



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



In the matter of: )  
)  
) ISCR Case No. 20-02973  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Andrew H. Henderson, Esq., Department Counsel  
For Applicant: Alan V. Edmunds, Esq.

08/23/2023

**Decision**

COACHER, Robert E., Administrative Judge:

Applicant failed to mitigate the Government’s security concerns under Guideline I, psychological conditions and Guideline K, handling protected information. Guideline E, personal conduct concerns, were either not established or were mitigated. Applicant’s eligibility for a security clearance is denied.

**Statement of the Case**

On September 19, 2022, the Department of Defense (DOD) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline I, Guideline K, and Guideline E. The DOD acted under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on June 8, 2017.

On October 3, 2022, Applicant answered the SOR, through counsel, and requested a hearing. The case was assigned to me on February 17, 2023. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on March 10, 2023, and the hearing was held as scheduled on April 10, 2023. The Government offered exhibits (GE) 1-8, which were admitted into evidence without objection. The Government's exhibit list was marked as hearing exhibit (HE) I. Applicant testified, offered the testimony of two witnesses, and offered exhibits (AE) A-V, which were admitted without objection. The record remained open for additional submissions and he timely submitted AE W-Y, admitted without objections. DOHA received the hearing transcript (Tr.) on April 18, 2023.

### **Findings of Fact**

In Applicant's answer, he admitted all the SOR allegations, with explanations and clarifications, except for SOR ¶ 1.d. The admissions are adopted as findings of fact. After a thorough and careful review of the pleadings and exhibits submitted, I make the following additional findings of fact.

Applicant is 60 years old. He married in January 1994 and divorced in August 2017 (he and his wife were separated at various times between 2013 and 2017). He and his wife adopted two daughters who are now ages 24 and 21. The oldest daughter (D1) has special needs and is unable to live independently. Applicant provides her approximately \$1,200 in monthly support payments. Applicant's ex-wife is D1's legal guardian and custodian. Applicant was granted weekend visitation privileges and D1 spends the weekends with him. (Tr. 53-55, 65-66, 87; GE 1)

Applicant holds a master's degree. He has worked for his current employer, a federal contractor, for five years. He is a senior software engineer. He has previously worked for federal contractors, including his current employer. He has held a security clearance since 1996. (Tr. 54-55; GE 1)

Under Guideline I, the SOR alleged Applicant: (1) in about 2002, was treated by Dr. R, who diagnosed him with depression and prescribed antidepressant medication; (2) in June 2013, attempted suicide by using a pressurized nail gun; (3) in May 2017, ceased taking his prescribed antidepressant medication, without medical authorization, and thereafter experienced suicide ideations involving use of a nail gun; and in June 2021, was evaluated by a licensed psychologist who diagnosed him with Major Depressive Disorder, recurrent, and Autism Spectrum Disorder, mild, without intellectual impairment. The psychologist opined that Applicant exercised questionable or impaired judgment when in an emotionally charged social and interpersonal situation. (SOR ¶¶ 1.a - 1.d)

Under Guideline K, the SOR alleged five separate security infractions as follows: (1) in May 2009 and (2) in June 2015, Applicant brought a personal cell phone into a secured area; (3) in May 2016, he failed to properly log-off of a classified computer in a secured area; (4) between March 2018 and December 2018, he brought unauthorized

electronic devices into a secured area on four separate occasions; and (5) in October 2019, he failed to properly secure a closed area. (SOR ¶¶ 2.a - 2.e)

Under Guideline E, the SOR alleged in June 2014, Applicant was involved in a domestic issue where the police became involved when there was physical contact between Applicant and his wife; in June 2015, Applicant was questioned by the police about stalking a member of his medical care team; and in October 2016, he was arrested and charged with assaulting his wife and committing child abuse on his daughter. All the allegations listed under Guidelines I and K were-cross alleged under Guideline E. (SOR ¶¶ 3.a - 3.e)

