



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



In the matter of:)
)
) ISCR Case No. 21-00867
)
)
Applicant for Security Clearance)

Appearances

For Government: Adrienne Driskill, Esq., Department Counsel
For Applicant: Jeremiah J. Sullivan, III, Esq.

January 27, 2022

Decision

GLENDON, John Bayard, Administrative Judge:

Applicant failed to mitigate security concerns regarding psychological conditions and alcohol consumption. Based upon a review of the pleadings, the documentary evidence, and testimony of Applicant and his witnesses, national security eligibility for access to classified information is denied.

Statement of the Case

On May 31, 2017, Applicant submitted a security clearance application (SCA). On May 27, 2021, the Defense Counterintelligence and Security Agency, Consolidated Adjudications Facility (CAF), issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline I (Psychological Conditions) and Guideline G (Alcohol Consumption). The CAF acted under Executive Order 10865, *Safeguarding Classified Information within Industry* (Feb. 20, 1960), as amended (Exec. Or.); Department of Defense (DoD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (Dec. 10, 2016), effective within DoD on June 8, 2017.

On July 30, 2021, Applicant responded to the SOR in writing (Answer), attached six documents to his Answer, and requested a hearing before an administrative judge of the Defense Office of Hearings and Appeals (DOHA). On September 10, 2021, the case was assigned to me. DOHA issued a hearing notice on September 15, 2021, scheduling the hearing for October 18, 2021.

I convened the hearing as scheduled. Department Counsel presented Government Exhibits (GE) 1 through 6. I marked the documents attached to Applicant's Answer as Applicant Exhibits (AE) A through F. Applicant and two witnesses testified. All exhibits were admitted without objection. DOHA received the hearing transcript (Tr.) on October 26, 2021. (Tr. at 15-18.)

Findings of Fact

Applicant's personal information is extracted from his SCA unless otherwise indicated by a parenthetical citation to the record. After a thorough and careful review of the pleadings, the hearing testimony, and the documentary evidence in the record, I make the following findings of fact.

Applicant is 43 years old. He enlisted in the U.S. Navy following his graduation from high school in 1996. He served in the Navy until 2005. He has worked as a mechanic for three U.S. Government contractors since 2006. He testified that he has never held a security clearance because he was never required to have one to access the military base at which he works. He now requires a clearance, and his current employer is sponsoring him to meet the requirements for base access. He has never married and has no children. In 2018, he purchased a home with the help of his parents, who live with him. (Tr. at 37-39, 88.)

Applicant has suffered from social anxiety since he was in high school. He began drinking alcohol when he was a senior in high school. He self-medicated with alcohol to try to control his anxiety. He has a history of drinking to excess followed by periods of sobriety. (Tr. at 41-42, 47-49.)

SOR Allegations

Paragraph 1, Guideline I - The SOR sets forth five allegations regarding Applicant's psychological condition. In his Answer, Applicant admitted the allegations with explanations. The details regarding each of the allegations under this adjudicative guideline (AG) are as follows:

1.a Mental health treatment from June 2009 to about March 2010 – By mid-2009, Applicant's anxiety "was out of control." He was drinking alcohol heavily at the time. He experienced additional stress due to an arrest for driving under the influence of alcohol (DUI) in November 2008 (SOR subparagraph 2.c). His relationship with his girlfriend was also causing him stress. From June 2009 to June 2010, he received outpatient mental health treatment for his anxiety. He was prescribed multiple medications for his condition.

His medical records note that he has a history of social anxiety disorder. (Answer at 2; Tr. at 48-49; GE 4 at 3; GE 6 at 20, 24, 29.)

