



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



In the matter of:	)	
	)	
	)	ISCR Case No. 20-01950
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Brittany White, Esq., Department Counsel  
For Applicant: Mark S. Zaid, Esq.

01/25/2022

**Decision**

MASON, Paul J., Administrative Judge:

Applicant’s regular history of non-contact sexual interaction with Filipino women on social media websites between 2009 and the fall of 2017 raises judgment issues and could subject him to undue influence and coercion. Guideline D has not been mitigated. Eligibility for security clearance is denied.

**Statement of the Case**

On March 2, 2019, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) seeking security clearance eligibility required for a position with a defense contractor. After an investigation, the Department of Defense (DOD) Defense Counterintelligence Security Agency (DCSA) could not make the affirmative findings required to grant a security clearance. DCSA issued Applicant a Statement of Reasons (SOR), dated December 10, 2020, detailing security concerns raised sexual behavior (Guideline D) and foreign influence (Guideline B). The action was taken under Executive Order (E.O.) 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) effective in the DOD on June 8, 2017.

Applicant provided his unsworn declaration on January 6, 2021, and requested a hearing. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on July 20, 2021, for a hearing on September 17, 2021. The hearing was held as scheduled. The Government's five exhibits and Applicant's 12 exhibits (AE A-L) were admitted into evidence without objection. (Tr. 11-13) The record in this case closed September 27, 2021, when DOHA received the transcript.

### **Rulings on Procedure**

At the beginning of the hearing, Applicant moved to amend the SOR by striking the word "extramarital" from subparagraphs 1.a, 2.a, and 2.b (incorporating 1.a by reference). (Tr. 14-15) Department Counsel had no objection to striking the word from the three subparagraphs. I granted the motion. (Tr. 16)

Applicant also moved to strike subparagraph SOR 1.b entirely. In his motion, Applicant asserted that "addictive masturbation" is not defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM). Department Counsel opposed the motion contending that the Government's case-in-chief would establish the addictive nature of applicant's masturbation. Having read the psychologist's report, reviewed the testimony of the psychologist and Applicant, and carefully examined the September 2019 PSI, I denied the motion to strike SOR 1.b. (Tr. 158) However, regarding the second prong of the allegation "pornography viewing for sexual gratification," it should be stated that there is no law prohibiting the viewing of pornography for sexual pleasure in the privacy of one's home.

Department Counsel moved to amend SOR 1 by adding SOR 1.c that reads as follows: In March 2021, the Applicant's psychologist diagnosed him as having a compulsive sexual behavior disorder. (Tr. 20; AE H at 6) Though not recognized by the DSM, the condition is identified in Revision Number 11 of the International Classification of Diseases (ICD-11), and is viewed as an impulse control disorder. Applicant did not object and the motion as stated by Department Counsel regarding SOR 1.c was granted. (Tr. 20-22) At the end of the hearing, Applicant modified his earlier position regarding the SOR 1.c allegation because of the expert's updated diagnosis (between July and September 12, 2021) where she noted "At the current time, his self[-]report indicates that his Compulsive Sexual Behavior disorder is in remission." See AE H at 6. Department Counsel objected to the modification as not supported by the evidence. (Tr. 158-159) I interpret Applicant's remarks as a denial of SOR 1.c. because it does not include the words "in remission." The diagnostic impressions of the expert will be weighed and balanced against the testimonial and documentary evidence to determine whether the "remission" term is justified.

Department Counsel also moved to amend the SOR by adding a separate paragraph (SOR 3.a) under Guideline E (personal conduct). SOR 3.a reads as follows: Applicant's conduct alleged under SOR paragraphs 1 and 2, also represents poor judgment, lack of candor, and rule violations under Guideline E. Applicant objected to the proposed addition of Guideline E because his conduct is specifically covered by the Guidelines D and B. I denied the motion as I believe Applicant's conduct is already addressed by Guidelines D and B of the SOR. (Tr. 21-24)

### **Findings of Fact**

The SOR alleges sexual behavior (Guideline D) under SOR 1.a, 1.b, and the added 1.c. allegation. Applicant admitted SOR 1.a by engaging in conversations of a sexual nature between 2009 and October 2017. He also admitted paying for professional webcam services involving American women and other women of unknown nationalities. Applicant denied SOR 1.b alleging that he engaged in addictive masturbation or illegally viewed pornography for sexual gratification. As to SOR 1.c, Applicant denied the allegation as stated by Department Counsel. See Tr. 20-22. He admitted the updated July 2021 diagnosis of the psychologist which indicated the compulsive sexual behavior disorder was "in remission." (Tr. 159)

