



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



In the matter of:)
)
 _____) ISCR Case No. 22-02526
)
 Applicant for Security Clearance)

Appearances

For Government: Aubrey De Angelis, Esq., Department Counsel
For Applicant: *Pro se*

08/19/2024

Decision

WESLEY, ROGER C. Administrative Judge

Based upon a review of the case file, pleadings, exhibits, and testimony, Applicant did not mitigate the financial considerations, criminal conduct, psychological, and alcohol concerns. Eligibility for access to classified information or to hold a sensitive position is denied.

Statement of the Case

On March 29, 2023, the Defense Counterintelligence and Security Agency (DCSA) Consolidated Central Adjudications Services (CAS) issued a Statement of Reasons (SOR) to Applicant detailing reasons why under the financial considerations, criminal, psychological, and alcohol consumption guidelines the DCSA CAS could not make the preliminary affirmative determination of eligibility for granting a security clearance, and recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. The action was taken under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); Department of Defense (DoD) Directive 5220.6 *Defense Industrial Personnel Security Clearance Review Program*, (January 2, 1992) (Directive); and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to*

Classified Information or Eligibility to Hold a Sensitive Position (AGs), effective June 8, 2017.

Applicant responded to the SOR on April 24, 2023, and requested a hearing. This case was assigned to me on April 17, 2024. A hearing was scheduled for June 4, 2024, via Microsoft Teams Teleconference Services, and was heard as scheduled. At the hearing, the Government's case consisted of 11 exhibits (GEs 1-11), which were admitted without objection. Applicant relied on one witness (himself) and one exhibit (AE A), which was admitted without objection. The transcript (Tr.) was received on June 14, 2024.

Summary of Pleadings

Under Guideline F of the SOR, Applicant allegedly (a) accumulated seven delinquent consumer debts exceeding \$67,000 and (b) beginning in 2016, started taking out cash advances on his credit cards to support his gambling habit. Allegedly, neither his delinquent accounts nor his gambling habit have been fully resolved.

Under Guideline J, Applicant allegedly was arrested for multiple offenses between March 2008 and September 2017, to include (a) an arrest and charge for driving under the influence (DUI) in March 2008, for which he was found guilty and sentenced to one year of probation, and ordered to attend a victim's panel and have an ignition interlock installed in his vehicle, in addition to receiving an Article 15 Army disciplinary action; (b) an arrest and charge of child endangerment (associated with alcohol consumption) as a part of an Army Article 15 disciplinary action; and (c) an arrest and charge of domestic battery, assault with a deadly weapon and false imprisonment in September 2017. Allegedly, Applicant consumed alcohol immediately prior to the incident and arrests are covered by SOR ¶¶ 2.b and 2.c..

Under Guideline I, Applicant allegedly was evaluated in May 2022 by a licensed psychologist and determined after a structured personality assessment and medical records review to meet the criteria for Alcohol Use Disorder, Mild; Gambling Disorder, in early remission and an unspecified Anxiety Disorder. Allegedly, Applicant's exhibited symptoms were considered by the evaluating psychologist to be harmful or potentially hazardous for which Applicant exhibited a pattern of avoidance and denial.

Under Guideline G, Applicant allegedly (a) incurred alcohol-related arrests and charges cross-alleged under Guideline J; (b) experienced a relapse of alcohol use leading to daily drinking; and (c) received a psychological evaluation cross-alleged under Guideline I that included an alcohol use disorder diagnosis.

In his response to the SOR, Applicant admitted all of the alleged debts with explanations and clarifications. He claimed all of the SOR-listed debts are covered by a debt management program. He claimed no recollection of the child endangerment and has full custody of his children following his divorce. He further claimed the September 2017 charges against him were dismissed. And, he claimed he has been receiving help

from the Veterans Administration (VA) health clinic and participates in group and individual therapy sessions.

Findings of Fact

Applicant is a 40-year-old employee of a defense contractor who seeks a security clearance. Admitted facts are adopted and incorporated by reference. Additional findings of fact follow.

