



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



In the matter of:	)	
	)	
	)	ISCR Case No. 24-01209
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Brittany White, Esq., Department Counsel  
For Applicant: William F. Savarino, Esq.

04/27/2026

**Decision on Remand**

DRISKILL, A. M., Administrative Judge:

Applicant did not mitigate the security concerns under Guidelines D (Sexual Behavior), I (Psychological Conditions), and E (Personal Conduct). Security concerns under Guideline M (Use of Information Technology) were mitigated. Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) on October 29, 2020. On September 27, 2024, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines D, I, M, and E. The DCSA acted under Executive Order (Exec. Or.) 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) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017.

Applicant answered the SOR on December 11, 2024, and requested a hearing before an administrative judge. Counsel was ready to proceed on January 24, 2025. The case was assigned to another administrative judge (AJ A) on June 26, 2025. On July 28,

2025, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled to be conducted on August 26, 2025, and the hearing was convened as scheduled. Department Counsel presented the testimony of one witness and submitted Government Exhibits (GE) 1 through 15, which were admitted in evidence without objection. Applicant testified, presented the testimony of two witnesses, and submitted Applicant's Exhibits (AE) A through JJ, which were admitted without objection. AJ A kept the record open to enable Applicant to submit additional evidence. On August 29, 2025, he timely submitted AE KK, which was admitted without objection, and the record closed on that date. DOHA received the transcript (Tr.) on September 9, 2025.

On November 24, 2025, AJ A denied Applicant's application for security clearance eligibility. Applicant appealed the decision, and on February 2, 2026, the DOHA Appeal Board remanded the case to a different judge. The Appeal Board provided the following instruction:

Because Applicant's credibility may be important to the issues in this case, the judge assigned on remand should ascertain if the parties consent to have a determination made on the basis of the existing record. If both parties consent to such a determination, then the judge may render a new decision without holding a new hearing. If either party declines to consent to having the case decided on the basis of the existing record, then the judge should hold a new hearing and issue a decision that complies with all the relevant provisions of the Directive.

ISCR Case No. 24-01209 at 3-4 (App. Bd. February 2, 2026). On March 23, 2026, the case was assigned to me. Both parties consented to having the case decided based on the existing record. (Hearing Exhibit (HE) I)

### **Findings of Fact**

Under Guideline D, the SOR alleges that Applicant circumvented security measures, in violation of school internet policies, to view pornography on computers owned by his university (SOR ¶ 1.a) and on his cell phone (SOR ¶ 1.b) (both allegations are cross-alleged under Guideline M, SOR ¶ 3.a); that from 2010 to 2016, he accessed his mother's computer without her permission and masturbated to photos of her without her knowledge or consent (SOR ¶ 1.c); that he viewed pornography and masturbated in an office restroom in 2015 while interning at a law firm (SOR ¶ 1.d); that he watched pornography and masturbated while driving on multiple occasions (SOR ¶ 1.e); and the information in SOR ¶ 2.a, discussed below, was cross-alleged under Guideline D in SOR ¶ 1.f. In his Answer to the SOR, he admitted SOR ¶ 1.d and denied the remaining allegations.

Under Guideline I, the SOR alleges that a 2023 psychological evaluation concluded Applicant's insight was poor-to-fair and expressed concerns about his judgment given that his sexual habits led him to violate rules and laws without remorse or fear of being caught, giving him a guarded prognosis (SOR ¶ 2.a); that he was

diagnosed with panic disorder without agoraphobia in 2023 (SOR ¶ 2.b); that he was prescribed psychiatric medication in 2020 but stopped taking it in 2023 without consulting a provider (SOR ¶ 2.c); that in 2003, he was diagnosed with attention deficit/hyperactivity disorder (ADHD) and prescribed a psychiatric medication, which he stopped taking without consulting with a provider (SOR ¶ 2.d); that in 2019, he was disqualified for an Army ROTC program for mental health concerns and suicidal ideations (SOR ¶ 2.e); and that in 2015, he held a pair of scissors to his wrist in a suicidal gesture (SOR ¶ 2.f). In his Answer to the SOR, he admitted SOR ¶ 2.b and denied the remaining allegations.