### **Psychological Conditions.**

Applicant admitted being diagnosed in 2002 with depression. He was prescribed antidepressant medication by a doctor. During his June 2021, mental health evaluation conducted by Dr. N, at the request of the DOD, he indicated he was prescribed medication for depression as early as 1985 or 1986. (Tr. 59-60; GE 4)

Applicant attempted to commit suicide in 2013 after he had been diagnosed with cancer in 2010 and believed he only had a few years to live. He explained that he was concerned about his family and thought that a \$350,000 life insurance policy, which expired in a few days, could provide financial support for his family upon his death. He used a pressured nail gun in this instance. He further stated that his equipment failed. He testified that he never actually pointed the gun at himself, but he thought about doing so. In his September 2013 security clearance application (SCA), he used the words “my failed suicide attempt” to describe his actions that day. (Tr. 60-61, 89-90; GE 3)

During his December 2017 background interview, Applicant admitted to having suicidal ideations using his nail gun. He was concerned enough about his thoughts that he gave the nail gun to a friend to hold for him. In his interview, he stated that he had these thoughts because he had stopped taking his medication. He did so by not getting his prescriptions refilled. He was consciously trying to see how he could get along without the medication. During his testimony, he claimed that his medication stoppage was due to a mix-up by his insurance company. He stated this one-month stoppage was unintentional by him. Applicant believes these circumstances occurred in 2018, as opposed to May 2017, as alleged in the SOR. His belief is based upon an email he sent to his employer advising that he had called a suicide prevention hotline. He continues to take the medications listed in AE S. (Tr. 61-64; GE 7; AE S-T)

In June 2021, Applicant was evaluated by a licensed psychologist, Dr. N, who was approved by the DOD. For his assessment, Dr. N reviewed Applicant’s record, conducted testing, and performed a two-hour clinical interview with Applicant. Applicant told Dr. N of his 2013 aborted suicide attempt. He also described his 2017 suicidal ideations when he intentionally went off his antidepressant medication. Applicant denied any current suicidal ideations or depressive symptoms. Dr. N diagnosed Applicant using the Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup> edition (DSM-5) with

“Major Depressive Disorder, recurrent”; “Autism Spectrum Disorder, mild, without accompanying intellectual impairment.” Dr. N concluded absent effective therapy, it would be reasonable to expect that Applicant might demonstrate impaired judgment when his emotions run high in the future, as has occurred in the past in social and interpersonal situations. Applicant last saw a counselor in 2019 for approximately two months when he was going through the guardianship issue with his ex-wife. Dr. N gave Applicant a “fair” prognosis. (Tr. 67, 112-113, 118; GE 4)

In December 2021, Applicant participated in and paid for a second psychological evaluation. This evaluation was conducted by Dr. B, a licensed psychologist. There is no evidence to indicate whether Dr. B was “acceptable to and approved by the U.S. Government.” Dr. B conducted a clinical interview with Applicant, put him through a series of tests, and conducted a chart review. Applicant reported current difficulties with anger and irritability. This anger is directed at others. Dr. B diagnosed Applicant with Persistent Depressive Disorder, Social Anxiety Disorder, and Complex Trauma (by history). Dr. B encouraged Applicant to consider counseling services, which would help the re-orientation of depression, self-esteem issues, and functional difficulties. Dr. B did not offer a prognosis for Applicant. In April 2023, Dr. B supplemented her earlier assessment by clarifying that while Applicant could benefit from life skills coaching and ongoing executive function, it was not a “necessity” for him to do so. (Tr. 68; AE I, X)

### **Protected Information.**

Applicant admitted that between 2009 and 2019, he committed eight different security violations. (SOR ¶¶ 2.a-2.b, 2.d) Six of the violations involved similar conduct when he inadvertently took his cell phone, or similar electronic device, into a secure area without proper authorization in 2009, 2015, and four times between March and December 2018. The violations did not involve disclosure of classified information. Applicant self-reported all these violations. He received retraining after the violations. After the last 2018 violation, he was given a written warning that additional violations could result in disciplinary action. (Tr. 68, 71; GE 6; SOR answer; AE U)