1.b Involuntary mental health treatment beginning in August 2010, following an episode of anxiety and hallucinations – A couple of months later, Applicant was involuntarily hospitalized following an episode of anxiety and hallucinations. He reported hearing “many voices” saying they will “kill him.” He was using alcohol excessively at the time to self-medicate. Applicant was hospitalized after he searched in the area near his home looking for the sources of the voices. When he could not find them, he experienced suicidal thoughts and cut his arms several times. His roommate became concerned and called an ambulance. His therapist diagnosed Applicant with “depression/psychosis” and “alcohol induced psychosis.” When his involuntary commitment terminated, he continued voluntary inpatient treatment for about a week. He then continued with outpatient treatment until February 2011. He was prescribed medications for depression, but he did not want to stay on the drugs. He testified that his therapist at the time agreed that he should stop taking prescription drugs, and he did. He also stopped his treatment with his therapist due to his loss of insurance coverage because of a change of employers. At that time, he was not drinking alcohol. (Tr. at 50-59; GE 4 at 3; GE 6 at 10, 15, 16.)

1.c Mental health treatment from about July 2014 to October 2014 for a condition diagnosed as social anxiety – Applicant continued without counseling or medication until July 2014. He does not recall why he sought mental health treatment at that time. He testified that he might have been having difficulties with co-workers. He also admitted that he had started drinking alcohol in early 2014. He decided to seek treatment for his social anxiety. He did not explain why he stopped this treatment in October 2014. As discussed below, he was arrested and charged with his third DUI in October 2014. He stopped his mental health treatment that same month. (Tr. at 56-60, 71; Answer at 3.)

1.d Inpatient mental health treatment from March 2018 to April 2018 for alcohol detoxification and treatment for hallucinations – From October 2014 to March 2018, Applicant received no mental-health treatment, although he participated in an 18-month court-ordered alcohol program as a result of his October 2014 DUI. For a period prior to March 2018, he resumed using alcohol to self-medicate. He was under stress at work due to an allegation made against him by a female co-worker. In March 2018, he voluntarily admitted himself into a treatment facility for alcohol detoxification because he realized he was drinking “a little too much” and was starting to hear voices again, though he testified that the voices were not as loud as in 2010. He remained hospitalized for seven days and then was referred to an outpatient program for aftercare. According to the records, he was diagnosed with alcohol use disorder and alcohol withdrawal. He testified, however, that his use of alcohol was never discussed when he was hospitalized. He testified that he was only treated for social anxiety. He was prescribed medications and saw his physician monthly for several months and then once every three months. He returned to working a night shift at his job, which helped relieve his social anxiety. He believed that he no longer needed the medications. He did not like how they made him feel. He testified that the drugs made him lose his motivation. (Answer at 3; Tr. at 61-66, 85; GE 4 at 4.)

Applicant stayed on the medications, though, until March 2020, the beginning of the Covid-19 pandemic and restrictions on certain activities. He testified that the Covid-19 restrictions in his state made it difficult for him to obtain his medications. He was feeling better so he did not “fight” to get the drugs. He did not want to take the drugs for his anxiety. He testified:

[W]hen you have anxiety, you’re gonna get worked up at certain times and that’s the only times you need that medication and that’s the only - - you know, ideal medication, that would be the perfect time and it would just kick in and work and calm me down. But it does that constantly.

You take it every day so you’re calm and even calmer when you are already calm, so there goes your energy.

(Tr. at 76.)

After he stopped taking his medication in 2020, he began drinking again. He would drink a beer or two at home with his father. He stopped drinking two or three months prior to the hearing. He started going to the gym about the same time. He has not sought any counseling for his anxiety. Now that he understands that his job is at risk without a clearance, he does not intend to drink alcohol. He is dealing with his anxiety as best as he can. He admitted that he was extremely stressed learning about the date of the hearing in this case. Without medication or counseling, he does not have a specific plan for dealing with future stressful situations that cause him anxiety. He does better now with his parents living with him and working a night shift when there are fewer co-workers around him. He testified that drinking alcohol is not a good solution to his anxiety, though in a moment of complete candor, he admitted that drinking helps temporarily after a day full of stress. He testified that it was not difficult for him to stop drinking in the past. He claimed that drinking is not an important part of his life. He further testified that if he cannot deal with his anxiety, he has no problem seeking help from a mental health counselor “as long as they’re not trying to push medication.” He also admitted that he has never been given the option to participate in extended periods of individual counseling for his mental health condition. (Tr. at 66-73, 86-92.)

