



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



In the matter of:	)	
	)	
	)	ISCR Case No. 19-01402
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Bryan Olmos, Esq., Department Counsel  
For Applicant: *Pro se*

04/20/2021

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**Decision**

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CERVI, Gregg A., Administrative Judge

This case involves security concerns raised under Guideline E (Personal Conduct). Eligibility for access to classified information is granted.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) on September 10, 2015. On June 13, 2019, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline E (Personal Conduct). The DOD CAF acted under Executive Order (Exec. Or.) 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 *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), applicable to all adjudicative decisions issued on or after June 8, 2017.

Applicant responded to the SOR on June 19, 2019, and requested a hearing before an administrative judge. The Defense Office of Hearings and Appeals (DOHA) issued a

notice of hearing on February 12, 2020, for a hearing to be convened on March 26, 2020. The hearing was canceled due to COVID-19 restrictions. DOHA issued a new notice of hearing on November 5, 2020, and the hearing was convened on November 18, 2020, via video teleconference.

Government Exhibits (GE) 1 through 8 were admitted into evidence without objection. Applicant and two witnesses testified. Two other witnesses attempted to testify, but due to teleconference communications problems they were inaudible, however they submitted amended statements after the hearing. Applicant submitted Applicant Exhibits (AE) A through D, which were admitted without objection. DOHA received the hearing transcript on January 24, 2020. The record was held open to permit Applicant to submit additional documentary evidence after the hearing. He timely submitted AE E (updated statements and doctor's letter) and F (email), which were admitted without objection.

### **Findings of Fact**

Applicant is a 59-year-old technical writer for a defense contractor, employed since June 2015. Applicant previously worked for a different defense contractor from 2010 to 2013, but was terminated for insubordination. He received an associate's degree in 2003. He married in 1974, and has two adult children. He honorably served in the U.S. Navy from 1969 until he retired in 1989. He deployed six to seven times while on active duty. Applicant was last granted security eligibility in 2007.

The SOR alleges under Guideline E, that Applicant was terminated from employment in 2013 after showing an inability to control his temper, outbursts, leaving work without notice, and making a comment about "killing security guards." After accommodating him with work-from-home for 60 days, he returned to work and again engaged in disruptive behavior. (SOR ¶ 1.a) The SOR also alleges Applicant was evaluated in November 2018, by a licensed psychologist at the request of the DOD CAF, and he exhibited frustration and anger with the evaluator, and yelled so loud that the evaluator's colleague checked on them. The SOR alleges that Applicant's inability to regulate his emotions during the interview and disruptive and inappropriate behavior raise questions about his judgment and ability to properly safeguard classified and sensitive information. (SOR ¶ 1.b) Applicant denied the SOR allegations.

Applicant had disagreements with coworkers and management at his previous employment. Applicant's previous personnel manager noted the following incidents in a timeline from 2013:

- March: Applicant got angry at a coworker and walked off the job, and did not return in the following two days.
- April: Applicant was reported to be "very boisterous and disrespectful over the last few days." He was orally counseled.

- July: Applicant made comments about “killing security guards.” The incident was investigated and Applicant was warned to refrain from similar comments. (Discussed further below)
- July: Applicant became angry with his coworkers and left the worksite without notice (while on travel at another site). He returned two days later and then left again after making comments to the site supervisor that he was feeling unstable due to his new medications. A manager traveled to the site to meet with Applicant and his supervisors. Applicant noted that he was taking medication and his doctor was adjusting the dosage to counter some of his reactions. He stated that he understood his behaviors were uncalled for, and that he needed to rein them in if he was to continue working in his current position. Applicant was counseled that his outbursts had to stop and that if he needed to go home, he should speak to his supervisor.
- July: Applicant had some behavioral issues the following two days, and he left work the last time. The employer worked with Applicant and his supervisor to set up a 60-day work-from-home accommodation to allow Applicant to smooth out his medication issues and return to a normal work schedule.
- August: Applicant returned to the office and was “disrupting the other staff.” Applicant’s supervisor described it as “episode at work that ended with [Applicant] saying, ‘I f\*\*\*ing hate this job and this company.’ This resulted in a management agreement to end Applicant’s employment for insubordinate behavior.
- September: Applicant was not permitted back into the facility, and was terminated.