The SOR alleges foreign influence (Guideline B) under SOR 2.a and 2.b. In response to both allegations, Applicant incorporated his responses to SOR 1.a and 1.b. He admitted that under SOR 2.a, while holding a security clearance from 2009 through 2017, he provided approximately \$200,000 through an electronic commerce system or webcam websites to citizens and residents of the Philippines or other individuals of unknown nationalities. Except for his use of the webcam model websites, he denied the money he paid for the online activity with the Filipino women was a condition of engaging in any type of sexual activity. He denied he had physical relationships with any of the women at issue.

Applicant is 56 years old. He married his wife in 1995 and has two children under 18 years of age. (GE 1 at 19-20) He identified his au pair as being his only foreign contact in the last seven years. (GE 1 at 26-28) Applicant explained in his vitae (AE A) that since 2004, he has been employed as a government relations manager. Recently, his employer was purchased by another company. He is currently employed as a translator, working with engineers within his company to improve a government agency's systems and functionality. He has held a security clearance since 2009 without any security issues. (GE 1 at 11; Tr. 61-62)

### **Expert's Psychological Evaluation and testimony**

Prior to the expert's testimony, the parties stipulated to her qualifications to testify at the hearing about her psychological evaluation and diagnosis of Applicant. (Tr. 13-14) See AE H and I. She has a PhD in clinical psychology and a neuropsychological degree. Over the years, she has been asked security clearance questions concerning

four or five of her clients. Since 2017, she has been clinical assistant professor at a local university teaching doctoral students and supervising student therapy caseloads and seminars. The expert has been in private practice since 1995, conducting therapy at every age level, administering psychological testing and making neuropsychological assessments. (AE I) The expert believes that she has a very good understanding of the trustworthiness required by an individual who possesses a security clearance. However, she has never been involved in the evaluation of a person's suitability for a security clearance. While she had no specific training in compulsive sexual behavior, she has done some research on the condition. (Tr. 28-30, 32, 44)

Before consulting with Applicant, the expert reviewed the SOR and Applicant's answer, his September 2020 answers to DOHA interrogatories (GE 2), the affidavit (AE G) of Applicant's wife (the affidavit is dated the same day as the expert's psychological evaluation). The expert's diagnosis of Applicant is based on her virtual consultation with him on two occasions in March 2021, which included the administering of three psychological tests, and a face-to-face July 2021 interview resulting in her written psychological evaluation dated September 12, 2021. (AE H) Her initial diagnosis of Applicant in March 2021 was compulsive sexual behavior founded on his "persistent inability to control his sexual impulses which resulted in recurring sexual behavior." (AE H at 6) He told the expert that his wife was not happy with his behavior. (Tr.31-34, 48)

The expert provided an explanation for the portion of her diagnosis indicating Applicant's condition was "in remission." She rendered this diagnosis on an unknown date between July 10, 2021 and the September 12, 2021, the date of her report. As the expert explained, individuals with addictive behaviors can often stop the behaviors just as alcoholics who have abstained from alcohol use for a period of time. Based on her clinical judgment and the honesty that Applicant demonstrated in his answers to her questions, together with the three psychological tests, the expert opined that Applicant's compulsive disorder was "in remission." She believed he stopped his behavior when he discovered in 2017 that it would cause a problem for him professionally. Even if Applicant's condition was still in an active status, she opined that he would safeguard national security information and not be susceptible to blackmail because his wife was aware of his sexual behavior. Though there is a possibility the behavior could reappear, the expert believed that the behavior was not active presently. (Tr. 33, 35-37, 46)

The expert has never seen the terms "addictive masturbation" in the psychological literature. Applicant indicated to her that his watching pornography and online sexual interactions "gradually became a habitual activity which he pursued several times a week." Applicant approximated to the expert that he interacted with about 200 women between 2009 and 2017. (AE H at 3) The expert is aware of the need for additional research into pornography addiction and compulsive sexual behavior. In her view, the frequency of addictive activities is not as important as whether someone is having trouble controlling it and whether it interferes with personal, professional, and familial areas of an individual's life. The expert reiterated that although she believed Applicant had stopped the activity when he realized the potential adverse connection to

his job, and even though the tests she administered indicated Applicant's honesty about the sexual activity, it was hard for her to predict whether his compulsive sexual behavior might restart in the future. The expert does not believe that Applicant has a condition that could affect his judgment and reliability. (Tr. 36-41)

