



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



In the matter of:)
)
) ISCR Case No. 23-00570
)
Applicant for Security Clearance)

Appearances

For Government: Adrienne M. Driskill, Esq., Department Counsel
For Applicant: *Pro se*

07/01/2024

Decision

DORSEY, Benjamin R., Administrative Judge:

Applicant did not mitigate the financial considerations, the alcohol consumption, or the psychological conditions security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On May 31, 2023, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F (financial considerations), Guideline G (alcohol consumption), and Guideline I (psychological conditions). Applicant provided an undated response to the SOR (Answer), requesting a decision on the administrative record. On July 6, 2023, Department Counsel for the Defense Office of Hearings and Appeals (DOHA) timely requested that the matter be converted from a decision on the administrative record to a hearing before a DOHA administrative judge. The case was assigned to me on March 5, 2024.

After coordinating with the parties, the hearing was convened as scheduled on June 4, 2024. At the hearing, I admitted Government Exhibits (GE) 1 through 7 and Applicant Exhibits (AE) A through H without objection.

Without providing a copy to me or the Government prior to the hearing, Applicant contemplated seeking the entry of another piece of evidence. The Government objected to the entry of this evidence without the opportunity to review it. I advised Applicant that if he chose to seek entry of this piece of evidence, I would continue the hearing to another date to allow the Government to review it. Applicant did not wish to continue the hearing and decided not to offer this piece of evidence. (Transcript (Tr.) 11-15, 26-31) [Note: Since the piece of evidence was not offered, I did not identify it for the record, though its identity is clear from the discussion during the hearing.] On my own motion, I amended the SOR to correct the spelling of Applicant's last name by removing the "h." I received the transcript of the hearing on June 11, 2024.

Findings of Fact

Applicant is a 55-year-old employee of a government contractor for whom he has worked for about a year. He earned a master's degree in 2002. He was on active duty in the U.S. Marine Corps from 1986 until 1994, when he earned an honorable discharge. He has been married since 1999, and he has two adult children. (Tr. 40-45; GE 1, 2)

In the SOR, the Government alleged that Applicant had a delinquent credit card totaling about \$6,000 (SOR ¶ 1.a). He admitted this SOR allegation. His admission is adopted as a finding of fact. The Guideline F allegation is established through his admission and the Government's 2023 credit report. This credit report reflects a November 2016 date of last activity, and an October 2017 date that a first major delinquency was reported. (SOR; Answer; GE 1-3; AE G)

Applicant began having financial issues in 2015 after he stopped working in the oil and gas industry, resulting in a significant pay cut. His health insurance premiums also went from \$200 to \$2,000, but they have since returned to a more affordable amount. After his financial issues began, he had several delinquent debts that were not alleged in the SOR. He listed these delinquent debts in his September 2019 Electronic Questionnaires for Investigations Processing (SF 86) and referenced them during his April 2020 security interview. He paid some of these delinquencies but allowed some to age off his credit report. He did not provide evidence of which debts he paid versus which debts aged off. He cannot recall whether he paid the SOR debt, or if it aged off his credit report, and he provided no documents to clarify its status. He planned to sell his home to use the significant equity to satisfy the SOR account and other delinquent accounts, but questions surrounding his security clearance eligibility, the COVID-19 pandemic, and his children's changing plans delayed his ability to do so. He still plans on selling the home, but he has been planning on doing so since 2018. The credit report that he provided showed no delinquencies, and he claimed that he is able to pay his financial obligations. (Tr. 45-49, 76-78; Answer; GE 1-3; AE A, D, G)

