



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
 [REDACTED]) ISCR Case No. 19-00550
)
 Applicant for Security Clearance)

Appearances

For Government: Brittany White, Esq., Department Counsel
For Applicant: *Pro se*
03/12/2020

Decision

MARINE, Gina L., Administrative Judge:

This case involves security concerns raised under Guideline G (Alcohol Consumption) and Guideline H (Drug Involvement and Substance Misuse). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on June 30, 2017. On August 28, 2019, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines G and H. The DOD CAF acted under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on June 8, 2017.

Applicant answered the SOR on October 21, 2019, and requested a decision on the written record without a hearing. On November 25, 2019, the Government sent Applicant a complete copy of its written case, a file of relevant material (FORM), including documents identified as Items 1 through 9. He was given an opportunity to submit a documentary response setting forth objections, rebuttal, extenuation, mitigation, or explanation to the Government’s evidence. He received the FORM on December 16,

2019, and did not respond. Items 1 and 2 contain the pleadings in the case. Items 3 through 9 are admitted into evidence. Applicant's SOR answer included a document that I admitted into evidence as Applicant Exhibit (AE) A. The case was assigned to me on February 14, 2020.

Findings of Fact

Applicant, age 36, is divorced with one minor child. The record did not specify when he received his high school diploma. He attended a university specializing in aviation and aerospace on a part-time basis from March 2015 through May 2016, without earning a degree. As of May 2019, he was pursuing a degree in electrical engineering technology. He served on active duty as an aerographer in the U.S. Navy from February 2008 until February 2017, when he received a general discharge due to misconduct. At the time of his discharge, he was a first class petty officer (AG1). Since April 2017, he has been employed as a civilian contractor working as an administrative assistant supporting a U.S. Navy human resources and administrative support contract. He has maintained a DOD security clearance since 2008. (Item 3; Item 4 at 4, 5, 8-9, 19, 45; Item 5)

Under Guideline G, the SOR alleged four incidents involving Applicant's excessive alcohol consumption between 2004 and 2016 including: two driving under the influence (DUI) convictions (SOR ¶¶ 1.a and 1.d), and two other alcohol-related incidents, one at work (SOR ¶ 1.b) and one away from work (SOR ¶ 1.c). It also alleged that he was diagnosed with a severe alcohol-use disorder (SOR ¶ 1.e) and that he continues to consume alcohol after a treatment recommendation to abstain (SOR ¶ 1.f). In his SOR answer, Applicant admitted the facts alleged in SOR ¶¶ 1.a – 1.f. (Items 1, 2)

Under Guideline H, the SOR alleged that Applicant used marijuana, with varying frequency, from 2001 through 2016 (SOR ¶ 2.a), including after having been granted a security clearance (SOR ¶ 2.b). It also alleged that he was diagnosed with a cannabis use disorder (SOR ¶ 2.c). In his SOR answer, Applicant admitted the facts alleged in SOR ¶¶ 2.a. – 2.c. However, he reported a period of abstinence from marijuana from 2008 until 2016. (Items 1, 2)

Guideline G

In 2004, Applicant consumed three to four rum-and-coke mixed drinks during an unspecified period of time while at a club with friends. While he was driving home, a police officer stopped him for an unknown reason. After failing a field sobriety test, Applicant was arrested and charged with DUI, and spent 24 hours in jail. He was later convicted of DUI and sentenced to 40 hours in jail, including the 24 hours he already served and 16 hours he served during weekends. He also paid a \$300 fine. (Item 2 at 1; Item 4 at 16-17)

In 2009, while on active duty with the U.S. Navy, Applicant consumed 10 to 12 beers one day between 2:00 p.m. and 12:00 a.m. while at a barbeque with friends. The following morning, he overslept and missed a mandatory briefing at work. A co-worker came to his residence to wake him up and bring him to work. Once Applicant arrived at

work, his supervisor smelled alcohol emanating from him. He was verbally reprimanded and sent to a 10-day outpatient alcohol treatment program, which he successfully completed. (Item 3 at 42; Item 4 at 10)