The two remaining security violations occurred when Applicant failed to properly log-off a classified computer in May 2016. Applicant testified that he was distracted away from the logged-in computer and forgot to come back to log-out. This was an inadvertent violation and no spillage occurred. In October 2019, Applicant was responsible for securing a closed lab area. He set the alarm but failed to properly secure the door. He told a background investigator that he must have “spaced out” securing the door. This violation was discovered by security personnel. He has not had another security incident since the one in October 2019. (Tr. 68, 74, 114; GE 7 (p. 20); SOR answer; AE U)

Applicant explained that his behavior that resulted in these eight security incidents was heavily influenced by various distractions going on in his personal life at the time. These distractions included his divorce proceedings, which initially started in 2013, but were protracted, and ended in his final divorce in September 2017.

Additionally, he was involved in a contentious guardianship battle with his ex-wife over physical custody of his adult special-needs daughter. He sought the services of a counselor when he was going through the guardianship process. The guardianship action began sometime in 2019 and ended with a judge's order naming Applicant's ex-wife the primary legal guardian for their daughter in February 2020. He testified that he does not have these distractions present in his life now and is confident that future security incidents will not occur. (Tr. 75, 115-116, 118)

### **Personal Conduct.**

SOR ¶¶ 3.a-3.b cross-allege conduct also alleged under the psychological conditions and handling protected information guidelines. The facts involving those allegations are stated above and will not be repeated here.

Applicant admitted that the police were called to his home in June 2014. He was not arrested and no charges resulted. He was brushing D1's teeth when he and his then-wife got into an argument. He claims that she slapped him and he pushed her down. He made sure he protected her landing using his hands and body. (Tr. 75-77, SOR answer)

In June 2015, Applicant was questioned by the police looking into a complaint that he was stalking or harassing a hospital staff member who had previously treated him. Applicant admitted this happened. He received treatment at a local hospital in June 2015 and noticed one of the female treatment team members. He decided he wanted to talk with her and possibly have coffee or lunch with her. He did not approach her that day. A few days later, he returned to the hospital with the intent to talk with this woman. After waiting for about an hour, he was approached by a nurse seeking to assist him. He explained he wanted to talk to the female. The nurse explained that the other woman was happily married and Applicant left the hospital. Sometime later, he wrote the woman a letter where he expressed his feelings for her and explained that he was in a loveless marriage. He delivered it to the hospital and left. A few days later he received a call from a police officer. The officer explained the law regarding stalking and warned him from contacting the women again. After a few more days, Applicant decided to write the women an apology letter. He met with the police officer again and the officer refused to take the women his apology letter and advised him not to send it. The woman sent Applicant a text and in no uncertain terms told him that she never wanted to see or hear from him again. Since that time, there has been no further interaction with her. (Tr. 77-78, 98; GE 7 ( pp. 16-17))

Applicant admitted that in October 2016, he was arrested for assaulting his wife and committing child abuse-no injury toward his youngest daughter (D2). Applicant and his then-wife got into an argument concerning a note he had written. She possessed the note in her hand and he tried to wrestle it away. He eventually bit her hand. D2 was present during this altercation and called the police. Applicant was arrested and charged with assault and non-injury child abuse (because D2 was present and witnessed his assault). He pleaded guilty to a lesser assault charge and the remaining

charges were dropped. His sentence included 12 months of unsupervised probation, mandatory attendance at 12 anger management classes, 8 parenting classes, fines and fees. He completed his probation requirements without any violations. He has had no other incidents involving his ex-wife or daughters. (Tr. 78-82, 104; GE 7 (pp. 9-10); AE D)

### **Character Evidence/Performance Reviews.**

Applicant presented the testimony of two witnesses who were coworkers (who also wrote letters of support) and letters of support from two of his sisters and one additional coworker. One coworker and former supervisor worked with Applicant from 2019 to 2020. He is aware of all the SOR allegations. He held a clearance for 33 years before he retired in 2021. He stated that Applicant is a very good software engineer. He believes that the security incidents were minor and Applicant has learned from them so that they should not happen in the future. He believes Applicant is honest and trustworthy and has no concerns with him possessing a security clearance. (Tr. 16, 20-25; AE E)