Regarding the alleged threat to kill a security guard, Applicant’s program manager noted in a July 10, 2013 email to management, that he was notified that an anonymous employee reported overhearing Applicant on an open-speakerphone call, make threatening comments about killing a security guard. He questioned Applicant about the incident. Applicant explained that the comment arose when a customer called Applicant to ensure that he was cleared to enter the facility so that he would not have to “kill a security guard.” Applicant responded to the customer that he was indeed cleared to enter and joked that the customer would not have to kill a security guard. He explained that it was just two retired military guys taking “trash” back and forth. The employer investigated the incident, and determined that the comment was overheard out of context. Applicant acknowledged that in today’s environment, he should not be talking in such a manner. Applicant was told to “watch his words.” The program manager closed the meeting with Applicant and was satisfied that there was no intended threat. The incident was “closed” with “no further action required.” Applicant’s testimony was generally consistent with this description, and claimed that a female employee that he had previous “issues” with, reported him after overhearing the conversation.

Applicant was first treated with Paxil for a mood disorder in 2003, after an auto accident. He began having trouble with stressful situations. His family doctor prescribed

the medication, with poor results. Between 2008 and 2013, he was treated using different medications. By 2013, Applicant acknowledged that his medication was not working well, and he had disagreements with coworkers. Applicant reported that the day he was fired, he notified his employer and left for an appointment with his psychiatrist. That afternoon, his office desk was cleared out and his possessions were mailed to his home. When he returned to work, he was not granted access. He consulted another doctor in January 2013, and as of July 2013, the doctor acknowledged treating Applicant for a mood disorder. (AE A-1) The doctor noted in a letter of September 2013, that he had been adjusting medications and continued to do so. (AE A-1)

Applicant noted that his former work environment was highly stressful because newly hired employees were not able to meet their work responsibilities. He voiced his disagreement with some of management's decisions, and had spoken "loudly" to a female employee with whom he had a conflict, but he said he was "never aggressive to her or yelled." He also claimed he never walked off the job without permission from his manager. However, he agreed that he was having emotional difficulties in 2013. He consulted a counselor on three occasions in 2013, but he stopped attending because he believed the counselor was flirting with him.

After being fired, Applicant remained out of work and stopped his medications for several months because they were not working and his stress level was low. Applicant began seeing a new family doctor in August 2015, who prescribed Applicant with alternate medications to regulate his mood.

The DOD CAF referred Applicant to a civilian psychologist (Dr. E) for an evaluation on November 28, 2018. Dr. E conducted a clinical interview with Applicant, and administered a personality assessment inventory (PAI). She also reviewed Applicant's background investigation, including information about his previous employment, and medical records. She also interviewed two of Applicant's current supervisors. She noted that Applicant was being evaluated for "insubordination at various places of employment" and interpersonal difficulties with coworkers. Also, she stated that "reportedly [Applicant] had multiple outbursts at work in 2013 and was overheard to have "threatened to kill a security guard." (GE 8)

Applicant described his mental health history to Dr. E, and noted that the combination of his current two medications was effective for managing his stress level. He described his interpersonal conflicts with coworkers and supervisors, and stated that he felt as though stress was piling up on him in 2013, and that he was not handling it well. He said he would vent by using sarcasm when speaking to coworkers. He noted that he was irritable at work, and the day he went to an appointment with his doctor, he was fired.

Applicant completed a PAI, which suggested that Applicant "did attend appropriately to item content and responded in a consistent fashion to similar items." Dr. E noted that the PAI suggested that Applicant responded in a "manner to portray himself as relatively free of the common shortcomings to which most individuals will admit," which could distort his profile and should be interpreted with caution as it may not represent an

accurate picture of his clinical functioning. Of note, Applicant did not produce elevations on any clinical scales, except a scale intended to measure attitudes toward personal, psychological, or emotional changes.” As such, individuals with similar scores may admit few difficulties and rigidly resist efforts to change the status quo, such as seeking counseling or treatment.

Dr. E questioned Applicant about the reported work incidents in 2013. Applicant became increasingly frustrated and asked Dr. E why he had to go through the evaluation. When Dr. E asked about the security guard incident, Applicant “became extremely angry with the evaluator. [Applicant] began yelling at a high enough volume that a colleague from down the hall came to the evaluator’s office to ensure everything was okay.” When asked about receiving two written warnings about his behavior by one of his employers, Applicant responded “that is a lie . . . No one said anything to me about having a problem.” Applicant noted that he was mostly frustrated when he had to pick up other people’s work, and claimed that he notified his supervisor when he had to leave work for “half a day if I needed to get out of there.” In testimony, Applicant acknowledged that he responded excitedly when Dr. E asked him why he lied on his security clearance application, to which he responded loudly, “I what?” His response showed his resentment to the accusation that he lied. At that time, someone else entered the room to check on them.