In 2011, while on active duty with the U.S. Navy but on extended leave for training, Applicant consumed an excessive amount of alcohol during an unspecified period of time while at a house party with friends. At one point, he was asked to leave the party because he got into a verbal altercation due to being too drunk and acting out, too loud, and inappropriate towards female guests at the party. He left that house and walked to a friend's house nearby. Because his friend did not respond to his repeated knocking, he lost his temper and kicked the sliding glass door causing it to break. Shortly thereafter, he was arrested and charged with public swearing and intoxication (Charge 1) and destruction of property (Charge 2), and spent one night in jail. After his arrest, he learned that he had been at the wrong house, which belonged to a stranger and not his friend. Charge 2 was *nolle prossed*. Charge 1 was dismissed after he paid \$800 in restitution. His command ordered him to undergo a 30-day inpatient alcohol treatment program, which he successfully completed. (Item 3 at 36-37, 42-43; Item 4 at 14, 23; Items 6, 8)

In February 2016, while on active duty with the U.S. Navy, Applicant consumed six vodka shots and six beers while at dinner with a friend over an unspecified period of time. After dinner, he drove the friend to a club, which was closed when they arrived. He then drove them to a nearby park to wait for the club to open. They fell asleep while waiting. Applicant, who was behind the wheel, was awoken by a police officer just before midnight. After failing a field sobriety test and having a blood alcohol content over the legal limit, Applicant was arrested and charged with DUI, and spent the night in jail. In October 2016, after pleading not guilty, he was convicted of DUI and sentenced to 90 days in jail (85 days suspended), which he served on the weekends. His driver's license was restricted for one year, and he was ordered to install an interlock ignition device on his vehicle for six months. He also paid a \$250 fine. (Item 3 at 37-39, 42; Item 4 at 15-16; Item 7)

Applicant did not notify his command of his 2016 DUI for fear that he would get into trouble. He was hoping that he could handle the matter on his own. However, his command discovered the 2016 DUI during an internal background investigation that was being conducted for Applicant's potential promotion. In October 2016, Applicant was charged with violating Article 92 (failure to obey any order or regulation) for which he was imposed the following non-judicial punishment: removal of recommendation for promotion to E-7, reduction in rank to E-5 (suspended), and forfeiture of one-half month's pay times two (suspended). (Item 3 at 24; Item 4 at 9, 11-13)

In November 2016, after a command-ordered alcohol evaluation stemming from his 2016 DUI, Applicant was admitted to a 35-day substance abuse rehabilitation program (SARP) for the treatment of alcohol dependence. He was diagnosed with severe alcohol use disorder. After Applicant was notified that he tested positive for marijuana during intake, he disclosed a pattern of regular marijuana use for several months prior to his admission to SARP. He was then also diagnosed with mild cannabis use disorder. Upon his successful completion of SARP, he was discharged in December 2016. At discharge, the initial two diagnoses remained unchanged, and the recommendations of his SARP

treatment team included “Patient remains advised to abstain from all alcohol and any other substance use.” These recommendations were in addition to the terms of the aftercare plan discussed below. Throughout his SARP treatment, Applicant was a very active participant. As further validation of the improvement and work he achieved while at SARP, he was selected by his peers and treatment team to be the student-speaker at the commencement ceremony. (Item 2 at 2, 3; Item 3 at 43-44; Item 4 at 4, 11-12, 15, 22; Item 9 at 3, 5, 6, 7, 9)

Following his discharge from SARP in December 2016, Applicant was removed from regular duty and required to engage in a continuing care program with a command-approved aftercare plan (formulated with input from Applicant and his SARP treatment team) over the following 12 months. His aftercare plan included abstention from the consumption of alcohol and drugs, participation in one to three Alcoholics Anonymous (AA) meetings per week, participation in bi-weekly outpatient group sessions, participation in the Navy MORE program (a web-based tool to assist with personal growth and abstinence during the first year of recovery), and random and periodic urinalysis testing. (Item 4 at 4; Item 9 at 8-9, 12-24)