In her earlier testimony, the expert identified the documents that she reviewed before her consultations with Applicant. She did not review GE 4, the online payment systems record that Applicant used to pay the Filipinos between 2009 and 2017. She did not review any of Applicant's medical records. Rather, she relied on Applicant's responses during their consultations and her clinical judgment. She was not aware of treatment that Applicant had in 1999 for masturbation. She was not sure that Applicant told her about his marriage counseling in 2017 or 2018. She did not meet with Applicant's wife. (Tr. 48-51)

Continuing with the subject of therapy or counseling, the expert was not aware that Applicant received any therapy or counseling after she began seeing him in March 2021. She testified that she and Applicant intended to meet "some additional times" after their meeting on July 10, 2021, but she caught the Covid-19 virus on July 26, 2021, and was ill for over six weeks. (Tr. 55) Even though Applicant did not follow up on the expert's recommendation for psychotherapy to address his underlying issues, she declined to withdraw her remission diagnosis because Applicant convinced her that he had stopped the behavior. She again equated Applicant's remission status to an alcoholic who no longer needs treatment to continue abstinence. (Tr. 54-56; AE H at 6)

Applicant told the expert that the interaction with the Filipinos, which sometimes was only conversation and sometimes conversations with sexual activity, would occur for about two or three hours in the evening in his room after dinner. The expert testified that Applicant told her that his daughter's discovery of the internet webcam activity in 2019 prompted him to stop his behavior. (Tr. 52-53)

### **Applicant's September 2019 PSI and testimony**

Applicant testified that none of his pornographic activities involved underage individuals or other activities listed in his September 24, 2019 affidavit to the Government. None of the activity occurred in the work place on government or work computers. None of the activity involved physical contact with third parties. Applicant never provided any videos or photos to others. He never supplied his real identity or employment to any of the females he interacted with. (Tr. 63-65, 86,104; GE 3)

At some time before 2009, Applicant was online and began viewing a social media chatroom designed for groups. Early into this activity, he would just listen and not post comments. He switched to private conversations where he would send a message to a person that no one else could view. Interacting individually was exciting for Applicant because he could actually see and talk to someone located far away. (Tr. 66-71)

Applicant initially gave money to American women from pornography web sites for sexual activity between 1999 and 2009, but he could not remember the dates nor the number of women. (Tr. 98-99) (This conduct was not alleged in the SOR. It will be addressed in assessing Applicant's overall credibility and in the whole-person section of this decision.) He indicated that he changed from American to Filipino women in 2009 because of his concern for randomly seeing the same American woman in public after giving her money online. The geographical location of Filipino women made Applicant feel that there was less risk of randomly seeing a gifted Filipino again in public. (Tr. 99-100) When he began speaking individually to the Filipino women in 2009, he quickly learned that they were searching for compensation which increased their flirtatious activity with him, including showing more of their bodies to him. Applicant's interaction with the females increased after he replaced one social media network with another. From 2009 to the fall of 2017, he conducted the online activity between about 11 p.m. and the early morning hours. This was his way of relaxing in a secured room with an alcoholic drink. Early on during these conversations, Applicant did not believe the women knew he was masturbating, but as time passed, he believed that most of the Filipino women became aware. (Tr. 66-71, 97-99, 107)

Most of the conversations that Applicant had with the Filipinos were about various aspects of their lives, including their lack of money, a job, groceries, or transportation. Applicant became happy when he saw how pleased the Filipino women became upon receiving his gifts of money. The more money he gave to them the happier they became. Masturbating and having a drink enhanced Applicant's joy. A sizeable part of the time when he supplied money to the women, he masturbated. Throughout his activity with the Filipino females, Applicant recalled none of them having any ties to the Filipino government, the military, or the intelligence agencies. None of the women raised questions about Applicant's employment. (Tr. 73-74, 76-78, 110)

The total amount of money that Applicant gave to the Filipino women from 2009 to 2017 was about \$200,000. See GE 4. These recurring gifts had no impact on his US financial assets. His aggregate US income from 2009 through 2017 was approximately \$1,915,000. His US net worth as of September 2021, including real property, investments and retirement accounts, is over \$4,000,000. (Tr. 78-80) See AE D, AE E.

