



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



In the matter of:

ISCR Case No. 25-00052

Applicant for Security Clearance

Appearances

For Government:
Andrew H. Henderson, Esquire, Department Counsel

For Applicant:
Samir Nakhleh, Esquire

09/10/2025

Decision

GLENDON, John Bayard, Administrative Judge:

Applicant has mitigated the security concerns arising under Guideline J (criminal conduct), but she has not mitigated the security concerns raised under Guidelines I (psychological conditions), E (personal conduct), and M (use of information technology). National security eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a Questionnaire for National Security Positions on May 12, 2022 (the Questionnaire). On February 12, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines I, E, J, and M. The action was taken under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense (DoD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within DoD after June 8, 2017.

Applicant responded to the SOR allegations on February 27, 2025 (Answer) and requested that her case be decided on the administrative record. On March 4, 2025, Department Counsel elected to have a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). Department Counsel was prepared to proceed on the same date. The case was assigned to me on April 11, 2025. DOHA sent Applicant a Notice of Hearing on April 17, 2025, scheduling the case to be heard via Microsoft Teams video teleconference on May 2, 2025. Applicant then retained counsel, who entered his appearance on April 24, 2025. He requested a continuance. Department Counsel objected to the request due to it being made so close to the hearing date; however, I granted a brief continuance to give Applicant's counsel additional time to prepare for the hearing. On April 30, 2025, Department Counsel submitted a Notice of Expert Testimony. On the same date, the hearing was rescheduled by mutual agreement for May 23, 2025, and DOHA confirmed this date with an Amended Notice of Hearing.

I convened the hearing as rescheduled. Department Counsel offered six documents marked as Government Exhibits (GE) 1 through 6 and a seventh document, the CV of the Government's expert witness, which was marked as Hearing Exhibit (HE) I. Applicant's counsel offered into evidence two evidentiary exhibits, marked as Applicant Exhibits (AE) A and B, and three character reference letters, marked as AE C i through C iii. Both parties' exhibits were admitted into the record without objection. DOHA received the transcript of the hearing (Tr.) on May 30, 2025. (Tr. at 8, 47.)

Findings of Fact

Applicant is 26 years old, engaged, and expecting a child. She received a high school diploma in 2017 and enlisted in the U.S. Air Force (USAF) in June 2018 at the age of 19. She was granted eligibility for a Secret clearance in 2018. She was administratively separated from the USAF on mental-health grounds in 2021. The characterization of her discharge was "Honorable." Earlier that year, Applicant received two Article 15 non-judicial punishments (NJPs), which were followed by a brief period of counseling with a mental health therapist for what she described as "mild anxiety and mild depression." She has been employed by a U.S. Government contractor since June 2022. (Tr. at 48-54; GE 1 at 5, 9-11, 13-14, 19-21, 23, 24, 36; GE 2 at 3, 6; AE A.)

The Government alleged in the SOR that Applicant is ineligible for a security clearance for several reasons set forth under four adjudicative guidelines. I find the following facts based upon the pleadings, the hearing testimony, and the documentary record:

Paragraph 1, Guideline I (Psychological Conditions)

The Government alleged in this paragraph of the SOR that Applicant is ineligible for a security clearance due to having certain emotional, mental, or personality conditions that can impair her judgment, reliability, or trustworthiness. Specifically, the SOR alleged that Applicant has been diagnosed twice with a mental health "disorder." In the Answer,

Applicant denied the allegation regarding a June 2024 diagnosis and provided an explanation. She admitted the allegation regarding a February 2020 diagnosis.

SOR ¶ 1.a. June 2024 Psychological Evaluation. On June 4, 2024, Applicant's mental health was assessed by a licensed clinical psychologist (the Psychologist) who diagnosed her as having an "Other Specified Trauma – and Stressor – Related Disorder (Adjustment disorder-like symptoms of unclear severity)." She was assessed as having a "guarded" prognosis. The Psychologist also concluded, "It is likely that this condition may impair her ability to use good judgment, decision-making and follow rules and regulations in her workplace." (GE 3 at 5, 6.)