According to treatment records, Applicant reportedly abstained from alcohol while participating in the continuing care program. However, he failed to follow other aftercare plan requirements on more than one occasion. Despite repeated reminders of his requirement to do so, he failed to complete the requisite tasks of the Navy MORE program. He failed to attend any AA meetings or contact his sponsor one week. He used marijuana over the New Year’s holiday weekend in January 2017 and over the Valentine’s Day weekend in February 2017. The details of his marijuana use during those weekends were not specified in the record. His participation in the continuing care program ended when he was discharged from the U.S. Navy in February 2017. (Item 4 at 4; Item 9 at 8-9, 12-24)

During his April 2018 security clearance interview (SI), Applicant reported the following history of his alcohol consumption: from 1999 to 2004, he drank three beers per month; from 2004 to 2008, he drank one to six beers three to four times per week; from 2008 to 2009, during his first year in the military when he cut back his consumption to stay in good physical condition, he drank three beers once per week; from 2009 to 2017, he drank one to six beers three to four times per week; from 2017 through present, he drank three beers per week. Although he averred that it took eight to ten beers for him to become intoxicated, he admitted that he drank to intoxication every two weeks prior to his 2016 DUI. He maintained that he had not consumed alcohol to intoxication since his 2016 DUI. He acknowledged that he had a problem with alcohol and that he took action to control it by attending counseling after his 2016 DUI. Inexplicably, Applicant did not reference any period of abstention from the consumption of alcohol, including while he was participating in SARP treatment and the continuing care program. (Item 4 at 18-19)

In May 2019, Applicant asserted that he was committed to abstaining from the consumption of alcohol. He cited his child as his primary motivation for doing so. In his October 2019 SOR answer, Applicant acknowledged that he continued to consume alcohol. He stated that when he “elects to partake in an alcohol beverage,” he ensures

that he partakes “responsibly.” He averred that he does not exceed three beverages and “takes no chances in getting behind the wheel.” (Item 2 at 2; Item 4 at 5)

Guideline H

Applicant used marijuana during two periods of his life. The first period began in either 2001 or 2002 and continued until 2007 when he began to transition into the military. The second period began sometime after he separated from his wife in January 2015 and continued through February 2017, during which time he was on active duty in the U.S. Navy and in possession of a security clearance. The facts and circumstances underlying his use during those two periods are not entirely clear due to a combination of the lack of specific information in the record, and Applicant’s differing accounts. (Item 2 at 2-3; Item 3 at 40-41; Item 4 at 17-18, 23)

On his June 2017 SCA, Applicant reported October 2016 as his most recent use of marijuana. He did not specify his frequency of use during the first period beyond stating that it gradually became more frequent with his “heaviest use” to be “about 1/8 of an ounce per week.” He did not address the frequency of his use during the second period. He asserted that the second period began in the fall of 2016, when he had “become discouraged with senior leadership and could no longer support agendas outlined in new policies.” He claimed that he used marijuana during the second period because he knew that finding traces of marijuana “would open a door for [him] to transition back to the civilian sector.” He answered “No” to whether he had ever purchased marijuana. He answered “No” to whether he intended to use marijuana in the future. (Item 3 at 40-41)

Applicant discussed his marijuana use during his April 2018 and May 2018 SIs. He reiterated that he had not used marijuana after October 2016. He acknowledged that, upon enlistment in the U.S. Navy, he reported using marijuana 45 times during the first period. He estimated that he used marijuana approximately six to eight times during the second period. He explained that he used marijuana out of curiosity and because he enjoyed it. He attributed his use during the second period to providing him with an escape from the stresses of reality as he dealt with getting caught at work for his DUI and his marital separation. He reaffirmed that he had no intent to use marijuana in the future because of its negative impact on him. (Item 4 at 17-18, 23)

Applicant acknowledged during his April 2018 SI that he obtained the marijuana he used during both periods either through friends or by purchasing it himself. He estimated that he purchased it approximately 20 times between 2003 and October 2016. He admitted that he answered “No” to the question on his SCA about purchasing marijuana because he did not want to “look bad.” He asserted that he had no intent to purchase marijuana in the future. He acknowledged that he continued to associate approximately one to two times per year with one of the friends with whom he had used marijuana. (Item 4 at 17-18)