Applicant maintained that his last sexual conversations and activities with Filipino women were in 2017, and his last live web cam activity with other women was in 2019. When asked why he did not report the Filipino contacts to his facility security officer (FSO), he mentioned his foreign-born wife and her family, and then stated he considered the Filipino contacts (involved in the sexual interaction) as being superficial and not serious, even though he interacted with one Filipino female for two years. See *also* GE 3, a list of 30 Filipino women that he selected from the online payment systems account he used to pay the Filipino women. Because he has foreign contacts at his job all the time, he does not report every foreign contact to his FSO, it is just a certain segment of foreign contacts. (Tr. 105-106, 148-149) Applicant never received any security training about interacting with foreign or domestic females. (Tr. 83-85)

In September 2019, Applicant was asked what he meant when he stated the words “addictive masturbation” to the OPM investigator. His first response to the question did not seem to demonstrate an understanding of the question. In his second response, he explained that he enjoyed masturbating and analogized the behavior to eating chocolate or a slice of cake. Then he stated that the addiction extended to giving money as well. Once he learned the sexual activity had negative national security implications, he had no trouble stopping the behavior. He did not feel withdrawal symptoms that a smoker might experience after he quit smoking. (AE 5 at 10; Tr. 89-91, 143) After the electronic payment records system (GE 4) discontinued his account in the fall of 2017 for paying the Filipino women because of their policy prohibiting their service from being used for sexual purposes, Applicant had no trouble stopping the activity, and did not understand why the expert diagnosed the activity as compulsive. He stopped the web cam activity in 2019 when his daughter found the hidden browser he was using to conduct the web cam activity with the models. (Tr. 91-92)

Applicant indicated that he shut down two other network platforms and all online pornographic activity within the same month in 2019. After the discovery, he stated that he talked with his family. A few days later he contacted his security office and did some research online where he found the sexual activity was a concern to the Government. (He did not testify about what he said to the FSO.) He indicated that he deleted everything on the computer and talked to his wife. He did not intend to get involved in this type of sexual activity in the future. Although he resumed visiting other social media platforms, he would not have interaction as he had in the past. Currently, his primary social media platform prohibits nudity. If someone tries to pressure him, he will notify the authorities and probably talk with his wife. Applicant talked about therapy with the expert and is willing to participate in therapy if the Government believes it will make a difference. (Tr. 92-94, 136-137, 146)

In 1999, Applicant’s wife discovered he masturbated and they agreed that he participate in counseling. He continued with counseling for about four years, but his wife resisted his efforts to continue therapy to improve their marriage. He did not inform the expert of his 1999 counseling. Sex issues and intimacy, at least since 2010 or 2011, have been the central issues of dispute throughout the marriage. In 2017 or 2018, Applicant and his wife attended marriage counseling that focused on sexual issues. The counseling lasted about two years. On the recommendation of the counselor, his wife attended additional counseling, but he did not participate. Though he viewed the counseling as beneficial, the therapy did not resolve their sexual issues. He did talk to the expert about the marriage counseling, though she did not seem to recall whether the subject was discussed. (Tr. 80-82, 123-130, 144-145, 151)

Since 2019, Applicant considers his relationship with his wife has improved. There appears to be more physical contact and fewer arguments. She is helping him more and their communication is better. He believes that she enjoyed two vacations they took together recently. Otherwise, the record does not reveal any lifestyle changes since he stopped giving money to the Filipinos in 2017. (Tr. 84-85, 149)

## **Affidavit of Applicant's wife about his sexual activity**

In an affidavit concerning her knowledge of Applicant's sexual activity online and the status of their marriage, Applicant's wife indicated she reviewed the SOR. She signed the affidavit on September 12, 2021, however a draft of the document was generated about nine months earlier in 2021. (Tr. 153-155; AE G) Applicant prepared part of the document and his wife made changes. She was not at the September 2021 hearing because she was not pleased with his online sexual activity. She initially did not want to sign the document until he explained to her that the Federal Government would want a statement from her. The affidavit represented a compromise. His wife, according to Applicant believed that he deserved the government action (security clearance investigation) that was being taken against him. (Tr. 82-83, 152-155)

