared an estimate of how it could renegotiate the terms of the Individual’s debt. *Id.* at 35–37; Ex. C at 4–5.⁸ However, the Individual testified that she had not directed the credit counseling service to begin negotiating with her creditors because she had no income to make payments towards any renegotiated debt. Tr. at 37.

The DOE Psychologist testified that, after listening to the Individual’s hearing testimony, his opinion remained the same as that he expressed in the Report. *Id.* at 48. He opined that the Individual’s recent commitment to addressing her debt was consistent with her pattern of making such commitments, only to fail to “follow through, and then continue[] to [incur] further debt.” *Id.* at 50. He further indicated that there was insufficient information from the LPCC in her letter for him to conclude that her meetings with the Individual were an appropriate intervention for her Gambling Disorder and that addressing gambling primarily through stress management might be insufficient to control her behavior. *Id.* at 51, 55. He opined that the Individual’s prognosis for managing her conditions going forward was poor. *Id.* at 51.

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;

⁷ The Individual testified that she has some retirement savings in a 401(k) account that she is unwilling to access to address her delinquent debts due to the tax penalties associated with doing so. Tr. at 38.

⁸ The Individual also submitted a “budget” purportedly prepared by the credit counseling service. Ex. B. The budget reflects no expenses other than debt servicing and transportation, omitting food, utilities, clothing, and other essentials, and the Individual admitted in her testimony that the budget does not reflect her full living expenses. *Id.* at 2–3; Tr. at 35. Considering the substantial gaps in the budget, I do not address it in this Decision.

- (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.

The Individual incurred delinquent debts over an extended period of time which she was required to, but did not, disclose to the LSO. When the Individual eventually acknowledged her financial problems on the QNSP, years had passed since the Individual's gambling and financial problems first arose and she did not act in good faith. To the contrary, her explanation that she disclosed only one delinquent debt because she completed the QNSP at work and did not have details of all of the rest of her debts at hand indicates that she did not take her responsibility to complete the QNSP accurately with any seriousness. Even in response to the LOI, another opportunity for the Individual to be forthcoming about her financial situation, the Individual simply declined to answer questions. Clearly, the first mitigating condition is inapplicable. *Id.* at ¶ 17(a).

The second mitigating condition is irrelevant because the Individual does not claim to have relied on the advice of counsel or another representative in failing to disclose financial information. *Id.* at ¶ 17(b).

The Individual's failure to come forward with her financial problems was serious. Besides the possibility that her financial problems could make her susceptible to manipulation, the Individual's financial difficulties were attributable to her Gambling Disorder which was actively impairing her judgment and reliability. Instead of coming forward promptly regarding her delinquent debts, which would almost certainly have led to the prompt identification of her Gambling Disorder, the Individual hid her behavior for years while holding a security clearance. Considering that this behavior continued for years under normal circumstances, I find that the minimal passage of time since she concealed her financial problems is not enough to establish that the Individual will not engage in deceptive behavior in the future. *Id.* at ¶ 17(c).

While the Individual has obtained counseling related to stress management, it is not apparent that stress management will address the Individual's deceptiveness. Even if I was to construe that the Individual's deceptiveness was attributable to her Gambling Disorder, which is not apparent from the record, I would still conclude that the counseling was insufficient to change the behavior considering the DOE Psychologist's opinion as to the lack of evidence of the sufficiency of the LPCC's counseling to treat Gambling Disorder. The fourth mitigating condition is inapplicable. *Id.* at ¶ 17(d).

The remaining mitigating conditions are not relevant to the facts of this case because the LSO did not allege that the Individual engaged in conduct that placed her at special risk of exploitation, manipulation, or duress, the LSO did not rely on sources of questionable reliability, and the LSO did not allege that the Individual associated with persons engaged in criminal conduct. *Id.* at ¶ 17(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 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.

Id. at ¶ 20.

The Individual's financial difficulties are ongoing and, even accepting her uncorroborated claim to have ceased gambling about two months prior to the hearing, she engaged in gambling very recently despite recognizing that this behavior was problematic. The Individual has a long history of financial difficulties and engaged in problematic gambling for years. Thus, the behavior was not infrequent or unusual. Moreover, considering the Individual's history of making and failing to keep commitments related to her finances – for example, telling an investigator that she would no longer use credit cards and would routinely check her credit reports in 2020 – and the opinion of the DOE Psychologist that the Individual has a poor prognosis for managing the psychological conditions that contributed to her behavior, I find that the Individual's financial problems are highly likely to continue. Accordingly, I find the first mitigating condition inapplicable. *Id.* at ¶ 20(a).

The Individual's financial difficulties are mostly attributable to her gambling, not circumstances outside of her control. Even if this was not the case, the Individual acted irresponsibly by taking on personal loans to support her lifestyle while continuing to gamble even after it should have been obvious to her that the situation was unsustainable. The second mitigating condition is inapplicable. *Id.* at ¶ 20(b).

The Individual has received some credit counseling, but the situation is not under control, and the renegotiation of the Individual's delinquent debts has not even begun. While the Individual's initial consultation with the credit counseling service is a positive step, it is not nearly enough to establish the applicability of the third mitigating condition considering the extent of her financial difficulties and history of fiscal irresponsibility. *Id.* at ¶ 20(c).

The fourth mitigating condition is not applicable because the Individual has not initiated or adhered to any agreements to repay creditors. *Id.* at ¶ 20(d).

The fifth mitigating condition is not applicable because the Individual does not contest that she owes the majority of her delinquent debts and brought forward no evidence that she has a legitimate basis to contest the one debt that she speculated was attributable to identity theft. *Id.* at ¶ 20(e).

The remaining two mitigating conditions are not relevant to the facts of the case because the LSO did not allege that the Individual demonstrated unexplained affluence or that she had failed to meet her tax obligations. *Id.* at ¶ 20(f)–(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 mitigating condition is inapplicable because the Individual has not established that her counseling with the LPCC is suitable to treatment of either Gambling Disorder or the personality condition the DOE Psychologist diagnosed. Considering that the letter from the LPCC is sparse as to the details of the Individual's treatment, and that both the LPCC and the Individual characterized the treatment as primarily related to stress management, I credit the opinion of the DOE Psychologist that there is insufficient information to support the appropriateness of that treatment to the Individual's conditions. Thus, whether or not the Individual's conditions are readily controllable with treatment, it is not apparent that the treatment the Individual is receiving is appropriate to her needs. Accordingly, the first mitigating condition is inapplicable. *Id.* at ¶ 29(a).

The remaining mitigating conditions are all inapplicable because the DOE Psychologist opined that the Individual's psychological conditions continued to impair her judgment and trustworthiness and provided a poor prognosis. Considering the recency of the Individual's admitted gambling, which appears to have continued even after she entered treatment with the LPCC, and the potential that she is not fully disclosing the extent of her gambling in light of her history of deceptiveness, I cannot conclude that the situation is under control or that the Individual will not engage in impulsive financial behavior in the future. Thus, the second through fifth mitigating conditions are inapplicable. *Id.* at ¶ 29(b)–(e).

As indicated above, none of the mitigating conditions are applicable to the facts of this case. Therefore, 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 fully resolve the security concerns asserted by the LSO. Accordingly, I have determined that the Individual's access authorization should not be restored. 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