On or about February 5, 2019, Applicant was arrested on suspicion of driving under the influence of alcohol (DUI). He was charged with DUI, reckless driving involving alcohol, and careless driving. At the time of the arrest, Applicant, who is diabetic, had been off his diabetes medicine for about a month and a half after his insurance company stopped covering it, and he couldn't afford the over \$1,000 monthly

payments. While he was off his diabetes medication, he was experiencing blackouts, where he would unexpectedly pass out. The night of his arrest, he had gone out to dinner and had two glasses of wine in two hours. During his April 2020 security interview, he told a DOD investigator that he had only had one glass of wine. His medical records also reflect that he told a medical doctor that he had only had one glass of wine with dinner. During his April 2020 security interview, he told the DOD investigator that he does not remember driving home or pulling into a parking spot at his condominium complex. He testified that he remembers driving home and was sitting in his car listening to a song he liked, and he “fell asleep.” When he parked, he grazed another vehicle, and a neighbor called the police. He testified that he does not recall grazing another vehicle but claimed the parking spots are narrow and the damage was minor. (Tr. 49-53; Answer; GE 1, 2, 4-6; AE B, C, F, G)

When police arrived, they found Applicant “asleep” at the wheel of his car. Applicant was awakened by police tapping on his car window and was confused and disoriented. Police suspected him of DUI and attempted to give him a field sobriety test and a breathalyzer test, but he refused both. He claims he does not remember refusing these tests but does remember thinking that a blood test would be more accurate. As he informed the police that he was having a medical incident, and he was confused and disoriented, police took him to a hospital (Hospital A) for testing and observation. At some point after being awoken by the police, but before arriving at Hospital A, he racially abused a police officer and insulted the police officer’s intelligence. He also made a comment that either the police officer might as well shoot him in the head with a .50 caliber weapon, or that Applicant would shoot himself in the head with a .50 caliber weapon. He also said his life was over. (Tr. 53-59, 69-72, 88-89; Answer; GE 1, 2, 4; AE B, E, F, G)

Applicant claimed that he was behaving erratically for several reasons, to wit: he was having a diabetic episode; he was frustrated that he was being unjustifiably charged with DUI; and he thought he would lose his job because of the arrest. He also claimed that he referenced being shot with a .50 caliber weapon sarcastically. He claimed that he did not remember making any of the statements to the police officer until he was able to review the video and audiotape of the arrest. There is no evidence in the record to explain how he remembered his state of mind during the arrest (furious, sarcastic, afraid of losing his job, thinking that a blood test would be more accurate) but does not recall the statements he made. This inconsistency detracts from his credibility and leads me to believe he remembers these statements and was conscious of making them during the incident. Regardless of the nature of this comments or whether he remembered making them, the result was that the trip to the hospital became one to assess his mental as well as his physical health. At Hospital A, he spent about two hours undergoing a physical and mental assessment where a registered nurse reported that he was not verbalizing or displaying self-injurious thoughts or behavior. However, Hospital A recommended that he receive treatment at an inpatient psychiatric facility. (Tr. 53-59, 69-72, 78-81; Answer; GE 1, 2, 4; AE B, E, F, G)

After Applicant was discharged from Hospital A, he was taken to jail. As a result of Applicant’s comment about self-harm with a .50 caliber weapon, pursuant to a state

law where the arrest took place, police kept him in jail for a couple of days. Under that same state law, on February 7, 2019, Applicant was involuntarily admitted to another hospital (Hospital B) for two days to undergo a mental health and physical assessment. Treatment records from Hospital B reflect that, upon admission, Applicant was diagnosed with major depressive disorder, single episode, unspecified. The records note that he had a “past medical history significant for alcohol dependence,” and that he reported drinking at least 2-3 beers per day and occasionally wine. The record is equivocal as to who noted this history of alcohol dependence or the reasons that determination was made. A licensed medical doctor (MD) assessed that Applicant had two physical conditions that were secondary to alcohol use and secondary to alcohol dependence, respectively. The records reflect that an MD advised him to abstain from consuming alcohol because of his medical conditions, and because alcohol could be contributing to his blackouts. An MD’s discharge diagnosis from Hospital B was acute reaction to severe stress, unspecified, and adjustment disorder: unspecified trauma and stressor related disorder. This MD wrote that Applicant described no unusual or excessive anxiety, and that he convincingly denied symptoms of depression. He was discharged on February 8, 2019. (Tr. 59-63, 73-74, 81-84; Answer; GE 5, 6; AE B, E, F, G)