In Applicant's wife's September 2021 affidavit (AE G), she explained that she has been married to Applicant for 25 years. She indicated she knows Applicant better than any other person and, "despite the allegations in this case, I still feel like I know [Applicant] very well." He is a trustworthy husband and a responsible family man. Applicant's wife stated she was offended by his behavior and contrary to everything else in their life. His behavior caused marital stress that they both needed to reconcile. Applicant's wife does not believe that his social media conduct could be used to pressure or coerce him, or jeopardize his judgment or ability to safeguard classified information. The last two lines of paragraph 7 appear to be in a different font than the other areas of the affidavit. See AE G. The credibility of the affidavit is diminished by Applicant's participation in creating the document and the interest Applicant's wife and Applicant have in the outcome of the case. Though she avers that she is aware of the contents of the SOR, she never discussed what the behavior was or the large amount of money Applicant distributed to at least 200 Filipino women in the eight-year period. She did not mention when Applicant's gifting terminated. His wife's initial reluctance to sign the affidavit cannot be disregarded either.

## **Character Evidence**

Applicant's performance evaluations for 2009-2010, 01-2010 to 12-2010, 2013, 2014, 2015, and 2020, "exceeded expectations," or were "extremely proficient." (AE B) The pay bonus award records show that Applicant received yearly pay awards for 2011 through 2018. (AE C) Applicant's yearly income increased from \$183,000 in 2009 to \$297,000 in 2017. (AE D) His net worth on September 13, 2021 was \$3,643,200. (AE E)

Applicant submitted three exhibits describing the essential characteristics of another social media network. Unlike other sexual webcams, this application is free to watch and anyone can present any theme as long as it is presented legally, ethically, and in line with management's terms. (AE J, K, L)



## **Policies**

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. These guidelines are flexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied together with common sense and the general factors of the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. The protection of the national security is the paramount consideration. AG ¶ 2(d) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion in seeking a favorable security decision.

## **Analysis**

### **Guideline D: Sexual Behavior**

AG ¶ 12. Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

AG ¶ 13. Conditions that could raise a security concern and may be disqualifying include:

- (a) sexual behavior of a criminal nature, whether or not the individual has been prosecuted;
- (b) pattern of compulsive, self-destructive high-risk behavior that the individual is unable to stop;
- (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and

(d) sexual behavior of a public nature or that reflects lack of discretion or judgment.

There is no evidence in the record indicating that Applicant's sexual behavior was criminal in nature. AG ¶ 13(a) has not been established. Though there is no evidence inferring or suggesting that Applicant's masturbation is self-destructive or a high-risk type of behavior, he has a long history of interacting with Filipino women over social media. During a significant number of the social interactions, he would view and converse with the women, then masturbate and dole out small portions of money to them. In March 2021, his expert diagnosed his condition as a compulsive sexual behavior disorder based on his inability to control strong and repeated sexual impulses. AG ¶ 13(b) applies. From 2009 to the fall of 2017, Applicant gifted about \$200,000 to many Filipino women over social media. This pattern of conduct demonstrates a lack of judgment and makes him vulnerable to exploitation, duress, and coercion. AG ¶¶ 13(c) and 13(d) apply.

AG ¶ 14. Conditions that could mitigate security concerns include:

(a) the behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature;

(b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or judgment;

(c) the behavior no longer serves as a basis for coercion, exploitation, or duress;

(d) the sexual behavior is strictly private, consensual, and discreet; and

(e) the individual has successfully completed an appropriate program of treatment, or is currently enrolled in one, has demonstrated ongoing and consistent compliance with the treatment plan, and/or has received a favorable prognosis from a qualified mental health professional indicating the behavior is readily controllable with treatment.

AG ¶ 14(a) does not apply to the facts of this case because Applicant was between 44 and 52 years old during the period he interacted with the Filipino women. The applicability of AG ¶ 14(b) depends on whether the conduct was recent or occurred a long time ago. The passage of time since the sexual behavior ended should include positive evidence of changed circumstances aimed at reform that substantially reduces the risk of future recurrence.

Applicant's eight-year behavior with the Filipino women did not end until 2017, about four years ago. However, the conduct was frequent, and did not occur under

unusual circumstances. Regularly viewing up to about 200 women from 2009 through most of 2017, and giving money to a significant portion of them, continues to cast doubt on Applicant's current reliability or good judgment. When asked whether he made any lifestyle changes since the end of the gifting (2017), there is no indication in the record that he made rehabilitative changes in his lifestyle. AG ¶ 14(b) does not apply.