Background

Applicant married in November 2001 and divorced in August 2011. (GE 1; Tr. 25) He has two children from this marriage (ages 18 and 22). (GE 1; Tr. 19) He earned a high school diploma in June 2001 and attended technical courses between March and June 2003 without earning a diploma or degree. (GE 2) He reported brief unemployment following his divorce in 2011. Applicant enlisted in the Army in May 2001 and served 10-plus years of active duty before receiving an honorable discharge in September 2011. (GE 1)

Since 2022, Applicant has been conditionally employed (subject to his receipt of a security clearance) as an aircraft worker for his current employer. (GEs 1-2; Tr. 23) He was rehired and sponsored by his former employer with the understanding of withholding actual employment pending his obtaining a security clearance. (Tr. 51-55) Previously, he was an active-duty member of the U.S. Army. He held a security clearance while on active military duty. (Tr. 22)

Applicant's finances

Between 2020 and 2021, Applicant accumulated seven delinquent consumer debts exceeding \$67,000. (GEs 1-4) The SOR-covered debts are listed as follows: SOR ¶¶ 1.a (a personal loan for \$20,824); 1.b (a repossession charge-off for \$19,093); 1.c (a credit card account for \$16,258); 1.d (a credit card account for \$4,515); 1.e (a credit card account for \$4,028); and 1.f (a credit card account for \$2,998) Applicant attributed his debt delinquencies to using his credit cards and cash advances from a personal loan in 2020 to fund his gambling habit. (GE 11; Tr. 25) He did not address these debts initially due to poor money management problems fostered by his alcohol and compulsive gambling addictions. (GE 11)

At the height of his gambling addiction (cresting in 2020), Applicant was spending \$1,000 a week and producing little returns on his money. (Tr. 26) Realizing he has a serious gambling problem, he self-referred himself to the VA in 2021 for counseling. (Tr. 29) While he has cut back spending on his gambling habit in the past few years, he still spends between \$200 and \$600 a month on gambling. (Tr. 28-29)

To date, Applicant has addressed three of his delinquent accounts with the aid of funds from selling his home in 2023. In his post-hearing submissions, he documented his satisfaction of judgments entered against him by creditors covered by SOR ¶¶ 1.a

and 1.e. (AEs I-J; Tr. 46-47, 55-56), as well as his resolution of the debt covered by SOR ¶ 1.b. While he expects to pay off his remaining debts in the near future, he has provided no documentation of payments or payment plans with these creditors (i.e., SOR ¶¶ 1.c-d and 1.f)

Applicant reported no financial counseling. (Tr. 56) He reported current monthly income of \$106,000 and has averaged between \$92,000 and \$106,000 over the past three years. (Tr. 23-24) He estimates to have \$20,000 in his 401(k) retirement account. (Tr. 60-61) After allowing for monthly expenses (inclusive of child support of his two children, he is left with small remainder, which he deposits in his savings accounts to pay his other bills. (Tr. 59-60)

Applicant's criminal arrest history

Between 2008 and 2017, Applicant was arrested and charged with multiple criminally-related offenses. Incident reports document Applicant's arrests and charges for Dul, in March 2008, for which he was found guilty and sentenced to one year probation and ordered to attend a victim's panel and have an ignition interlock installed in his vehicle. (GE 6; Tr. 36) As a part of a separately administered Article 15, he received additional disciplinary action.

Records document that Applicant was arrested and charged in May 2009 for child endangerment. (GE 6; Tr. 39) As a part of a second administered Article 15, he received a loss of rank. (GE 10) And, in September 2017, he was arrested and charged with domestic battery, assault with a deadly weapon, and false imprisonment. (GE 6; Tr. 40). While the charges in both cases were court-dismissed, Applicant admitted to consuming alcohol in both instances immediately prior to the charged incidents. Inferentially, both of these incidents were alcohol-related. (GE 10)

Applicant's psychological and alcohol assessments

Concerned about PSI reports of Applicant's acknowledged alcohol and compulsive gambling issues that were impacting his finances, DoD's Central Adjudications Facility (CAF) referred Applicant to psychological counseling in May 2022. (GE 8) The DoD CAF's referral requested a mental health evaluation to assess the presence or absence of psychological conditions that could impair his judgment, reliability, or ability to properly safeguard classified national security information. (GE 8)

In his psychiatric history intake, Applicant provided the DoD CAF's retained licensed psychologist (Dr. A) background information. Applicant cited his initiation of drinking in late adolescence and his steady increase in his drinking after joining the Air Force in 2001. (GE 8) He recounted his rehabilitation experiences (2009-2016) with Alcoholics Anonymous (AA) following his 2008-2009 alcohol-related incidents that influenced his turning to sobriety. (GE 8) His cited psychiatric history included his reported adjustment difficulties following his breakup with his fiancée in 2017 and ensuing relapse with alcohol and beginning of his gambling disorder. (GE 8)

In the psychological history Applicant provided Dr. A, Applicant detailed his renewed drinking and gambling practices between 2019 and 2021. (GE 8) He described his simultaneous drinking and gambling “with no reported instances of one without the other.” (GE 8) To fund his gambling habit, he confirmed his taking cash advances on his credit cards to use to gamble. He told the evaluator he ceased his gambling practice and was working with a finance attorney to settle his debts. (GE 8) He also acknowledged his continued drinking without opening up to the evaluator about any sustained efforts to address his alcohol and gambling issues with the help of psychological and substance abuse counseling.