Under Guideline E, the SOR alleges that Applicant falsified material facts on a 2017 SCA when he did not disclose mental health treatment (SOR ¶ 4.a); that, because he was blocked from viewing his ex-girlfriend's Instagram profile in 2020, he created an anonymous account to continue viewing her profile without her knowledge or consent (SOR ¶ 4.b); that in 2017 he researched websites on how to view a fellow student's private Instagram profile without requesting access from her, though he was unsuccessful despite several attempts (SOR ¶ 4.c); and it cross-alleged SOR ¶¶ 1.a through 1.c (SOR ¶ 4.d). In his Answer to the SOR, he admitted SOR ¶ 4.b and denied the remaining allegations.

Applicant is 29 years old. He has never been married, and he does not have any children. He did not serve in the military. He earned a bachelor's degree in December 2019 from a university with a military-style training environment, known for its zero-tolerance honor code. He has been employed with a defense contractor since July 2020. (GE 1; AE A, C; Tr. at 101-108)

### **University Internet**

On his 2020 SCA, Applicant disclosed that from August 2015 to December 2019, against his university's information technology policy, he watched pornography using his university's wireless network (Wi-Fi); he used virtual private networks (VPN) to circumvent their security measures in order to stream pornography; and he watched pornography on physical university computers. (GE 1)

Applicant had background subject interviews with a government investigator in January and March 2021 (SI). He confirmed that, throughout his time at college, he used a VPN to watch and stream pornographic videos on the university's computers and while using the university's Wi-Fi, against school policy. By using a VPN, the school network could not detect that he was watching prohibited content on their network. (GE 3)

At the hearing, Applicant admitted to circumventing school security measures to view pornography on school computers throughout his time at the university. He explained that, until 2017, a banner would appear when trying to access a pornographic website, warning that the web administrator thought it should be blocked. The website could be accessed by simply pressing continue. After 2017, pornographic sites were completely blocked and the only way to access them was through a VPN. He stated that he viewed pornography on a school computer once while accessing his personal Google

drive. Other than that time, he used his cell phone connected to the school's Wi-Fi. He first stated that he was never caught viewing pornography but then changed his answer to "maybe once." (Tr. at 132) He stated that he did not receive any disciplinary action, though he did not know why he was not punished. (Tr. at 129-132) He has not improperly used another school or business Wi-Fi since he graduated. (Tr. at 140-141)

Colonel W, a retired military officer who served as the senior military officer at Applicant's university while he attended, submitted a letter. He stated that misuse of the university's network was not conduct that school officials viewed as significant, and that such transgressions were to be expected of students. He explained that misuse of the internet was a minor infraction, not a violation of the school's honor code. (AE C)

Dr. A, Applicant's former professor, submitted a letter. He stated that he had been involved in the university's computer system within his department. During the process of erasing school computer hard drives, he would see what students had been viewing and described the viewing of pornography on the school's computers and internet as "rampant" despite being discouraged. (AE E)

Mr. D, Applicant's mentor and alumnus of his university, submitted a letter. He reiterated that violations like misuse of the university internet were considered minor infractions and that many students committed similar violations during his time at the university. If caught, students would be given very minor punishments such as extra marching duties or confinement to barracks. (AE F)

Mr. B, Applicant's college roommate and friend, submitted a letter. He stated that, though he does not condone it, his impression was that viewing pornography was not uncommon at their school and that the penalties were not harsh. (AE H)

## **Photos of Mother**

On his 2020 SCA, Applicant disclosed that, beginning in January 2013, he went onto his mother's computer looking for "lewd photographs of her, to pleasure myself to." He stated he did this all through high school and once during his sophomore year of college. When he found the lewd photographs, he would save them to his personal hard drive, phone, or other storage device. He went on to report that he once remotely accessed the local network of his house to access pictures of his mother, though he could not recall when he did that. He also reported accessing his mother's cellular phone to find photos, though again he could not remember when. (GE 1)