Dr. E noted that Applicant’s symptoms do not warrant an assignment of a DSM-5 diagnosis at that time. However, she noted concern for Applicant’s tendency to externalize blame, especially as it relates to his actions at work. She also noted he appeared to assume that his coworkers should learn to accept his attitude rather than considering that he could potentially change to accommodate his coworkers. Applicant felt persecuted by individuals at work, and he has limited insight into how his actions may have been perceived by others. She noted that Applicant’s inability to regulate his emotions during the course of a 1.5-hour clinical interview and psychological testing “appears to potentially be indicative of an underlying issue with anger management.”

Dr. E also noted that as a result of her interviews of Applicant’s current and former supervisors, that they did not report any concerns about his behavior or interpersonal interactions. His supervisors described him as a good employee that gets along well with his coworkers and supervisors, and they have not observed any problematic behavior during the preceding three years he was at the company.

Dr. E reasoned that because of Applicant’s previous decision to stop taking medication after being fired, and the varying degrees of effectiveness of his medications, Applicant’s behavior “deserves some further monitoring and attention.” She stated, “until he is able to gain additional insight through therapy, there is a chance of him displaying potentially problematic behavior at work.” She recommended Applicant begin treatment with an individual therapist to “address these issues and gain additional insight into his behavior.” She noted with active participation, his mental health prognosis is excellent.

In sum, Dr. E stated that Applicant’s behavioral history “suggests his judgment, reliability, and trustworthiness have the potential to be impaired,” however his recent

history shows that his interpersonal interactions “do not give cause for concern.” Dr. E noted that with “some insight-oriented therapy and psychoeducation regarding his medication, there would no longer be cause for concern regarding his judgment.” (GE 8)

In November 2019, Applicant’s family doctor noted in a letter (AE A-2) that Applicant had been under his care since 2015, for a mood disorder. He was taking risperidone (Risperdal) and escitalopram oxalate (Lexapro) for his condition, which had been controlled for over four years. Applicant visits his doctor every six months to review his medications. Applicant noted in testimony that his doctor does not recommend counseling, anger management, or other treatment. After reading Dr. E’s psychological evaluation, his doctor further noted in another letter dated November 20, 2020, that in his medical opinion, “Applicant’s previous treatment was mismanaged and now he is under great control with his current treatment. At this time, it is an option to undergo therapy but I do not feel it is necessary.” (AE E)

In his post-hearing submission, Applicant noted in an email dated January 7, 2021 (AE F), that after his hearing, he met with a counselor, Dr. MB, on four occasions. An online check of the counselor to which Applicant referred shows that Dr. MB, is a Licensed Professional Counselor and Supervisor near Applicant’s home (Dr. MB’s email address matches that in AE F). Dr. MB received his Bachelor’s Degree in Child Development and Family Relations from Brigham Young University; a Master’s Degree in Family and Human Development from Utah State University; and a Ph.D. in Clinical Psychology from the California School of Professional Psychology. He has practiced as a Marriage and Family Therapist and as a Licensed Professional Counselor since 1980. Additionally he has worked in an inpatient drug and alcohol rehabilitation hospital as the Clinical Supervisor, in an inpatient child/adolescent psychiatric hospital, and in a physical rehabilitation hospital. Dr. MB notes his areas of expertise to include counseling for “depression” and “anxiety.” Dr. MB’s webpage is appended to the record as Hearing Exhibit (HE) 1.

In AE F, Applicant stated that Dr. MB, “has advised me that I have a handle on myself and he no longer felt I needed to see him. My meetings with him were very fruitful, giving me a solid feeling that the things I was doing to deal with my disorder are working out.” Applicant included Dr. MB in the email, and gave permission for Dr. MB to speak with Department Counsel and me. Dr. MB did not respond to Applicant’s email and no independent report or letter was submitted from Dr. MB.