After completing his clinical interview of Applicant and reviewing his medical records, Dr. A found evidence of significant under-reporting of his alcohol and gambling issues, enough to suggest “he may have answered questions in such a way as to present himself in a very positive light by denying common faults and shortcomings.” (GE 8) Cautioning against accepting Applicant’s underplaying of his alcohol and anxiety symptoms, Dr. A found Applicant’s judgment, reliability, and trustworthiness “are not appropriately intact, as evidenced by a history of alcohol and gambling abuse.” (AE 8) In turn, he assigned a DSM-5 diagnosis of alcohol use disorder, mild, gambling disorder, in early remission, and unspecified anxiety disorder. Without assigning any definitive prognosis, Dr. A recommended Applicant engage “in mental health treatment in order to better manage his anxiety symptoms as well as re-engage with his sobriety due to his history of problematic alcohol use.” (GE 8)

Recognizing he was accessing too many of his credit card accounts to fund his self-described alcohol and gambling addiction, and “tired of the same cycle”, Applicant self-referred himself to Veterans Administration (VA) counselors for counseling and treatment in February 2023. (AE G; Tr. 30) His documented admission diagnosis consisted of alcohol dependence, compulsive gambling in remission, depression, and anxiety disorder. (AEs B-G)

Over the course of several months (February 2023 through November 2023), Applicant received both individual and group counseling to address alcohol and gambling issues. (AEs B-G) Progress notes of VA treatment records document his revised diagnosis of alcohol use and gambling disorder in April 2023. (AE B) His medical records document last counseling sessions in April 2024. Treatment notes credited Applicant with better control of his drinking without any expressed commitments to abstinence. (AEs B-G) VA treatment providers credited Applicant with a compulsive gambling assessment in remission. (AE G)

Applicant’s treatment records do not contain any abstinence recommendations or AA referrals. He last attended AA meetings in October 2016 after his ex-fiancee relapsed and cheated on him. (Tr. 33) For support, he currently relies on his girlfriend and family to help him control his alcohol consumption. (Tr. 32-33)

Applicant continues to drink and sometimes to the point of intoxication. (Tr. 31) He freely acknowledged that while he is not completely sober, “he could not be drunk ever day” and still maintain his job. (Tr. 31) Since ending his VA treatment sessions in

mid-2023, he has not resumed any professional alcohol counseling and treatment programs. (Tr. 32)

Policies

By virtue of the jurisprudential principles recognized by the U.S. Supreme Court in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988), “no one has a ‘right’ to a security clearance.” As Commander in Chief, “the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. Eligibility for access to classified information may only be granted “upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The AGs list guidelines to be considered by judges in the decision-making process covering DOHA cases. These guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual’s reliability, trustworthiness, and ability to protect classified information. These AGs include conditions that could raise a security concern and may be disqualifying (disqualifying conditions), if any, and all of the conditions that could mitigate security concerns, if any. These guidelines must be considered before deciding whether or not a security clearance should be granted, continued, or denied. Although, the guidelines do not require judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in arriving at a decision.

In addition to the relevant AGs, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in ¶ 2(a) of the AGs, which are intended to assist the judges in reaching a fair and impartial, commonsense decision based on a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a sufficient period of an applicant’s life to enable predictive judgments to be made about whether the applicant is an acceptable security risk.

When evaluating an applicant’s conduct, the relevant guidelines are to be considered together with the following ¶ 2(d) factors: (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 of the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Viewing the issues raised and evidence as a whole, the following individual guidelines are pertinent herein:

Financial Considerations

The Concern: Failure or inability 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 or 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 acts or otherwise questionable acts to generate funds. . . . AG ¶ 18.

Criminal Conduct

The Concern: Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations. AG ¶ 30.

Psychological Conditions

The Concern: Certain emotional, mental, personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under the 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.

Alcohol Consumption

The Concern: 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 y classified or sensitive information. AG ¶ 21.

Burdens of Proof

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours.

Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. See also Exec. Or. 12968 (Aug. 2, 1995), § 3.1.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Security concerns are raised over Applicant's reported (a) accumulation of six delinquent consumer accounts exceeding \$67,000 and (b) taking out cash advances on his credit cards to support his gambling habit. Additional security concerns are raised over Applicant's criminal arrest record and psychological and alcohol abuse history.