Applicant's second witness worked with Applicant from 1997 to 2013. He has held a clearance for 35 years. He is also a retired naval reserve officer. He is aware of the SOR allegations. During his work experience with Applicant, he was professional in his job performance, very intelligent, and always protected classified information. He was not concerned about Applicant's past security infractions because he was going through personal events at the time that are no longer present. He is aware that Applicant's care and concern for D1 caused additional stress in his life. He has not worked with Applicant since 2013. (Tr. 39-40, 43-47, 51; AE E)

Applicant's third coworker wrote that during the time they worked together from 2004 to 2007, Applicant had no security incidents. His two sisters wrote that Applicant is very intelligent and honest. He has never revealed any work details to them. (AE E)

Applicant provided three years of his work performance appraisals (2020-2022). In 2020, he was given an overall rating of "achieved/substantially achieved." In 2021, his supervisor noted that Applicant improved his relationships with coworkers and managed his time better. In 2022, his supervisor noted that Applicant was directed to apologize to a team member for comments he made. His supervisor also noted his concern over Applicant's "attitude behavior." Applicant was also asked to prioritize his life situations so outside pressures or situations are not projected into his work environment. (AE F)

Applicant provided information about coworkers' positive comments during his current employment. He also provided information on other aspects of his personal life reflected in many of his exhibits. (AE A, C, G, J-R, V-X)

## Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a careful weighing of a number of variables known as 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(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

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

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk that an 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.

Section 7 of EO 10865 provides that decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## Analysis

### Guideline I, Psychological Conditions

The security concern for psychological conditions is set out in AG ¶ 27:

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 seeking mental health counseling.

The guideline notes several conditions that could raise security concerns under AG ¶ 28. Two are potentially applicable in 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; and
- (b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness.

Applicant attempted suicide in 2013 with a nail gun and had suicidal ideations in 2017, again with a nail gun. In 2021, Dr. N diagnosed him with Major Depressive Disorder, recurrent. He further stated that absent effective therapy, Applicant could demonstrate impaired judgment when emotions run high in the future. He gave a guarded "fair" prognosis. Both AG ¶¶ 28(a) and 28(b) apply to SOR ¶¶ 1.b-1.d. SOR ¶ 1.a, Applicant's 2002 treatment by a doctor who diagnosed him with depression and prescribed him antidepressant medication, does not state a disqualifying condition.

The adjudicative guidelines also include examples of conditions that could mitigate security concerns, as set forth in AG ¶ 29:

- (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;

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

(e) there is no indication of a current problem.

Applicant admitted that he has not received treatment since 2020 when the guardianship case ended. He apparently remains on his antidepressant medication, but he has gone off his medication as recently as 2017. There was no evidence presented of a formal treatment plan. AG ¶¶ 29(a) and 29(b) do not apply. In June 2021, Applicant was diagnosed by Dr. N with Major Depressive Disorder, recurrent, and who gave him a “fair” prognosis. In November to December 2021, Dr. B, Applicant’s psychologist conducted an independent assessment, agreed with Dr. N concerning a “persistent depressive disorder.” She also diagnosed Applicant with social anxiety disorder. She did not give a prognosis. She is a licensed psychologist, but there is no evidence she was approved by the Government. While Dr. B’s opinions offer some positivity to Applicant’s situation, they do not overcome the concerns expressed by Dr. N. AG ¶ 29(c) does not fully apply. Applicant has experienced depression since 2002, attempted or thought of self-harm dating back to 2013, and continues taking antidepressant medication, indicating his conditions are not temporary, nor have they been resolved. AG ¶ 29(d) does not apply. Based upon Dr. N’s 2021 diagnoses and prognosis, Applicant still has current psychological problems. AG ¶ 29(e) does not apply.