In his SI, Applicant stated that he accessed his mother's computer without her permission "to view lewd photos of her to pleasure himself sexually." He stated that he did this consistently during high school and at the beginning of his college years and that he would save these pictures of his mother on his personal devices. He also remotely accessed his home computer network while at college to view pictures of his mother off her computer. He did not get permission from his mother to access her computer, and

she “found out about it later on.” He had not looked at lewd pictures of his mother to pleasure himself since he finished college. (GE 3)

Applicant’s mother submitted a written declaration. She disputed Applicant’s characterization of his access to her computer as being without her permission. She explained that she gave him her computer password when he was a pre-teen and permitted his access to it. She stated that, at some point, he told her he was masturbating to photos of her on her computer. She researched the behavior, concluded it was “merely an innocent phase,” and decided not to overreact so as not to cause psychological harm. She did not stop him. She also disputed that the photos were “lewd in any way,” but were just typical photos, all with her being fully dressed. (AE B)

Applicant testified that he began accessing his mother’s computer between the ages of ten and 12 years old. She gave him the code to access her computer and never changed the code. He explained that he reported that he did not have her permission to access her computer because “when I was filling that out, I had a really guilty conscience admitting to something that disgusting.” (Tr. at 135) He then clarified that he had her permission to access her computer the entire time. He explained that, despite his mother’s declaration that none of her photographs were lewd, he has “an extremely loose definition of lewd” and that his mother “was in something that looked like a bikini.” (Tr. at 136) He testified that he told his mother what he was doing when he was still a teenager. He stopped looking at the pictures over five years ago and stated that it will not recur. (Tr. at 133-137, 142)

### **Behavior at work and while driving**

In the mental health evaluation discussed below, Applicant reported that he would masturbate in the restroom while working at an internship and that he would watch pornography and masturbate while driving. (GE 4) At the hearing, Applicant testified that he masturbated while driving on a highway less than five times, the last time being three or four years prior. He clarified that he did not view pornography while driving and masturbating. He stated that it has not recurred because it is dangerous to himself and fellow drivers. (Tr. at 141-142, 173-174)

At the hearing, Applicant admitted that he viewed pornography and masturbated in an office restroom sometime between February to June 2015, more than once but fewer than ten times. He could not recall if he repeated this behavior after this time period. He admitted to masturbating while working remotely from his home, but he stopped doing that several months prior to the hearing. (Tr. at 163-172)

### **Instagram Accounts**

On his 2020 SCA, Applicant disclosed that, in March 2017, while at his university, he tried to gain access to a woman’s private Instagram profile. He researched how to see a private Instagram profile and found websites that said by “clicking” on the websites they would grant him access to the woman’s photos. He tried clicking on one of the websites

and saw nothing. He also disclosed that, in March 2020, he created a new Instagram account in order to see his ex-girlfriend's Instagram profile because she blocked him on the Instagram account he already had. He reported that he used the new account to look at her profile up to the present time (October 2020). (GE 1)

In his SI, Applicant confirmed that, in March 2017, he tried to access a student's private Instagram profile without requesting access from the student. He never gained access to her profile, despite his efforts. He explained he was "just curious and wanted to see the pictures on her Instagram account." He also confirmed creating a second Instagram account to see his ex-girlfriend's public Instagram profile after she blocked his original account in March 2020. He did this so he could view her profile anonymously, and he reported being able to view her profile up to the present (January 2021). (GE 3)

Applicant testified that he made an anonymous Instagram account to view his ex-girlfriend's profile because he missed her and wanted to see her. He confirmed that she did not want him to access her Instagram profile. Once he made the anonymous account, he was able to view her profile and did so "quite often" because it took him a while to get over her. He stopped viewing her profile in the months prior to the hearing. He could not explain why he continued viewing her profile after receiving the SOR. He stated that, until recently, he did not view his behavior as a big deal but now sees that it is an issue. Applicant also testified that he tried to access another woman's private Instagram profile by researching how to view someone's private Instagram profile, but he was unsuccessful. (Tr. at 146-152)