Financial concerns

Applicant's debt delinquencies warrant the application of three of the disqualifying conditions (DC) of the financial consideration guidelines: DC ¶¶ 19(a),

“inability to satisfy debts”; 19(c), “a history of not meeting financial obligations”; and 19(h), “borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts.” Each of these DCs apply to Applicant’s situation.

Financial stability in a person cleared to protect classified information is required precisely to inspire trust and confidence in the holder of a security clearance that entitles the person to access classified information. While the principal concern of a security clearance holder’s demonstrated difficulties is vulnerability to coercion and influence, judgment and trust concerns are implicit in cases involving delinquent debts.

Historically, the timing of addressing and resolving debt delinquencies are critical to an assessment of an applicant’s trustworthiness, reliability, and good judgment in following rules and guidelines necessary for those seeking access to classified information or to holding a sensitive position. See ISCR Case No. 14-06808 at 3 (App. Bd. Nov. 23, 2016); ISCR Case No. 14-01894 at 5 (App. Bd. Aug. 18, 2015).

Applicant cited alcohol and compulsive gambling following his 2017 breakup with his fiancée as the principal sources of his accruing large delinquent debt balances. He has avoided any breaks in employment since his divorce and has made some notable progress in addressing his delinquent consumer debts. With the help of a debt resolution firm, he has been able to address and satisfy two judgment debts (SOR ¶¶1.a and 1.e). And, he is credited with paying off the delinquent credit card account covered by SOR ¶ 1.b. However, his remaining three debts covered by SOR ¶¶ 1.c-1.d and 1.f remain unresolved and outstanding. And, while he has made some noted psychological progress in reducing his gambling, he continues to gamble without a favorable prognosis free of any recurrence risks.

Partially available to Applicant due to his prior divorce and brief period of unemployment in 2011 is mitigating condition (MC) ¶ 20(b) of Guideline F. MC ¶ 20(b) provides as follows: “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.” Because Applicant’s documented repayment initiatives remain a work-in-progress, he cannot satisfy the “acted responsibly under the circumstances” prong of ¶ 20(b). So, too, application of MC ¶ 20(d), “the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts,” is very limited, given Applicant’s remaining unpaid debts and his still unresolved gambling problem. None of the other potentially available mitigating conditions are available to Applicant.

In evaluating Guideline F cases, the Appeal Board has stressed the importance of a “meaningful track record” that includes evidence of actual debt reduction through the voluntary payment of accrued debts. See ISCR Case No. 19-02593 at 4-5 (App. Bd. Oct. 18, 2021); ISCR Case No. 19-01599 at 3 (App. Bd. Jan. 20, 2020). Without more evidence from Applicant of his addressing his remaining delinquent accounts with payments and payment plans and overcoming his gambling issues, favorable resolution

of Applicant's financial situation cannot be reached. Well-intentioned promises linked to security clearance assurance preconditions cannot be substituted for a voluntary, good-faith track record of payments. See ISCR case No. 17-04110 at 4 (App. Bd. Sep. 26, 2019).

Based on the evidence presented, Applicant is not able to demonstrate a sufficient tangible payment history of actual debt reduction to satisfy Appeal Board guidance associated with the good-faith and responsible payment requirements of MC ¶¶ 20(b) and MC 20(d). While encouraging, Applicant's progress to date in satisfying his debt delinquencies and resolving his gambling issues remain a work in progress.

Criminal conduct concerns

Security concerns are also raised over Applicant's multiple alcohol-related charges emanating from domestic violence, child endangerment, and domestic battery reports. Applicable under the criminal conduct guideline is: DC ¶ 31(b), "evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted." Applicant's alcohol-related arrests and charges attributable to him without a sufficient track record of alcohol avoidance and assumed responsibility with family members cannot be mitigated at this time. Applicant's historical arrest record is interrelated with the Government's alcohol concerns and cannot be evaluated in isolation of those concerns.

Psychological and alcohol use concerns

Additional security concerns are raised over Applicant's diagnosed co-existing disorders by an evaluating duly qualified mental health professional employed by the DoD: in Applicant's case Dr. A, a licensed clinical psychologist. Based on Dr. A's clinical review, self-reported questionnaires, structured personality assessment, and medical records review, he found Applicant to meet the criteria for Alcohol Use Disorder, Mild, Gambling Disorder, in early remission, and an unspecified anxiety disorder. Besides finding Applicant's alcohol use to be harmful or potentially hazardous (citing the World Health Organization guidelines), Dr. A found Applicant to exhibit a pattern of avoidance and denial of symptoms or limited insight into the presence of his symptoms, and recommended pursuing mental health treatment to better manage his anxiety symptoms, as well as reengage his sobriety in light of his historical problems of alcohol use. In his concluding psychological assessment of Applicant, Dr. A assessed Applicant's judgment, reliability, and trustworthiness to be not appropriately intact.