In his August 12, 2024 report, the Psychologist opined that Applicant's "emotional turmoil interferes with her ability to function." He noted that Applicant reported during the clinical interview that she had "an exceptionally high level of difficulty discussing" her "history of both conduct problems and emotional distress related to her past military service." (GE 3 at 5.)

The Psychologist testified at the hearing about the clinical interview of Applicant and his evaluation. With his impressive CV and extensive history of conducting mental health evaluations for the Government, the Psychologist was accepted as an expert in evaluations without objection. He testified that Applicant was reluctant to discuss with him her personal history and emotional problems, including the problems she experienced while a member of the USAF and her discharge. This led him to give her a general diagnosis due to a lack of information. He also explained that he gave her a "guarded prognosis due to her insufficient treatment of her mental health issues and her unresolved emotional turmoil." The Psychologist also stated that if she had experienced consistent and ongoing treatment, he would have given her "a favorable recommendation." (Tr. at 20, 27-28; HE I.)

In the Answer, Applicant denied this SOR allegation and wrote that she did not think that the Psychologist's report concluded that she was "a risk" or that her judgment was "clouded." She did not address that report further at the hearing in any significant manner. Applicant's counsel vigorously cross-examined the Psychologist about his report. That cross-examination, however, did not undermine the Psychologist's conclusions in any material respects. (Answer at 1; Tr. at 29-42.)

SOR ¶ 1.b. February 2020 Psychological Evaluation. In February 2020, Applicant voluntarily went to the mental health clinic at her Air Force base (the Clinic) for help with her depression and anxiety. At that time, she complained that she was crying excessively. She was evaluated by a clinical social worker (the Therapist) at the Clinic and given a diagnosis of "Adjustment disorder with mixed anxiety and depressed mood." She was also given a diagnosis of "Personal [history] of childhood physical, psychological and emotional abuse." The Therapist treated Applicant for six sessions during the period late January 2020 to early April 2020. Applicant testified that the Therapist was then

separated from the Air Force due to a medical condition. In the report of Applicant's last session with the Therapist on April 3, 2020, the Therapist wrote:

[Applicant] has not engaged in therapy consistently which negatively affects progress in [treatment]. [Applicant] continues to report less anxiety after medication compliance and reported some difficulty with teletherapy during previous session as [Applicant] expressed 'I get nervous on the phone.' [the Therapist] used this to engage [Applicant] in exploring her anxiety which [Applicant] reported has caused some difficulty at work and 'avoidance' when engaging face to face with a group of people.

(Tr. at 56; GE 4 at 25-26, 31, 37, 50, 55, 61.)

When the Therapist became unavailable to Applicant, she did not want to start therapy with a new counselor. She testified that she has difficulty trusting people. Nevertheless, she began therapy sessions with a USAF captain who is a psychiatric nurse practitioner (the Practitioner). Since March 2020, Applicant was taking two prescribed medications for her condition. From April 2020 to August 2020, she only attended four sessions with the Practitioner. In his report of her last session on August 31, 2020, the Practitioner noted her "symptoms have improved significantly, despite not taking medications as prescribed." He gave her a "Good" prognosis. Applicant discontinued taking the prescribed medications about the time of her last therapy session. She testified that the drugs were not really helping her. (Tr. at 55-58, 74.)

Applicant was involuntarily discharged from the USAF in or about August 2021 due her mental health. In her response to an inquiry in the Questionnaire as to whether she had ever been diagnosed with a psychological disorder, she responded in the negative, thereby failing to disclose her 2020 diagnoses. (Answer at 2; Tr. at 73; GE 1 at 32; GE 2 at 6; GE 4 at 1, 31, 63; GE 5.)