## **Mental Health History**

In his SI, Applicant volunteered that in July 2019, he was disqualified from Army Reserve Officers' Training Corps (ROTC) while in college due to mental health concerns and suicidal ideations. He explained that he never actually attempted suicide but once held a pair of scissors to his wrist until "his survival instincts kicked in, which would not allow him to harm himself." He did not recall when this happened but stated it was before he went to college. He later testified that it was while he was at college. He disclosed that he was diagnosed with ADHD as a child and with anxiety disorder as a young adult. He reported that he was currently seeing a therapist on a regular basis for anxiety and depression and was taking clonazepam and Zoloft as part of his treatment. (GE 3; Tr. at 179-180, 183)

Applicant was evaluated on November 9, 2023, by a licensed psychologist, Dr. C-S "due to a history of mental health concerns specifically around sexual behavior and concerns for his judgment and potential vulnerability to blackmail and coercion." (GE 4 at 1) Dr. C-S noted that she requested current and recent treatment records from Applicant's providers, but she never received the records. She noted, "[t]his limits this psychologists [sic] ability to fully and completely assess the subject." (GE 4 at 1) (GE 4)

During the evaluation, Applicant reported being prescribed medication for ADHD around age 4 or 5 and that he later stopped taking the medication, though he could not

recall how old he was when he stopped. He reported that bullying during college led to anxiety, depression, and ultimately the suicidal gesture when he held scissors to his wrist. He denied ever having suicidal ideations other than a fleeting thought. He was diagnosed with anxiety in 2019 and depression in 2020. He reported being disqualified from the military in 2019 due to his mental health. He began treatment with Dr. H and Dr. E in 2020, with a diagnosis of panic disorder without agoraphobia. He was prescribed sertraline (Zoloft), clonazepam (Klonopin), and gabapentin. He later switched from Dr. H to a different provider who prescribed Klonopin, Zoloft, and cognitive behavioral therapy. He began seeing Dr. M in January 2023. He stopped taking Zoloft on his own but continued to take gabapentin and Klonopin. (GE 4)

During the evaluation, Applicant acknowledged his history of masturbating to “lewd” photos of his mother, which started around the age of 14 or 15 and continued until he was about 20. He reported that his mother was aware of his behavior and told him it was “kind of weird.” He explained that he stopped when he realized it was “weird,” and he lost attraction to his mother. He also acknowledged creating a fake Instagram account to view his ex-girlfriend’s profile after she blocked him. Applicant reported that he would masturbate in the restroom while working at an internship and that he would watch pornography and masturbate while driving. (GE 4)

Applicant further acknowledged breaking school rules by using the university’s Wi-Fi to watch pornography on his cell phone and occasionally using a school computer to access a Google drive where he had downloaded pornographic material. He reported that, although he did not receive any disciplinary action regarding this, other cadets were aware of him doing this and “officers asked him to stop.” (GE 4 at 4)

Dr. C-S concluded that, while Applicant’s anxiety and depression appeared stable, his insight was poor-to-fair and his judgment around his sexual behavior and mental health was poor. She expressed concerns about him taking himself off Zoloft without consulting his prescriber and stated that it was too soon to tell how it would impact him, therefore his prognosis regarding his overall mental health is guarded. She noted he has “consistently exhibited poor judgment by disregarding boundaries, rules and laws when it comes to his sexual behavior and romantic relationships.” (GE 4 at 5) She explained that this was indicative of a long-standing personality characteristic that is unlikely to change in the future. She noted, “[Applicant] is very concerned with precisely following rules and experiences significant anxiety around this however, his sexual habits lead him to violating rules and laws without remorse or fear of being caught.” (GE 4 at 6)

Dr. C-S testified at the hearing. She has been doing Department of War (DOW) evaluations for about eight years, and she estimated she had done about 30. She received DOW-specific training, in addition to her graduate-level training, about how to conduct DOW evaluations and how to make determinations. (Tr. at 14-15)

In explaining her diagnostic impression and prognosis, Dr. C-S stated, “he reported those things very matter of fact with little concern over the rules, the social norms, the laws that he was breaking at times when he was engaging in those actions.” (Tr. at 19)

She noted that Applicant was very open about his history of masturbating to photos of his mother and that he did not find it unusual. He also did not find concern with masturbating publicly, “things that were clearly crossing lines or indications of poor judgment and lack of awareness of boundaries.” (Tr. at 20) She also explained that, although he has friendships and family support, they have not seemed to dissuade him from these behaviors. (Tr. at 21-22)