### **Guideline K, Handling Protected Information**

AG ¶ 33 expresses the security concern pertaining to handling protected information:

Deliberate or negligent failure to comply with rules and regulations for protecting classified or other sensitive information raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.

I have considered all the handling protected information disqualifying conditions under AG ¶ 34 and determined the following apply:

(g) any failure to comply with rules for the protection of classified or other sensitive information; and

(h) negligence or lax security practices that persist despite counseling by management.

Applicant had eight documented security incidents from 2009 to 2019. AG ¶¶ 34(g) and 34(h) apply.

All the mitigating conditions for handling protected information under AG ¶ 35 were considered and the following were found relevant under these circumstances:

(a) so much time has elapsed since the behavior, or it has happened 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 good judgment;

(b) the individual responded favorably to counseling or remedial security training and now demonstrates a positive attitude toward the discharge of security responsibilities; and

(d) the violation was inadvertent, it was promptly reported, there is no evidence of compromise, and it does not suggest a pattern.

Applicant has not had a security violation since August 2019. His explanation for the pattern of violations that occurred between 2009 and 2019 is that he was distracted by personal circumstances during those time frames. Those circumstances included caring for a special-needs child, going through a contentious divorce, and going through a guardianship court battle over D1. He asserts that the distracting factors are now in the past. Yet, he still must care for and financially support D1, and according to his 2022 performance report, he has allowed personal pressures and situations to impact his work. Hence the type of emotional distractions that led to his earlier security violations are still present. AG ¶ 35(a) does not fully apply.

As he committed security violations after undergoing counseling and remedial training, AG ¶ 35(b) does not apply. While his security violations were inadvertent, promptly reported, and lacked evidence of spillage, a pattern is certainly apparent. As his history has shown, when Applicant is distracted by events in his personal life, he is apt to commit a security violation. AG ¶ 35(d) does not fully apply.

### **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: Conditions that could raise a security concern and may be disqualifying include:

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, 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;

(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; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:

(1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

Applicant admitted to two domestic violence incidents in 2014 and 2016, the most recent of which ended up with criminal charges filed. He also admitted that he was involved with the police when a hospital employee complained that he might be stalking her in 2015. This conduct raises the disqualifying conditions listed under AG ¶¶ 16(c) and 16(e). Applicant's conduct involving psychological concerns and committing security infractions are covered by those guidelines as set forth in AG ¶ 16(d), are sufficient for an adverse determination, and therefore are not disqualifying under Guideline E. SOR ¶¶ 3.a and 3.b are found for Applicant under this guideline only.

All the mitigating conditions for handling protected information under AG ¶ 17 were considered and the following were found relevant under these circumstances:

(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.

The most recent incident occurred in 2016, before Applicant was divorced. No further incidents of this nature have occurred since then. AG ¶ 17(c) applies to SOR ¶¶ 3.c-3.d.

### **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 the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

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.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I considered Applicant's character evidence, the difficulties in caring for D1, his medical history, and Dr. B's assessment. However, I also considered the diagnosis and prognosis of Dr. N and that Applicant is not currently receiving counseling. I also considered that, despite his assertions to the contrary, his personal circumstances in 2022 were significant enough for his supervisor to comment on their effect on his job performance in his annual appraisal. Applicant failed to provide sufficient evidence to mitigate the psychological conditions or handling protected information security concerns.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the security concerns under Guidelines I and K. Concerns under Guideline E were either not established or mitigated.

### **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 I: AGAINST APPLICANT

Subparagraph 1.a: For Applicant

Subparagraphs 1.b-1.d: Against Applicant

Paragraph 2, Guideline K: AGAINST APPLICANT

Subparagraphs 2.a-2.e: Against Applicant

Paragraph 3, Guideline E: FOR APPLICANT

Subparagraphs 3.a-3.e: For Applicant

### **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 a security clearance. Eligibility for access to classified information is denied.

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Robert E. Coacher  
Administrative Judge