In October 2019, the court dismissed the charges of DUI and reckless driving, and withheld adjudication of the charge of reckless driving involving alcohol after Applicant pleaded no contest. The court required that he pay fines and costs, placed him on probation for one year, and required him to take random drug and alcohol screenings. He claims that he pleaded no contest on his attorney’s advice, and to get the charges taken care of quickly. He claimed that he has fulfilled all the requirements of his withheld adjudication. While it was not alleged in the SOR, Applicant was found guilty of DUI in 2002 after a trial. (Tr. 64-66, 82-83; Answer; GE 1, 2, 4, 5; AE C, G)

Applicant last consumed alcohol in May 2023, about a year prior to the hearing. He testified that he decided to abstain because his dog passed away from diabetes, and he decided that he wanted to take better care of his health. He also changed to a diabetes medication that has serious side effects if alcohol is consumed while taking it. He claimed he has not suffered from withdrawal symptoms and was able to quit drinking “cold turkey.” He also noted that his wife does not consume alcohol, which makes it easier for him to abstain. Sometime after denying coverage, his insurance company began covering his diabetes medicine again. He has not suffered a diabetic blackout again since February 2019. (Tr. 37, 66-69, 75-76, 80-81)

The DCSA CAS requested that Appellant undergo a psychological evaluation. The evaluation was conducted by a licensed clinical psychologist (Psychologist) on October 17, 2022, and the report of the evaluation was issued on November 4, 2022. The Psychologist noted that Applicant’s mood was irritable, his affect was restricted, and his attitude was flippant. She reported that she was not confident that he was a reliable historian and that a Personality Assessment Inventory (PAI) test indicated that he attempted to present himself in a favorable light, which most likely skewed those test results. She noted that, at the time of the interview, he was still consuming alcohol against medical advice, despite the legal and physical problems this consumption had

caused. She diagnosed him with alcohol use disorder, mild, with a poor prognosis. She wrote that because he continues to consume alcohol, there is a “concern that he does possess a condition that could impede his ability to safeguard sensitive information.” Based upon his decision to continue to drink, she also had “significant concerns regarding his reliability, judgment, stability, and trustworthiness.” (GE 5)

The Psychologist reported that, given Applicant’s defensiveness during the interview and on the PAI, it was unclear whether he has ongoing depression or other mood disorder. However, because of his past diagnosis of major depressive disorder, and his history of implied suicidal ideation with a plan, she diagnosed him with major depressive disorder, unspecified. She did not opine as to whether her diagnosis of major depressive disorder, unspecified, impacted his ability to safeguard sensitive information or caused her to question his reliability, judgment, and trustworthiness. (GE 5)

Applicant testified that his energy levels are low, that he always feels tired, and that he sleeps a lot. He does not know the exact cause of his tiredness but speculated that it could be because of getting older, the medication he takes, or his lengthy commute. He also testified that he has lost interest in activities he used to engage in such as playing pool and tennis. His wife has not mentioned to him that he seems depressed, but he noted that she works two jobs, and they both sleep a lot. He has completed training courses involving insider threats and security awareness. (Tr. 85-86; AE H)

Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5)

The DSM-5 is the standard classification of mental disorders used by mental health professionals in the United States. The evaluating psychologist did not specifically reference the DSM-5, but DSM-5 terminology was used in the report. The following is summarized from the DSM-5:

Major Depressive Disorder

The criterion symptoms for major depressive disorder must be present nearly every day to be considered present, except for weight change and suicidal ideation. Fatigue and sleep disturbance are present in a high proportion of cases; psychomotor disturbances are much less common but are indicative of greater overall severity, as is the presence of delusional or near-delusional guilt.