1.e November 2020 mental health evaluation by a licensed psychologist with a diagnosis of social anxiety disorder and alcohol use disorder, mild/moderate – The CAF requested Applicant submit to a psychological evaluation in connection with his application for a security clearance. The evaluation by a licensed psychologist took place in November 2020. The psychologist diagnosed Applicant with social anxiety disorder and alcohol use disorder, mild/moderate. He noted that Applicant “has suffered from anxiety since adolescence, which has developed into a disorder.” The psychologist noted in his prognosis that “medication treatment has largely been ineffective and [Applicant] had not exhibited a pattern of stability outside of working during the night shifts.” The psychologist concluded his prognosis with the following opinion: “[Applicant’s] judgment and reliability are clearly impacted by his diagnoses.” Applicant offered no professional opinion about his mental health in response to the opinion of the Government’s psychologist. Applicant’s

counsel noted though that the Government's expert had not discussed Applicant's case with his work colleagues who know him well. (Tr. at 104; GE 6 at 4-6; Answer at 3.)

Paragraph 2, Guideline G - The SOR sets forth seven allegations regarding Applicant's alcohol consumption. In his Answer, Applicant admitted the allegations, with one exception (SOR subparagraph 2.e), and provided additional information. The details regarding each of the allegations under this adjudicative guideline (AG) are as follows:

2.a Consumed alcohol, at times in excess and to the point of intoxication, from 1996 to at least November 2020 – Applicant began drinking alcohol on the day of his graduation from high school in 1996. He drank excessively and blacked out. After he enlisted in the Navy, he started binge drinking following his initial training when he was 19 or 20 years old. He continued on and off drinking, often to the point of intoxication, until two or three months prior to the hearing. He has also had extended periods of sobriety over the past 25 years, typically while he was participating in court-ordered classes and while seeing a therapist. (Tr. at 66-74; GE 2 at 4-5; Answer at 4.)

2.b November 2002 arrested for DUI – Applicant's first of three arrests for DUI occurred in November 2002. His BAC was .15%. He was convicted and sentenced to attend an alcohol education class and six months of Alcoholics Anonymous (AA) meetings. Applicant was uncomfortable in the group setting of AA meetings, and he did not have a sponsor. He was also sentenced to five years of probation and fined. He completed all of the requirements of his sentence. (SCA at 32; Tr. at 75-76; GE 3 at 3; GE 4 at 2; Answer at 4.)

2.c November 2008 arrested for DUI – After the completion of his probation, Applicant was arrested again for DUI. His BAC was .24%. He was again convicted. The court sentenced Applicant to serve four days in jail and five years on probation. He was also ordered to attend an 18-month DUI program and AA meetings and was fined. His driver's license was suspended for one year. (SCA at 33; Tr. at 76-77; GE 2 at 5; GE 3 at 3; GE 4 at 2; Answer at 4.)

2.d October 2014 arrested for DUI – Prior to his third DUI arrest, Applicant was drinking alone at his residence when his girlfriend arrived. He was drinking alcohol to relieve stress and anxiety. He had completed his probation from his second arrest. He had an argument with his girlfriend and left the home in his car. His vehicle hit a telephone pole and stopped. The police arrived and arrested him. He was convicted and sentenced to serve four days in jail, to attend an alcohol education program, and an 18-month counseling program. He was also ordered to attend AA meetings. He was again sentenced to serve five years on probation and was fined. He was on probation at the time he submitted his application for a clearance. (SCA at 29-31; Tr. at 77-78; GE 2 at 4; GE 3 at 4; GE 4 at 2-3; Answer at 4.)

2.e February 2015 arrested for DUI – The FBI report for Applicant in the record lists a DUI arrest of Applicant on February 13, 2015. Applicant testified that this information is incorrect and that he was not arrested for DUI a fourth time. The record

contains no additional evidence to establish that the Government's evidence is correct. (Tr. at 78, 82-83; GE 2 at 4; GE 3 at 4; Answer at 4.)