Applicable disqualifying conditions under Guideline I consist of the following: DC ¶¶ 28(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 28(e), "pathological gambling, the associated behaviors of which may include unsuccessful attempts to stop gambling; gambling for increasingly higher stakes, usually in an attempt to cover losses; concealing gambling losses; borrowing or stealing

money to fund gambling or pay gambling debts; and family conflict resulting from gambling.” Both DCs apply to Applicant’s situation.

To his credit, Applicant accepted Dr. A’s. recommendations and enrolled in a VA mental health treatment program in 2023. His VA treatment records document regular individual and group counseling sessions between February 2023 and April 2024. Applicant’s initiatives entitle him to partial application of MC ¶ 29(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.”

Co-existing security concerns are raised over Applicant’s multiple years of alcohol abuse (to the point of intoxication), interspersed with brief periods of abstinence and relapses. Treatment admissions covered outpatient sessions designed to promote his recovery from diagnosed alcohol-abuse disorder.

On the strength of the evidence documented in the record, four disqualifying conditions (DCs) of the alcohol consumption guideline apply. DCs ¶¶ 22(c), “habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol abuse disorder”; 22(d), “diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed social worker) of alcohol use disorder”; 22(e), “the failure to follow treatment advice once diagnosed”; and 22(f), “alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder.”

Recognizing his mistakes in judgment associated with his recurrent periods of abusive drinking, even after receiving counseling and treatment for diagnosed alcohol abuse disorder, Applicant’s abusive drinking is extenuated to some extent by the emotional reactions he experienced after his ex-financee, who cheated on him, left him. Applicant may take advantage of one of the mitigating conditions MCs of the alcohol consumption guideline. MC ¶ 23(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,” has some limited application to Applicant’s situation in this case. However, before Applicant can be cleared of relapse risks, both an updated diagnosis and prognosis are needed to clear away any doubts about the sustainability of his recovery.

Offered an opportunity to provide medical updates from VA treatment counselors, Applicant provided considerable post-hearing documentation of his continuing counseling and treatment of his diagnosed alcohol use and co-existing gambling and anxiety disorders. Without any evidence of continued counseling, sustained sobriety, or cessation of gambling, Applicant has no documented proof of his sustaining recovery from alcohol and gambling abuse to corroborate his rehabilitation claims. Endorsements from medical professionals, therapists, supervisors, coworkers, family, and friends who are familiar with his past alcohol issues and his progress in overcoming his problems

with alcohol abuse and related gambling disorders over the past three years might have yielded helpful observations and recovery potential, but were not provided. At this time, there is insufficient medical information in the compiled records of Applicant's referred mental health evaluator or VA to clear Applicant of potential recurrence risks based on the evidence developed in the record to date.

Whole-person assessment

Whole-person assessment of Applicant's clearance eligibility requires consideration of whether the state of his finances, criminal history, and co-existing mental health disorders are fully compatible with minimum standards for holding a clearance. Applicant's problems in managing his finances and overcoming his diagnosed gambling, psychological, and alcohol disorders remain security concerns. His co-existing disorders together have affected not only his ability to manage his finances safely and responsibly, but his ability to display the levels of judgment and responsibility required to meet the minimum requirements for holding a security clearance. Taking into account his credited defense contributions and his recent repayment and VA counseling initiatives, Applicant's progress to date in surmounting the Government's security concerns, while encouraging, is insufficient and will need more evidence of restorative efforts on Applicant's part.

Without a better track record of good-faith, responsible payment initiatives and restorative alcohol and gambling progress, Applicant's overall efforts to date fall short of the levels of financial responsibility and established trust and reliability required for eligibility to hold a security clearance,

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude financial considerations, criminal conduct history, and co-existing gambling and alcohol disorders security concerns are not mitigated. Eligibility for access to classified information is denied.

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:

GUIDELINE F (FINANCIAL CONSIDERATIONS):	AGAINST APPLICANT
Subparagraphs 1.d.-1.g:	Against Applicant
Subparagraphs 1.a-1.b and 1.e:	For Applicant
GUIDELINE J (CRININAL CONDUCT):	AGAINST Applicant
Subparagraphs 2.a-2.c:	Against Applicant
GUIDELINE I (PSYCHOLOGICAL CONDITIONS):	AGAINST APPLICANT

Subparagraph 3.a:	Against Applicant
GUIDELINE G (ALCOHOL CONSUMPTION):	AGAINST APPLICANT
Subparagraphs 4.a-4-c:	Against 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.

Roger C. Wesley
Administrative Judge