After the June 2024 interview by the Psychologist, Applicant talked to a friend who knew what Applicant was experiencing. This person is a psychiatrist. Applicant only spoke with her as a friend, not as a patient seeking therapy. Applicant testified that she saw a therapist at the base in July 2021, but he told her that he could not help her to oppose her pending separation. Applicant has not received any continuing mental health therapy since August 2020. (Tr. at 68-70, 80-81; GE 2 at 3.)

Paragraph 2, Guideline E (Personal Conduct)

Under this guideline, the Government alleged that Applicant had twice been charged with offenses under the Uniform Code of Military Justice. In the Answer, Applicant admitted the allegations and provided information about the underlying incidents and the disposition of the charges under this guideline.

SOR ¶ 2.a. February 2021 Non-Judicial Punishment. Applicant received NJP for disrespecting a non-commissioned officer (the NCO) and dereliction of duty by misusing her official access to a security information system to delete the NCO's profile without authorization. She received a reprimand, was reduced in rank (suspended), and forfeited pay. (Answer at 2; Tr. at 78-79; GE 1 at 20-21, 38; GE 2 at 2; GE 5.)

At the hearing, Applicant testified that the computer system involved contains the Personally Identifiable Information of service members in her squadron. She had been instructed that the only persons with a "need to know" were allowed to have access to the system. The NCO asked to have access to the system, and Applicant refused, believing that he had no reason to know the confidential information he was seeking. The NCO became upset by being refused access by Applicant, who held a lower rank, and she also became upset by his reaction. Applicant acknowledged that her reaction of deleting the NCO's profile in retaliation was wrong, and she took responsibility for her action. She testified that her actions were "very immature." She received further training and now believes that she can uphold all rules and regulations relating to information systems in the future. (Tr. at 59-62.)

SOR ¶ 2.b. April 2021 Non-Judicial Punishment. Applicant again received NJP for assault consummated by a battery. It was determined that she unlawfully assaulted and then struck a staff sergeant. She received a reprimand and was reduced in rank. Her suspended reduction in rank from the earlier incident became effective, resulting in her pay grade being reduced from E-4 to E-2. The incident that led to this NJP involved Applicant punching the staff sergeant in the arm. A witness observed the incident and reported it. (Answer at 2; GE 1 at 21; GE 2 at 2-3; GE 5; GE 6 at 3.)

Applicant testified that her action of punching the staff sergeant was merely a joking gesture. She later was advised that the staff sergeant did not view the incident as a joke and had complained about it. When she learned about his reaction, she apologized to him and said she would not bother him again. (Tr. at 62-64.)

Applicant summarized her reaction to the two NJPs. She said that she felt she was "targeted" and the incidents were an excuse to remove her from that office and from the USAF. She believed that the February 2021 incident, discussed above, led to the filing of the second complaint against her. Both incidents occurred after she had completed therapy at the Clinic, as discussed above. Applicant's depression and anxiety became worse after these incidents. She felt that the people around her wanted "to destroy my whole life." She testified that she began therapy with a counselor at the Clinic after the two incidents discussed above. She went to two sessions. She testified that the counselor helped her see everything "in a new light," but the sessions were not "really helpful." (Tr. at 65-68.)

Paragraph 3, Guideline J (Criminal Conduct)

Under this guideline, the Government cross-alleged the NJP proceedings alleged above under Guideline E as evidence of criminal conduct by Applicant. In the Answer, Applicant denied the allegation.

SOR ¶ 3.a. The two Guideline E allegations above (SOR ¶¶ 2.a, 2.b) are cross alleged here under the criminal conduct guideline. In the Answer, Applicant denied this cross-allegation even though she admitted the underlying Guideline E allegations in the Answer. She wrote that she had discussed with others the two incidents and the surrounding circumstances, and no one “thought I was a risk.” In her response, she was not specific whether she was referring to both of the cross-alleged Guideline E incidents or just one of them.

Paragraph 4, Guideline M (Use of Information Technology)

The Government cross-alleged the first of the two NJP allegations set forth in SOR subparagraph 2.a. In the Answer, she denied the allegation.