In his SOR answer, Applicant admitted that he used marijuana, but only through December 2016. He recognized that he made a terrible decision to use marijuana, which he described as “haphazardly lean[ing] on an old crutch.” He admitted that he “lost

control,” which led him toward “an escapist mentality” towards the despair he felt at that time of his life due to his 2016 DUI, unfolding divorce, and other sensitive matters involving his wife. He asserted that after he tested positive for marijuana during his SARP treatment, he “immediately shifted [his] mindset.” (Item 2 at 2-3; Item 4 at 5)

Whole Person

Applicant reported facts about the 2009, 2011, and 2016 alcohol-related incidents on his 2017 SCA. He was interviewed by a DOD authorized investigator three times between April and May 2008 in connection with his security clearance. When asked why he failed to report the 2004 DUI on his SCA, he asserted that he misunderstood the question and believed that he only had to report incidents within the prior seven years. He failed to report, acknowledge, or otherwise address the two times he used marijuana in 2017 (which was revealed in his treatment records) at any point during the security clearance process. These omissions were not alleged in the SOR so they will be considered only to evaluate mitigation and the whole-person concept. (Item 3 at 36-39, 42-43; Item 4 at 16)

In February 2017, Applicant received a general discharge from the U.S. Navy for serious misconduct because of his 2006 DUI conviction and having tested positive for marijuana. It was unclear in the record whether the discharge related to the positive test for marijuana during his initial SARP intake or another test in February 2017. Applicant asserted that it related to the intake test, but his treatment records show that he was required to submit to a urinalysis in February 2017, the results of which were not specified. His military record revealed that an enlistment waiver had been approved for his 2004 DUI and prior marijuana use. (Item 3 at 23-24; Item 4 at 4, 11-13; Item 9 at 23)

Applicant made statements in his SCA, during his SIs, and in his SOR answer accepting responsibility for his excessive alcohol consumption and drug involvement. He also offered excuses and explanations that were minimizing his behavior and culpability. He maintained that he is no longer the same person who was involved in the incidents alleged in the SOR and hopes that his story will help others avoid the mistakes he made. (Item 2; Item 3 at 36-39, 42-43; Item 4 at 5, 10, 14-17, 23)

Applicant was promoted by his employer in January 2018. A senior manager praised his “exemplary” work performance for which he has received accolades from his superiors and peers. In her role, she has the opportunity to observe Applicant on a consistent and regular basis. She has not witnessed Applicant consuming alcohol during company events where alcohol is available. She has not seen or heard of any instances where Applicant had been late to work, or appeared to be under the influence of any substance while at work. She proffered that Applicant has demonstrated a high level of humility, integrity, and strong work ethic. Without specifying the details of what he told her, she stated that Applicant took “full ownership” for “his actions while in the military” and the “poor decisions he made during that period in his life.” (Item 4 at 8; AE A)

Policies

“[N]o one has a ‘right’ to a security clearance.” (*Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988)). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” (*Egan* at 527). The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” (EO 10865 § 2).

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” (EO 10865 § 7). Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. (*Egan*, 484 U.S. at 531). “Substantial evidence” is “more than a scintilla but less than a preponderance.” (See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994)). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. (ISCR Case No. 92-1106 at 3, 1993 WL 545051 at *3 (App. Bd. Oct. 7, 1993)). Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. (Directive ¶ E3.1.15). An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. (ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005)).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” (ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002)). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” (*Egan*, 484 U.S. at 531; AG ¶ 2(b)).

Analysis

Guideline G (Alcohol Consumption)

The concern under this guideline is set out in AG ¶ 21: Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

The facts alleged in SOR ¶¶ 1.a through 1.f establish the following disqualifying conditions under this guideline:

AG ¶ 22(a): alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder;

AG ¶ 22(b): alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder;

AG ¶ 22(c): habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder;

AG ¶ 22(d): diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder;

AG ¶ 22(e): the failure to follow treatment advice once diagnosed; and

AG ¶ 22(f): alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder.