The essential feature of a major depressive episode is a period of at least two weeks during which there is either depressed mood or the loss of interest or pleasure in nearly all activities. Many individuals report or exhibit increased irritability (e.g., persistent anger, a tendency to respond to events with angry outbursts or blaming others, an exaggerated sense of frustration over minor events).

Policies

This case is adjudicated 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), which became effective on June 8, 2017.

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 to be 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, administrative judges apply the guidelines 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(c), the entire process is a conscientious scrutiny 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."

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 the applicant or proven by Department Counsel." The applicant 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 the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse 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 F, Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. The following are potentially applicable in this case:

- (a) inability to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant had a delinquent SOR debt totaling about \$6,000 that was delinquent since October 2017. The above-referenced disqualifying conditions are established.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable:

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; and

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

Applicant did not provide sufficient evidence that he resolved the SOR debt. He is not sure whether he paid the account or whether it aged off his credit report. If the SOR account aged off his credit report, this outcome does not show that he acted responsibly under the circumstances or that he initiated a good-faith effort to repay or resolve the debt. He provided no documentation to show whether or how he resolved it. It is reasonable to expect Applicant to present documentation about the resolution of specific debts. See, e.g., ISCR Case No. 15-03363 at 2 (App. Bd. Oct. 16, 2016). He has not provided evidence that he has undergone financial counseling.

Through his credit report, Applicant has provided documentary evidence that he did not have any reported delinquent debts, and there is no record evidence to the contrary. However, other than this failure to appear on his credit report, there is no evidence to show whether he resolved the delinquent debts that he referenced in his SF 86 and during his April 2020 security interview. I have not used any adverse information not alleged in the SOR for disqualification purposes. I have considered it when assessing the application of mitigating conditions and for the whole-person analysis. Considering these non-SOR debts in the context of mitigation, it is unclear which of them aged off his credit report or which he resolved through payment. Without this evidence, Applicant failed to meet his burden to prove that his financial issues are behind him, that they are unlikely to recur, or that he acted responsibly or in good faith with respect to those debts. None of the Guideline F mitigating conditions fully apply.

Guideline G, Alcohol Consumption

The security concern for alcohol consumption is set out in AG ¶ 21:

Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

The guideline notes several conditions that could raise security concerns under AG ¶ 22. The following are potentially applicable in this case:

(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;

(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.

SOR ¶ 2.a alleges Applicant's 2019 DUI arrest. There is insufficient evidence that his blood alcohol content was over the legal limit when he was arrested on suspicion of DUI. There is no evidence of the results of a blood test for alcohol or a breathalyzer test during or immediately after he was detained. He also may have been suffering from a diabetic incident. For these reasons, there is insufficient evidence that he was driving under the influence of alcohol in February 2019. AG ¶ 22(a) is not established and I find for Applicant with respect to SOR ¶ 2.a.

I also find for Applicant with respect to SOR ¶ 2.b. That SOR paragraph alleges that medical records from February 2019 note that he has a past medical history of alcohol dependence. However, the record does not show that a qualified medical or mental health professional made this diagnosis or the basis upon which it was made. AG ¶ 22(d) is not established by this allegation.

AG ¶ 22(d) is established by the Psychologist's October 17, 2022 diagnosis of Applicant's alcohol use disorder, mild, as alleged in SOR ¶ 2.c. The burden thereby shifts to Applicant to provide evidence in mitigation.

AG ¶ 22(e) and AG ¶ 22(f) are not established. While Applicant continued to consume alcohol between October 2022 and May 2023 (after the alcohol use disorder diagnosis by a qualified mental health professional), it is unclear whether the Psychologist affirmatively advised him to abstain or shared her diagnosis with him. This lack of clarity is further enforced by her role as evaluator and assessor rather than treatment provider. Despite the February 2019 medical records noting a past history of alcohol dependence, there is no evidence as to who made that diagnosis or why it was made. Therefore, for purposes of disqualification pursuant to AG ¶ 22(e) and AG ¶ 22(f), Applicant's continued consumption of alcohol from February 2019 until May 2023 was neither a failure to follow treatment advice once diagnosed *by a qualified mental health professional* [emphasis added], nor consumption after a diagnosis of alcohol use disorder.