SOR ¶ 4.a. The SOR cross-alleged the allegation in subparagraph 2.a of the Guideline E allegations regarding her misuse of her official access to an information system by deleting the NCO’s profile. In the Answer, Applicant explained that her denial of this allegation was based upon her experiences in her current position as a civilian employee working for a Government contractor for more than two years. She wrote that she has “not had a problem with [her] willingness to comply with the rules or [her] ‘reliability’ or ‘trustworthiness.’”

Mitigation and Whole-Person Evidence

I have carefully reviewed all of Applicant’s testimony and exhibits addressing mitigation and the whole-person analysis. Below is a summary of the most significant evidence.

Applicant submitted three character reference letters, marked AE C i through C iii. A friend, with whom Applicant has worked as a civilian contractor, praised Applicant’s loyalty and teamwork. She believes Applicant has learned from her past experiences and deserves a second chance. A USAF staff sergeant wrote that Applicant has an outstanding record of service both as an airman and as a civilian contractor. She describes Applicant as “consistently helpful, trustworthy, and thorough in her work.” In her view, Applicant has exhibited attention to detail and serious respect for operational security and confidentiality. A third reference wrote that she has observed Applicant closely for four years and “can attest to her strong character, integrity, and respect for others.” All three character references are aware of the facts alleged in the SOR. (Tr. at 81-84; AE C i through iii.)

At the hearing, Applicant testified about the importance she places on her volunteer work. She said that “volunteering helps a lot with my mental health and makes me feel better about myself.” She enjoys helping others and tries her best to help as much as she can. She provided a “Resumé” summarizing her volunteer experiences. The resumé describes her extensive work volunteering in her community. She described herself as a “compassionate and proactive volunteer.” Applicant also submitted her professional resume describing her work experiences since 2018. (Tr. at 54; AE A; AE B.)

Policies

When evaluating an applicant’s suitability for national security eligibility, 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 national security eligibility.

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 AG ¶ 2 describing the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of applicable guidelines in the context 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, “Any 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. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14, requires the Government to 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, and has the ultimate burden of persuasion as to obtaining a favorable clearance 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 national security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified

information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information. Finally, as emphasized in Section 7 of Executive Order 10865, "Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

Analysis

Paragraph 1, Guideline I (Psychological Conditions)

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

Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counselling.

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

- (a) behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors; 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.

The record evidence establishes both of the above potentially disqualifying conditions, thereby shifting the burden to Appellant to rebut, extenuate, or mitigate the security concerns raised by her behavior and psychological diagnoses.

AG ¶ 29 lists the following five mitigating conditions under Guideline I:

- (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.

None of the above mitigating conditions are established by the facts in this case. Applicant has no treatment plan. The counseling she received in 2020 was too brief, sporadic, and ultimately ineffective so as to improve her condition sufficiently to be able to avoid the behavioral issues she experienced in 2021 that cut short her enlistment commitment in the USAF. She has not provided an opinion of a mental health professional to counter the opinion of the Psychologist. Moreover, there is insufficient evidence to support a conclusion that her condition was temporary or that her mental health disorder is not a current problem.

Paragraph 2, Guideline E (Personal Conduct)

The security concerns relating to the guideline for personal conduct are set out in AG ¶ 15, which states:

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.

With respect to the two cross-allegations set forth in SOR ¶ 2.a, the following disqualifying condition has been established:

(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. This includes, but is not limited to, consideration of:

(3) a pattern of dishonesty or rule violations.

Accordingly, the burden shifts to Applicant to mitigate the security concerns raised by her personal conduct. AG ¶ 17 sets forth the following a mitigating condition under Guideline E that has possible application to the facts in this case:

(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.

Applicant has not established the mitigating condition quoted above. In a civilian setting, it might be possible to characterize her behavior as minor, but as a service member, her actions undermined the USAF's requirements for good order and discipline, and respect for superiors. Also, there is no basis in the record to support a conclusion that Applicant's behavior will not recur. Overall, her behavior casts doubt on her reliability, trustworthiness, and good judgment.