2.f Subparagraph 1.e, above, cross-alleged under Guideline G – As noted, the psychologist's diagnosis of Applicant included "alcohol use disorder, mild/moderate." In his Answer, Applicant's attorney wrote that Applicant "does not dispute his diagnosis and recognizes that the consumption of alcohol places his judgment and reliability at risk." The psychologist viewed Applicant's history of alcohol use as "likely a form of self-medication for his anxiety." He commented further that Applicant's "previous alcohol use was likely significant enough to warrant a 'severe' modifier," rather than "mild/moderate." He noted Applicant's three DUI convictions and repeated periods of probation. In his prognosis, the psychologist concluded that Applicant continued to drink alcohol even though Applicant "recognizes that alcohol may have a deleterious effect on him." He wrote further:

[Applicant] continues to consume alcohol and while this may be a response to his heightened anxiety, it still places him at risk and likely hinders his engagement in treatment that could actually produce a sustainable effect. As such, [I] believe that [Applicant's] judgment and reliability are clearly impacted by his diagnoses.

(Answer at 5; GE 4 at 6.)

2.g Continued drinking of alcohol, notwithstanding treatment for a condition diagnosed as alcohol use disorder, as set forth in subparagraph 1.d, above – In his July 2021 Answer, Applicant's attorney wrote that Applicant is committed to a life of sobriety. Applicant had advised the psychologist in November 2020 that he had reduced his drinking to weekends. He also reported that he no longer consumes stronger alcoholic drinks. The psychologist correctly noted that Applicant had advised the background investigator who conducted his security clearance interview in April 2018 that he would never consume alcohol again. In the investigator's interview report, Applicant stated that he has sought professional help to make sure that he does not drink again. Applicant also testified that he was never ordered by a court to remain sober and that sobriety was never a requirement of the DUI programs that he was required by three courts to attend. He stopped drinking on his own during the periods of the three mandatory DUI classes. (Answer at 5; Tr. at 79-80; GE 2 at 4; GE 4 at 3.)

Mitigation and Whole Person Evidence

Since 1996, when he was a Navy enlistee, Applicant has performed the same or similar work. He is proud of his skills and work ethic. His current and former supervisors praised his work and dedication to his job as a civilian contractor for the military. They have never experienced any difficulties due to Applicant's consumption of alcohol or due to his mental health issues. He has always been reliable. Other co-workers noted in letters appearing in the record Applicant's positive attitude and commented that he effectively

trains less experienced employees. His team lead wrote that Applicant “is an exemplary employee and individual.” (Tr. at 19-35; AE C-F.)

Applicant provided his DD 214, which reflects that he was awarded several medals and ribbons during his nine years of military service. He noted proudly on his resume, which is also in the record, that he received a Letter of Commendation from his squadron in 2005 and a Letter of Appreciation from his Commanding Officer in 1998, as well as two achievement medals. (AE A at 3; AE B.)

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.

Eligibility for a security clearance 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 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.

Adverse clearance determinations 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. *See 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 ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 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.

Analysis

Paragraph 1, Guideline I

The security concern under this guideline is set out in AG ¶ 27 as follows:

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. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counselling.

The following potentially disqualifying conditions under AG ¶ 28 could apply to the facts of this case:

- (a) behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors;
- (b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness;
- (c) voluntary or involuntary inpatient hospitalization; and

(d) failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including, but not limited to, failure to take prescribed medication or failure to attend required counseling sessions.

AG ¶ 28(a)-(c) have been established by the facts of this case. AG ¶ 28(d) has not been fully established by direct, clear evidence of a treatment plan that Applicant has failed to follow. Due to Applicant's dislike of the various medications that have been prescribed for him since 2009, he has not consistently taken the medications and is not presently taking any medication for his mental health condition. The record evidence, however, falls short of establishing this disqualifying condition, though Applicant's refusal to take prescribed psychiatric medications raises a security concern given his long-time psychiatric condition.

The guideline in AG ¶ 29 contains five conditions that could mitigate security concerns arising from psychological conditions. Four of these mitigating conditions have possible applicability to the facts of this case:

(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 amenable 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; and

(d) the past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability.

AG ¶ 29(a), (b), and (c) have not been established. Applicant is not currently in treatment and has no treatment plan. He has not provided a favorable prognosis by a duly qualified mental health professional. The only opinion of a duly qualified mental health professional in the record is that of the Government's expert, whose opinion supports disqualification under AG ¶ 28(b).