Applicant testified that, during the evaluation, he did not appear to express remorse to Dr. C-S because “[s]he was a stranger and I don’t warm up to strangers that quickly.” (Tr. at 140) He stated that he did feel bad about his actions and felt remorse because he “compromised . . . [his] internal values.” (Tr. at 140) On cross-examination, he stated he began feeling remorse in the six months prior to the hearing and that, at the time of the evaluation, he did not feel remorse or regret. He stated that he began to feel remorse for his actions after reflecting upon the SOR and realizing how other people could see him. He explained that the “external pressure” from the DOW raising these concerns made him examine them himself, at which point he identified his actions as problematic and concluded that he did not want the problem to continue. (Tr. at 148-150, 174-175)

Mental health records from Dr. B, a psychologist, begin in November 2002, when Applicant was six years old. Dr. B felt that test results, parental observations, and behavioral observations during the evaluation strongly suggested ADHD. He recommended a psychopharmacological consultation. Prescription records reflect 2011 and 2012 prescriptions for Focalin (dexamethylphenidate) and a 2013 prescription for Vyvanse. Dexamethylphenidate is used to control symptoms of ADHD. (GE 9-11)

Medical records from Ms. H, a licensed clinical social worker, begin in December 2011, when Applicant was 15 years old. He was diagnosed with an unspecified anxiety disorder. He reported using racial slurs at school, which resulted in the school requiring a psychological evaluation before he could return to school. He reported taking Focalin for his attention issues. (GE 12; Tr. at 110-112)

Medical records from Applicant’s university’s counseling center begin in November 2015, when Applicant was 19 years old. He sought counseling to help with his adjustment to his new school and to discuss his fears of his school’s strict “honor system.” He terminated counseling in December 2015, with the counselor describing him as “incredibly anxious and paranoid about the impact counseling might have on his future.” (GE 13 at 13) He returned to counseling in February 2016 because he was having anxiety about the honor system, to the point where he had a panic attack. His last session was in March 2016. (GE 13; Tr. at 112) Applicant testified that he also saw a Dr. G in 2018 for about a month, where he was diagnosed with situational panic disorder stemming from the bullying he endured at school. Dr. G prescribed Klonopin but Applicant eventually stopped taking it. (Tr. at 113-115)

Mental health records from Dr. H, a psychiatrist, begin in August 2020. Applicant was diagnosed with panic disorder without agoraphobia and prescribed Zoloft and

clonazepam. The initial visit reports one suicidal gesture, threatening to cut himself with a knife, but he did not follow through with the threat. (GE 8; Tr. at 115-117)

Mental health records from Dr. M, a psychiatrist, begin in January 2023 and end in August 2024. They reflect a diagnosis of panic disorder without agoraphobia and prescriptions for clonazepam, gabapentin, and Zoloft. In September 2023, Applicant told Dr. M he was able to skip some doses of Zoloft without feeling worse and that he would like to taper down to a lower dose. In a November 2023 session, Applicant reported that he had stopped taking Zoloft due to concerns about side effects. Zoloft was restarted in February 2024, and he began reducing his dosage of Klonopin. Notes from the sessions are brief and cover basic information about mental status, sleep, caffeine intake, and medication. (GE 5, 15)

Dr. M testified at the hearing. He confirmed that he has continued to see Applicant monthly since taking over his care from Dr. H in January 2023. He stated that Applicant's current diagnosis is generalized anxiety, which is one of the milder psychiatric conditions. He stated that Applicant's panic disorder is in remission. He testified that, in his professional opinion, generalized anxiety does not impair judgment, reliability, stability, or trustworthiness. He believes Applicant's ADHD remitted in high school. He described Applicant as a very thoughtful and reflective person who is a "worried well": a patient who can function in relationships and the workplace but has anxiety issues to work through. (Tr. at 75-76) He praised Applicant for seeking out treatment and wanting to improve his life. (Tr. at 59-76)