Paragraph 3 (Guideline J, Criminal Conduct)

The security concern under this guideline is set out in AG ¶ 30 as follows:

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 ¶ 31 describes five conditions that could raise security concerns under this guideline. The following two conditions are potentially applicable in this case and may be disqualifying:

(a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in

combination cast doubt on the individual's judgment, reliability, or trustworthiness; and

(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 was disciplined in the two NJPs for conduct that violated the Uniform Code of Military Justice. Her criminal conduct establishes AG ¶¶ 31(a) and 31(b). Accordingly, the burden shifts to Applicant to mitigate security concerns.

AG ¶ 32 sets forth four mitigating conditions under Guideline J. The following two conditions have possible application in this case:

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

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Applicant's evidence establishes mitigation under both of the above mitigating conditions. A significant amount of time has passed since the February and April 2021 incidents, especially in light of the nature of the two offenses. Applicant was quite young at the time and has experienced new work environments since the first part of 2021 to help her mature in a work environment, even a difficult one. Now that she is no longer a service member, it is unlikely that the type of incidents that arose in 2021 would recur and be presented as criminal offenses, as opposed to merely workplace incidents. Also, her two resumés present significant evidence of rehabilitation, a good employment record, and constructive community involvement.

Paragraph 4 - Guideline M (Use of Information Technology)

The security concern under this guideline is set out in AG ¶ 39 as follows:

Failure to comply with rules, procedures, guidelines, or regulations pertaining to information technology systems may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to properly protect sensitive systems, networks, and information. Information Technology includes any computer-based, mobile, or wireless device used to create, store, access, process, manipulate,

protect, or move information. This includes any component, whether integrated into a larger system or not, such as hardware, software, or firmware, used to enable or facilitate these operations.

The following potentially disqualifying conditions under AG ¶ 40 apply to the facts of this case:

(b) unauthorized modification, destruction, or manipulation of, or denial of access to, an information technology system or any data in such a system; and

(e) unauthorized use of any information technology system.

AG ¶ 41 sets forth four mitigating conditions under Guideline M. The following condition has possible application in this case:

(a) so much time has elapsed since the behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment.

Applicant's action of deleting the NCO's profile from an information system storing sensitive PII of members of a USAF Squadron occurred four years ago; however, that period of time is insufficient to mitigate her serious breach of her duties as a member of the USAF. This incident happened under the circumstances where her mental health issues made her angry at the NCO and willing to break the rules requiring that she protect and preserve that information, not delete it over a fit of anger. As noted above, Applicant has not mitigated her mental health issues with treatment and a plan for improving her mental health. Applicant's willingness to use her access to information system as a weapon of personal vengeance in response to her resentment of the NCO's conduct is concerning in the context of the information system holding USAF PII and Applicant being an airman. She recognizes her mistake in judgment, but that after-the-fact reaction to her situation does not mitigate the significant doubt that her actions while wearing the uniform of the USAF cast on her reliability, trustworthiness, and judgment.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for national security eligibility 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 national security eligibility must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the above whole-person factors and the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. I have given careful consideration to Applicant's mitigating and whole-person evidence. Overall, I agree with the Psychiatrist's view that Applicant's reluctance to seek treatment for her mental health issues raises security concerns. This concern is heightened by her actions while serving in the Air Force of misusing the information system to which she was granted access. Overall, the record evidence leaves me with questions and doubts as to Applicant's suitability for national security eligibility and a security clearance.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline I: Subparagraphs 1.a and 1.b:	AGAINST APPLICANT Against Applicant
Paragraph 2, Guideline E: Subparagraphs 2.a and 2.b:	AGAINST APPLICANT Against Applicant
Paragraph 3, Guideline J: Subparagraph 3.a:	FOR APPLICANT For Applicant
Paragraph 4, Guideline M: Subparagraph 4.a:	AGAINST APPLICANT 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 national security eligibility. Eligibility for access to classified information is denied.

JOHN BAYARD GLENDON
Administrative Judge