None of the following potentially applicable mitigating conditions under this guideline are fully established:

AG ¶ 23(a): so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment; and

AG ¶ 23(b): the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations; and

AG ¶ 23(d): the individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

The security significance of Applicant's 2004 DUI is brought current by his more recent 2016 DUI. Collectively, his DUIs and other alcohol-related incidents raise questions about his good judgment, reliability, and trustworthiness. Applicant's acknowledgment and acceptance of responsibility for his problems with alcohol were undercut by his minimizing explanations and excuses. Applicant reportedly abstained from alcohol while participating in SARP and the continuing care program. Upon his discharge from SARP, when he was diagnosed with severe alcohol use disorder, Applicant was advised to abstain from all alcohol consumption. While he asserted that he was committed to abstinence in May 2019, he reported that he was drinking three beers per week from 2017 through at least April 2018. In October 2019, he reported that he continued to "responsibly" consume alcohol and did not drive after drinking. I have doubts that Applicant has truly acknowledged and accepted his limitations with alcohol. Moreover, given his history, Applicant has not demonstrated a sufficient pattern of modified behavior for me to conclude that his excessive consumption of alcohol and the questionable judgment with which it is associated are behind him.

Guideline H (Drug Involvement and Substance Misuse)

The concern under this guideline is set out in AG ¶ 24:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any "controlled substance" as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

The facts and circumstances surrounding Applicant's marijuana use establish the following disqualifying conditions under this guideline:

AG ¶ 25(a): any substance misuse (see above definition);

AG ¶ 25(b): testing positive for an illegal drug;

AG ¶ 25(c): illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;

AG ¶ 25 (d): diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of substance use disorder;

AG ¶ 25 (e): failure to successfully complete a drug treatment program prescribed by a duly qualified medical or mental health professional; and

AG ¶ 25 (f): any illegal drug use while granted access to classified information or holding a sensitive position.

None of the following potentially applicable mitigating conditions under this guideline are fully established:

AG ¶ 26(a): the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

AG ¶ 26(b): the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to: (1) disassociation from drug-using associates and contacts; (2) changing or avoiding the environment where drugs were used; and (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility; and

AG ¶ 26(d): satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Any illegal drug use is troubling in the context of evaluating security worthiness. Had he not resumed marijuana use after 2007, Applicant could have demonstrated successful rehabilitation and mitigated any drug-involvement concerns. However, he not only resumed using marijuana while on active duty in the U.S. Navy, but also while he was in possession of a security clearance. Applicant was not candid about his marijuana use either with his command or during the security clearance process. The U.S. Navy discovered his marijuana use only after he tested positive during his intake for alcohol treatment. He was diagnosed with mild cannabis use disorder. Although abstaining from marijuana use was a requirement of his 12-month aftercare plan following his December

2016 discharge from SARP, he used marijuana in January and February 2017. Given his lack of candor, I question not only the frequency of the marijuana use that Applicant self-reported, but also the sincerity of his commitment to abstinence. The facts and circumstances surrounding Applicant's marijuana use continue to raise substantial doubts about his current reliability, trustworthiness, and good judgment.

Whole-Person Concept

Under AG ¶ 2(c), the ultimate determination of whether the granting or continuing of national security eligibility is clearly consistent with the interests of national security must be an overall common sense judgment based upon careful consideration of the adjudicative guidelines, each of which is to be evaluated in the context of the whole person. In evaluating the relevance of an individual's conduct, an administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

I have incorporated my comments under Guidelines G and H in my whole-person analysis, and I have considered the factors AG ¶ 2(d). After weighing the disqualifying and mitigating conditions under Guidelines G and H, and evaluating all the evidence in the context of the whole person, I conclude that Applicant has not mitigated security concerns raised by his of history excessive alcohol consumption and drug involvement. I am also troubled by Applicant's lack of candor with his command and throughout the security clearance process. Accordingly, Applicant has not carried his burden of showing that it is clearly consistent with the national interest to continue his eligibility for access to classified information.

Formal Findings

Formal findings on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline G:	AGAINST APPLICANT
Subparagraphs 1.a – 1.f:	Against Applicant
Paragraph 2, Guideline H:	AGAINST APPLICANT
Subparagraphs 2.a – 2.c:	Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national interest to continue Applicant's eligibility for access to classified information. Clearance is denied.

Gina L. Marine
Administrative Judge