Dr. M noted that Applicant's history of masturbation at work and while driving stopped before he started seeing Dr. M, and he has not seen any indication that they resumed at any point. He did not think it was likely that the masturbatory behaviors alleged on the SOR would ever recur. He testified that he disagreed with Dr. C-S's assessment, stating, "I politely disagree that these isolated behaviors that were recognized by himself and stopped would rise to the level of a diagnosable condition or in any way, shape, or form compromise his judgment." (Tr. at 73) Dr. M did not think Applicant would be susceptible to blackmail. (Tr. at 68-76, 98-99)

Dr. M stated that Applicant is prescribed Zoloft, Klonopin, which they are tapering down, and gabapentin, which is taken as needed. In discussing Applicant's decision to stop taking Zoloft in 2023, Dr. M stated that he encouraged patients to be curious about their medications and that it was okay if they felt they needed to make changes. He stated that Applicant stopped, decreased his dosage, and ultimately decided he felt better on Zoloft. Dr. M testified that Applicant's anxiety is being treated well with his medications and therapy from Dr. E. He expects Applicant to continue decreasing his medication and having improved resilience and health in the coming years. (Tr. at 77-80, 83-84)

Dr. M had discussed Applicant's suicidal gesture with him. He explained that it occurred at the beginning of Applicant's time in college when he was under an enormous amount of pressure in a very strict environment. Dr. M stated that this type of incident is very common and occurred when Applicant's brain was still developing. (Tr. at 80-83)

Mental health records from Dr. E, a psychologist, begin in November 2020 and end in August 2024. The initial visit reports Applicant was taking ADHD medication until his junior year of high school. A February 2022 visit discussed his history of using pornography and masturbation to relieve stress, with Applicant noting that he used to look at pornography six to seven times a day but reduced that number to one to two times every couple of days. An August 2023 session discussed Applicant becoming aware of some of his father's "sexual proclivities" that Applicant found upsetting, causing him to cut off communication with his father. Most of the sessions in the records focus on coping with anxiety while facing challenges at work, with school, with his mother, friendships, and with dating. A November 2024 letter from Dr. E describes Applicant as being "collaborative and adherent to treatment" and that he consistently attends their sessions and utilizes the skills discussed in therapy. (GE 6, 7, 14; AE I, J)

Applicant completed an SCA in February 2017. In Section 21 – Psychological and Emotional Health, he was asked whether, in the last seven years, he had consulted with a health care professional regarding an emotional or mental health condition or was hospitalized for such a condition, and he answered, "no." Section 21 on the 2020 SCA was significantly revised and did not ask this exact question. The 2020 SCA asks questions regarding being declared mentally incompetent, being hospitalized for a mental health condition, and being diagnosed with specific mental health conditions or any other condition that substantially adversely affects judgment, reliability, or trustworthiness. Applicant answered "no" to all questions in Section 21 of the 2020 SCA. (GE 1, 2)

Applicant testified that he has no intention of stopping his treatment with Dr. M or Dr. E. He feels that he has benefited from seeing them and from taking his medications. He testified that he did not report his 2011-2013 and 2015-2016 counselings on his 2017 SCA because he did not have a diagnosis from either provider, and he interpreted the question to be asking whether he had received treatment for a diagnosed condition. He also admitted that he took himself off Focalin in high school without consulting his provider. (Tr. at 118-125, 176-177)

During his testimony, Applicant explained that, while at school, he put a scissor blade to his wrist in 2015 in a "moment of weakness" while going through the intense military-style training at his university involving sleep deprivation, hazing, physical training, and the honor code. He stated, "[a]s I held the scissors to my wrist, I realized I'm not a quitter, I'm not a coward, and I'm going to fight." (Tr. at 143) He did not plan it. In the course of applying for ROTC, he disclosed this suicidal gesture and his ADHD diagnosis even though he knew they would be problematic issues. (Tr. at 142-146)

In her written statement, Applicant's mother stated she did not recall him ever putting scissors to his wrist in a suicidal gesture. She stated he never displayed or expressed a desire to commit suicide to her. She also stated that she took him to a Dr. N when he was a child and received a diagnosis of ADHD with a prescription for Focalin, but she did not tell Applicant his diagnosis. She told him his pills would "help him be less angry." (AE B)