AG ¶ 14(c) does not fully apply. This conclusion is based on the lack of detailed information provided by his wife's affidavit. Though she insisted that she was completely aware of Applicant's misconduct as described by the SOR, and that his online behavior could not be used to coerce him, she furnished no supporting details about what and when she knew about the sexual behavior, the gifting, when the behavior stopped, and their counseling. While Applicant initially informed the Government about his misconduct in September 2019, he did not reveal his activity in his earlier March 2019 e-QIP because of his belief that the contacts were not contextually relevant nor serious. While the OPM investigator and parties to this security clearance case know about Applicant's sexual behavior, his employer does not know, and I can only speculate about what Applicant actually disclosed to his security office after he discovered that continued sexual interaction could place his security clearance at risk. Though Applicant's sexual behavior was private and consensual as set forth in (AG ¶ 14(c)), it fails to overcome the lack of judgment Applicant displayed under AG ¶ 13(d).

There is no documented evidence of enrollment in or successful completion of a treatment program. There is no evidence of compliance with a treatment plan or prognosis indicating that the behavior can be controlled. The expert's September 2021 diagnosis that Applicant's March 2021 diagnosis of compulsive sexual behavior disorder due to his persistent inability to control his sexual impulses, was "in remission", is not justified. The expert's background shows that before this security clearance case, she had never made a security clearance assessment in her career. Her lack of knowledge about Applicant's treatment in 1999 for masturbation because he did not tell her, weakens her overall assessment of Applicant's honesty as one of the bases for her September 2021 "in remission" diagnosis. She was not certain whether she was aware of Applicant's marital counseling in 2017 or 2018. She did not interview Applicant's wife to gain an added perspective on his behavior. She did not see the payment records tracking the gifting activity from 2009 to 2017. Given the expert's diagnostic impressions culminating in her recommendation that Applicant seek therapy to address his underlying issues, which he has not done, I do not find the "in remission" portion of the diagnosis adequately supported. AG ¶ 14(e) does not apply.

## **Guideline B: Foreign Influence**

AG ¶ 6 sets forth the security under Guideline B:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security

concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

Applicant's sole reason for cultivating relationships with Filipino women was his concern for randomly seeing the same American woman in public after giving her money online. The geographical location of the Filipino women made Applicant feel that there was less risk of randomly seeing a gifted Filipino again in public. In sum, the women used for his sexual activity could have been from Europe or South America, just as long as a substantial amount of distance separated Applicant from the women. There is no evidence that his extensive contact with the Filipino women resulted in divided allegiance to the Philippines and the United States. There is no property or business interest in the Philippines that makes him vulnerable to coercion in the country. While the money he gave to the Filipino women could have caused him to become a target for foreign influence, there is no evidence that any action was ever taken by a Filipino woman to increase Applicant's vulnerability to current or possible future inducement or coercion. Based on the record evidence, I *sua sponte* withdraw this guideline from the SOR. In addition, the factual allegations under Guideline B are already addressed under the first paragraph of the SOR (Guideline D). SOR 2.a and 2.b are combined into SOR 1.a.

### **Whole-Person Concept**

I have examined the evidence under the specific guidelines in the context of the nine general factors of the whole-person concept 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.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for access to classified information must be an overall common-sense judgment based upon careful consideration of the guidelines and the whole-person concept.

Applicant has been married since 1995. He has two teenage children. He has worked for his employer since 2004. His performance evaluations and monetary awards show that he has been a productive employee. He has held a security clearance since 2009.

Because I am obligated to evaluate the evidence as whole, I address the evidence that weighs against Applicant's security clearance application. Applicant has a lengthy history of compulsive sexual behavior with Filipino women characterized by regularly giving away over \$200,000 to Filipino women between 2009 and 2017. He was between 44 and 52 years old, when he engaged in this activity. There is evidence that he began this gifting activity between 2000 and 2009, though he could not remember the number of females or the monetary amounts he presented to these women. While he asserted that he discussed therapy with his expert, and that he was willing to seek treatment if it would help, Applicant furnished no documented evidence of treatment, counseling, or therapy. Having weighed all the evidence under the specific conditions in the context of the whole-person factors, Applicant has not mitigated the security concerns arising from the sexual behavior guideline.

### **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 D:	AGAINST APPLICANT
Subparagraphs 1.a – 1.c:	Against Applicant
Paragraph 2, Guideline B:	WITHDRAWN

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is denied.

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Paul J. Mason  
Administrative Judge