Applicant’s current manager, a retired U.S. Air Force veteran with a top secret, sensitive compartmented information (TS SCI) security clearance, and a coworker, testified on Applicant’s behalf. Two others agreed to testify, but because of communications issues during the video teleconference, they were unable to, and submitted updated character letters instead. Applicant’s manager noted that since 2015, when Applicant began working for his current employer, he has had daily contact with him as his task lead, supervisor, and now manager, and never observed any warning signs or cause for concern. He assigned Applicant to be a mentor to new personnel. Despite being from varying demographic groups and younger than Applicant, he has had a good

relationship with all. He described the position as moderately stressful, but Applicant has had no issues with working under those conditions. The manager noted in a letter that Applicant has exhibited exceptional patience and guidance, and is a trusted employee and mentor. He stated that because of Applicant's professional skills and dedication, Applicant has received numerous awards, merits, and a recent promotion.

Applicant's coworker testified that he was assigned to Applicant to be a mentor and works daily with Applicant since Applicant began at the company. The coworker was on the interview committee when Applicant was hired, was aware of Applicant's past issues, and had been looking for any signs of problems. He stated that he has never had a problem with Applicant, has never noted a threat, and that Applicant was a critical employee that never exhibited emotional outbursts or emotional problems. He noted that any outbursts or improper conduct would not be tolerated at his company. In a character letter, he also noted that Applicant was professional, responsible, dedicated, humble, and reliable. He said, "[Applicant's] interactions with coworkers make him a joy to work with, willingly providing assistance to others."

Two witnesses that were unable to testify, provided pre-hearing letters and post-hearing updates. One witness, Applicant's supervisor with 30 years of experience as a manager, supervisor and task lead, stated, "I have had the pleasure of working alongside [Applicant] for four years . . . where he has been and will continue to be entrusted with a great deal of responsibility." She described Applicant as pleasant, enthusiastic, and dedicated. She stated that, "I wish that all of my coworkers had his attitude." She updated her letter after the hearing, and noted that Applicant told her about his situation, and she was surprised that it occurred and she reflected back to when Applicant was hired in 2015. She was his task lead and then supervisor. Out of caution, she discretely asked other team members questions about their working relationship with Applicant. Everyone responded positively. She received similar feedback from other company groups and customers. She noted that, "I stand strong with [my] letter of recommendation and would not change a word. [Applicant] is one of my strongest workers and it would be a great loss to the team and company if the outcome is any less than positive." (AE E)

The other witness also described Applicant as reliable, dedicated, with "actions and skills above reproach." He said, Applicant is the standard when it comes to professional reliability. "Should a question arise as to [Applicant's] character, take it from me; he is without a doubt the most stable and dependable employee I have ever had on my team." The witness updated the letter after the hearing to include that he works with Applicant daily, and he is directly responsible for dolling out stressful tasks and shifting deadlines to Applicant. He said Applicant has handled all with ultimate poise and professionalism. "Since I desperately wanted my day in court to tell the judge how much of a joy working with [Applicant] really is on a daily basis, please accept this letter as any testimony in lieu of our . . . interaction in court . . . ."

Ten additional coworkers submitted letters in support of Applicant, attesting to his professionalism, generosity in the workplace, reliability, and consistently good behavior. Likewise, his performance evaluations also reflect his superior work, positive attitude, and

even the “rock” of the company. He was lauded for a “job well done” and recently promoted. His military career achievements were equally outstanding.

## 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.” *Id.* 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.” Exec. Or. 10865 § 2.

National security eligibility is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. 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 a person’s stability, trustworthiness, reliability, discretion, character, honesty, and judgment. AG ¶ 1(b).

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.” Exec. Or. 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. See, e.g., ISCR Case No. 12-01295 at 3 (App. Bd. Jan. 20, 2015).



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. See, e.g., 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; see, AG ¶ 1(d).

## **Analysis**

### **Guideline E; Personal Conduct**

AG ¶ 15 expresses the personal conduct security concern:

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.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying in this case. The following disqualifying condition is potentially applicable:

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but it not limited to, consideration of: . . . (2) any disruptive, violent, or other inappropriate behavior.

The personal conduct alleged is generally sufficient to implicate AG ¶ 16(d).

Conditions that could mitigate security concerns arising from incidents of personal conduct are provided under AG ¶ 17. The following are potentially applicable:

(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; and

(f) the information was unsubstantiated or from a source of questionable reliability.