Conditions that could mitigate alcohol consumption security concerns are provided under AG ¶ 23. The following are potentially applicable:

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

(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.

While it did not meet the technical requirements for disqualification, I will still analyze Applicant's decision to continue to consume alcohol daily from February 2019 until May 2023 for purposes of mitigation. An MD advised him to stop drinking in February 2019. From February 2019, at the latest, he knew he had several chronic health issues that were either caused by or made worse by consuming alcohol, yet he continued to drink daily. Despite the MD's recommendation, his legal issues, and his health problems, he has repeatedly denied having a problem with alcohol. These factors cast doubt on his current reliability, trustworthiness, and judgment.

While Applicant has now abstained from alcohol for a little over a year for health reasons, the vastly higher number of years that he consumed alcohol despite his issues with it cause me to doubt whether he has demonstrated a clear and established pattern of modified consumption or abstinence. None of the Guideline G mitigating conditions fully apply.

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 mental health counseling.

AG ¶ 28 provides conditions that could raise security concerns. The following 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;

(b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness; and

(c) voluntary or involuntary inpatient hospitalization.

As alleged in SOR ¶ 3.a, in February 2019, Applicant either asked a police officer to shoot him in the head or stated that he would shoot himself in the head because he was being arrested on suspicion of DUI. As a result of this incident, he was involuntarily hospitalized for two days, where he was diagnosed with depressive disorder and adjustment disorder. AG ¶¶ 28(a) and 28(c) are established.

AG ¶ 28(b) is not established. While qualified mental health professionals opined that Applicant had adjustment disorder and major depressive disorder, as alleged in SOR ¶¶ 3.a and 3.b, there is insufficient evidence to show that those conditions may impair judgment, stability, reliability, or trustworthiness. The Psychologist diagnosed Applicant with alcohol use disorder and opined that Applicant's continued use of alcohol caused her to have significant concerns regarding his judgment, stability, reliability, or trustworthiness. Therefore, she related the alcohol use disorder with her concerns about his judgment, stability, reliability, or trustworthiness, but not the adjustment disorder or major depressive disorder. Under Guideline I, the SOR alleged the adjustment disorder and major depressive disorder, but not the alcohol use disorder.

AG ¶ 29 provides conditions that could mitigate security concerns. The following are potentially applicable:

(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 has not displayed signs of suicidal ideation or thoughts of self-harm since 2019. There is some evidence that this behavior was episodic and caused by the stress of being arrested for DUI and potentially losing his job. That DUI and the potential for losing his job as a result have been resolved. However, in November 2022, the Psychologist diagnosed him with a depressive disorder and an adjustment disorder. She did not opine whether these conditions are temporary, and there is evidence that he exhibits several of the symptoms of major depressive order according to DSM-5. Therefore, I will not find that the past psychological condition was temporary or that there is no indication of a current problem. AG ¶¶ 29(d) and 29(e) do not apply.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(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 have incorporated my comments under Guidelines F, G, and I in my whole-person analysis. I have also considered what I considered to be Applicant's lack of candor and selective memory about the events surrounding his 2019 arrest, as well as his honorable military service, and his security training.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant did not mitigate the financial considerations, the alcohol consumption, or the psychological conditions security concerns.

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 F:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Paragraph 2, Guideline G:	AGAINST APPLICANT
Subparagraphs 2.a-2.b:	For Applicant
Subparagraph 2.c:	Against Applicant
Paragraph 3, Guideline I:	AGAINST APPLICANT
Subparagraphs 3.a-3.b:	Against Applicant

Conclusion

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.

Benjamin R. Dorsey
Administrative Judge