AG ¶ 29(d) is not established. Applicant's social anxiety has been a lifelong condition that has not been resolved by medication or mental health treatment. Applicant continues to show indications of emotional instability. In November 2020, the Government's expert mental health professional determined that Applicant's anxiety

impacts his judgment and reliability. In 2018, Applicant voluntarily admitted himself for treatment in part due to experiencing hallucinations for the second time in his life.

Paragraph 2, Guideline G

The security concern under this guideline is set out in AG ¶ 21 as follows:

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 Government's evidence and Applicant's admissions established the following conditions under AG ¶ 22 that could be disqualifying:

(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;

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

(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;

(e) the failure to follow treatment advice once diagnosed; and

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

AG ¶ 22(a)-(d) have been established by the facts found above. AG ¶¶ 22(e) and 28 (f) have not been fully established by the record evidence. There is no evidence in the record that Applicant ever received treatment advice that he should abstain from drinking alcohol, though it is hard to imagine that any responsible alcohol abuse counselor would not have given him such advice under the circumstances set forth in the record. The record establishes that Applicant has been diagnosed with alcohol use disorder and that until recently, he continued to drink alcohol, which in the past has led to arrests for DUI and hospitalizations. The fact that Applicant continued to drink alcohol until he was put on notice that his eligibility to continue at his job was in jeopardy due in part to his continued consumption of alcohol is an important fact in this case. It raises the possibility that if he were to be granted a clearance, he may no longer remain abstinent with the related problems his drinking has caused him in the past.

The guideline in AG ¶ 23 contains four conditions that could mitigate security concerns arising from alcohol consumption. Each of these mitigating conditions have possible applicability to the facts of this case:

(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;

(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;

(c) the individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and

(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.

AG ¶ 23(a) is not established. Applicant's last known abuse of alcohol in 2018 was not so long ago that it can be concluded with confidence that it is unlikely to recur. Applicant has a history of abstinence followed by periods of excessive drinking. On three occasions his excessive drinking resulted in the exercise of poor judgment when he drove under the influence of alcohol and was arrested. Applicant's history of self-medicating with alcohol, and his alcohol consumption until recently, casts doubt on his current reliability, trustworthiness, and judgment.

AG ¶ 23(b) is only partially established. Applicant has acknowledged his pattern of alcohol abuse and has sought counseling for his mental health condition and his alcohol use disorder. He has not provided evidence of actions taken to overcome this problem aside from claiming an intent to remain sober at the time of his interview in 2018 and again in 2021 at the hearing. He has not demonstrated a clear and established pattern of abstinence or modified consumption nor has he acknowledged receiving any treatment recommendations for his alcohol use disorder.

AG ¶ 23(c) is only partially established. Applicant has participated in voluntary and court-ordered alcohol counseling for many years. He is making progress, but his history of treatment and relapse is significant. He is not presently participating in a treatment program. His strong employment history over a number of years is not sufficient to satisfy his burden to show that he is making satisfactory progress at this time.

AG ¶ 23(d) is only partially established. Applicant established that he received treatment when he admitted himself voluntarily for detoxification in 2018, but he has not admitted that the treatment was for his alcohol use. Moreover, he has not provided evidence of any required aftercare or demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Whole-Person Analysis

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. In applying the whole-person concept, an 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 and applying the adjudicative factors in AG ¶ 2(d), specifically:

- (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 I and G in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Overall, the record evidence as described above leaves me with doubts as to Applicant's eligibility and suitability for a security clearance. After weighing the applicable disqualifying and mitigating conditions and evaluating all of the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by his psychological conditions and alcohol consumption.

Formal Findings

Paragraph 1, Guideline I:	AGAINST APPLICANT
Subparagraphs 1.a through 1.e:	Against Applicant
Paragraph 2, Guideline G:	AGAINST APPLICANT
Subparagraphs 2.a through 2.d:	Against Applicant
Subparagraph 2.e:	For Applicant
Subparagraphs 2.f and 2.g:	Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national interests of the United States to grant Applicant national security eligibility for a security clearance. Eligibility for access to classified information is denied.

John Bayard Glendon
Administrative Judge