I have considered all of the mitigating conditions under AG ¶ 17. Of note, Applicant's past difficulties with his medication and interpersonal differences with coworkers were resolved many years ago. Although his vocal differences with management, outbursts, and unscheduled absences from the workplace are inconsistent with the workplace environment, such behavior does not always give rise to a security concern. The company's documentation of Applicant's behavior in 2013 is less than thorough, and was not supported with a written investigation or witness statements. The allegation regarding a threat to a security guard was dismissed as innocent banter between friends on a speakerphone, was overheard by an employee that may have had an axe to grind, and was clearly taken out of context. The company concluded there was no viable threat or dangerous environment.

Applicant was counseled by his supervisor for his outbursts and leaving work unexpectedly, and was provided a work-from-home schedule to assist in alleviating his stress and to allow him to regulate his medication. On the day he was terminated, he had an appointment with his doctor. Applicant acknowledges that his medication regime was ineffective, which was corroborated by his current family doctor, and may have resulted in abnormal behavior in the workplace that impacted his ability to tolerate perceived poor work practices of coworkers and management. To his credit, he recognized his shortcomings and was proactive in attempting to find the correct balance in his medication.

His 2013 termination and the months to follow ended a difficult, emotional period for him, and Applicant was determined to recover. With a new physician, he was finally put on the right track with his medication regime, and he began to see an improvement in his outlook and ability to handle stress. He found new employment in 2015, and his performance, attitude, and behavior have been nothing but outstanding since. Of particular note is the strongly supportive testimony and letters from management and coworkers. They paint a picture of a solid, balanced, and productive employee over that past nearly six years, with no indication of emotional turmoil, intolerance, or inappropriate outbursts. On the contrary, his current employer has put Applicant in charge of teaching others and has recently promoted him. His performance evaluation adds additional support to the testimony of his coworkers.

Finally, Applicant's personal physician and counselor disagree with the recommendations of the DOD CAF consulting psychologist. I note that the psychologist's

report was less than convincing that Applicant's psychological condition was a security risk. Rather, she concluded:

symptoms **do not warrant** an assignment of a DSM-5 diagnosis; testing **appears to potentially** be indicative of an underlying issue with anger management; until he is able to gain additional insight through therapy, there is a **chance** of him displaying potentially problematic behavior at work; **with active participation**, his mental health **prognosis is excellent**; current and former supervisors **did not report any concerns** about his behavior or interpersonal interactions and they have **not observed any problematic behavior** during the preceding **three years** he was at the company; **history suggests** his judgement, reliability, and trustworthiness have the **potential** to be impaired; and recent history shows that his interpersonal interactions **do not** give cause for concern. (emphasis added)

Given Applicant's long track record of appropriate behavior, excellent interpersonal interactions, productive and reliable work history, and strong support from his current management and coworkers alike, I am persuaded that Applicant's prior emotional and employment history are well behind him. The most serious allegation involving threats to a security guard, were unsubstantiated, but nonetheless partially formed the basis for the consulting psychologist's conclusions.

Of note, Applicant attended counseling after the hearing as a sign of good faith, despite the recommendation by his personal physician that it was not necessary. Applicant noted the benefit he received from four sessions with the counselor, and stated that the counselor no longer believed it was necessary to continue treatment. There is no evidence that the behavior exhibited in 2013 has recurred, and Applicant has shown by his long-standing employment record with his current employer that he has successfully recovered. I find that Appellant's personal conduct issues no longer cast doubt on his current reliability, trustworthiness, and good judgment. AG ¶¶ 17(c), (d), and (f) apply.

### **Whole-Person Concept**

Under AG ¶¶ 2(a), 2(c), and 2(d), the ultimate determination of whether to grant national security eligibility must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d).

I considered all of the potentially disqualifying and mitigating conditions in light of the facts and circumstances surrounding this case. I have incorporated my findings of fact and comments under Guideline E in my whole-person analysis. I also considered Applicant's military and employment history, and the support from his current physician, counselor, employer, supervisors and coworkers. I am convinced that he has resolved

his personal conduct issues several years ago and has a solid track record of appropriate behavior, outstanding work performance and interpersonal skills in his current position.

### **Formal Findings**

Formal findings for or against Applicant 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 E:	FOR APPLICANT
Subparagraphs 1.a and 1.b:	For Applicant

### **Conclusion**

I conclude that it is clearly consistent with the national security interest of the United States to grant Applicant eligibility for access to classified information. Applicant's application for a security clearance is granted.

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Gregg A. Cervi  
Administrative Judge