In his letter, Mr. B, Applicant's college friend and roommate, stated that he never heard Applicant discuss suicide, nor had he seen suicidal behaviors. He discussed the bullying Applicant experienced at their university, "particularly for his pedantic bordering on obsessive view of [the university's] Honor Code." Mr. B stated this caused Applicant severe mental distress and that "he not only overcame it, he succeeded in life." (AE H)

Applicant submitted documentation establishing that he requested his medical records in December 2023 and had to follow-up multiple times in order to get them. (AE HH; Tr. at 158-160) An August 2024 response to government interrogatories documents Applicant's mental health treatment history, including listing several other providers Applicant saw who are not discussed above. (AE JJ)

### **Whole-Person Evidence**

Mr. M, Applicant's former manager of four years, testified. He stated that Applicant was always extremely careful in following all rules and procedures around protecting information. He praised Applicant's dedication to their work and the effort he put in to teach himself complicated materials. He attested to Applicant's truthfulness and trustworthiness. He wrote the performance evaluations in AE Y and Z and submitted Applicant for the awards in AE BB. He was familiar with the allegations in the SOR, and they did not affect his belief that Applicant can be trusted with classified information. (Tr. at 33-57)

Colonel W, a retired military officer who served as the senior military officer at Applicant's university while he attended, submitted a letter. He stated that Applicant was an excellent student who had no disciplinary issues. He stated that Applicant "was extreme on the honor code," and that he "holds an over-the-top view of honesty." He described Applicant as "a remarkable, dependable, and trustworthy person." In an earlier letter, he praised Applicant's "personal growth, exceptional character, steadfast integrity, hard work ethic and dedication to duty." (AE C, L; Tr. at 153)

Mr. BK, Applicant's department manager, submitted a letter. He has known Applicant for three years and interacts with him weekly. Mr. BK praised Applicant's intelligence and work ethic, describing him as "extraordinarily trustworthy" with "good judgment, superior competence, [and] a commitment to following rules and protocols." (AE D; Tr. at 153)

Dr. A, Applicant's former professor, submitted a letter. He attested to Applicant's perseverance, especially in the face of "grief" from his classmates for not fitting in. He praised Applicant's "good judgment," and "determination and ability to better himself and learn from his mistakes." In an earlier letter, he stated that Applicant's "reputation for integrity was above reproach among faculty, staff, and his fellow students." (AE E, M; Tr. at 153-154)

Mr. D, Applicant's mentor and an alumnus of his university, submitted a letter. He has known Applicant for about 10 years, since connecting with Applicant during

Applicant's early years at the university when he was struggling. Mr. D praised Applicant's extreme honesty, intelligence, and dedication to excellence. (AE F; Tr. at 154)

Mr. KK, another mentor and alumnus, submitted a letter. He has known Applicant since 2019. He described Applicant's "propensity towards over disclosure," which he believes is illustrated in his background investigation disclosures. Mr. KK explained that Applicant is extremely careful to avoid discussing his work and any sensitive information, "often to the extreme." (AE G; Tr. at 154)

Mr. B, Applicant's college roommate and friend, submitted a letter. He attested to Applicant's strict adherence to security protocols, procedures, and rules. Mr. B described him as "a loyal, dependable, and trustworthy person." (AE H; Tr. at 154)

Mr. C, Applicant's close friend from college, submitted a letter attesting to the extreme harassment and bullying that Applicant endured in college. Mr. C described Applicant as "truthful and direct with everyone." Mr. C believes Applicant is an excellent candidate for a security clearance. (AE KK)

Applicant submitted numerous additional documents attesting to his abilities and character, including: letters recommending him for a graduate education program (AE K, M); an alumni newsletter naming him as a chapter representative (AE N); 2023 and 2025 bonus awards (AE Q, U); 2022, 2024, and 2025 pay raises (AE R-T); 2020-2024 performance reviews (AE X-AA, CC); three awards received at his current employer (AE BB); emails expressing appreciation and thanks for his work (AE DD, EE, II); a local news article about Applicant receiving a youth service award when he was in high school and a letter documenting his volunteer work at a day camp (AE FF); and a 2014 letter from his congresswoman nominating him to a different military-focused college (AE GG). These documents reflect Applicant's history of a strong work ethic, excellent performance, dedication to his work, and recognition by those in his workplace and the community. (Tr. at 154-158) Additional documentation indicates he was "cleared for suitability" for an entry-on-duty status at another government agency in about July 2025. (AE O, P; Tr. at 155-156)

## **Policies**

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). 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. The President has authorized the Secretary of War or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865 § 2.

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, an administrative judge

applies these guidelines 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 and reliable information about the person, past and present, favorable and unfavorable.

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 that 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 made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of War have established for issuing a clearance.

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. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531.

## **Analysis**

### **Guideline D, Sexual Behavior**

The security concern under this guideline is set out in AG ¶ 12:

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

AG ¶ 13 includes conditions that could raise sexual behavior security concerns and may be disqualifying in this case:

(c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and

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

Applicant viewed pornography on computers owned by his university (SOR ¶ 1.a) and on his cell phone (SOR ¶ 1.b), in violation of school internet policies. Although not a violation of the school's strict honor code, this behavior was still a punishable offense. Other students were aware of his behavior, and Applicant was asked to stop. AG ¶ 13(c) and 13(d) are established for SOR ¶¶ 1.a and 1.b.

From 2010 to 2016, Applicant accessed his mother's computer and masturbated to photos of her without her knowledge or consent (SOR ¶ 1.c); he viewed pornography and masturbated in an office restroom in 2015 while interning at a law firm (SOR ¶ 1.d); and he masturbated while driving on multiple occasions (SOR ¶ 1.e). He acknowledged using pictures of his mother for masturbation, behavior he himself describes as "weird" and "disgusting." He also admitted to masturbating in an office restroom and while driving on the highway, behavior that is both public and risky. AG ¶ 13(c) and 13(d) are established for SOR ¶¶ 1.c, 1.d, and 1.e.

The 2023 psychological evaluation raised concerns about Applicant's judgment as related to his sexual habits. I have resolved SOR ¶ 1.f in Applicant's favor because it is essentially duplicative with the other Guideline D allegations, which all raise concerns about Applicant's judgment as it pertains to his sexual habits, and it is thoroughly addressed in my analysis under Guideline I, below.

I have considered the mitigating conditions under AG ¶ 14. The following are potentially applicable:

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

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

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

SOR ¶¶ 1.a through 1.e could each individually be mitigated by the passage of time under AG ¶ 14(b). Taken together, however, they illustrate a larger concern about Applicant's disregard for rules, boundaries, and societal norms when it comes to his sexual behavior. This in turn raises security concerns regarding Applicant's judgment and trustworthiness. He clearly violated his mother's trust when he took advantage of the computer access she gave him to use pictures of her as masturbatory material for many years. Furthermore, for someone who is so openly fearful of violating rules, it is puzzling that he appears to have a blind spot for rules and boundaries surrounding sexual behavior, especially behavior that could result in getting caught and being punished such as violating school internet rules and masturbating in a workplace and while driving. AG ¶ 14(b) is not established.

I have considered Applicant's commendable candor and transparency in reporting these behaviors. AG ¶ 14(c) is applicable because he has reported these behaviors in the investigative process and to friends and his employer, thus potentially rendering them no longer a basis for coercion, exploitation, or duress, but I do not find that to be sufficiently mitigating in light of the concerns discussed above. Being truthful about his behavior does not absolve him of his underlying actions and the larger concern they present about his judgment and trustworthiness.

Applicant saw mental health providers on and off for most of his life and has been under the care of a psychiatrist and psychologist for years. These treatments have been focused primarily on ADHD, anxiety, and depression. Mentions of sexual behavior in the medical records and in his provider's testimony are brief and infrequent and his sexual behavior is not the focus of his treatment. AG ¶ 14(e) does not sufficiently apply. I conclude that SOR ¶¶ 1.a through 1.e are not mitigated.

## **Guideline I, Psychological Conditions**

The security concern under this guideline 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 includes conditions that could raise security concerns under this guideline and may be disqualifying 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

(d) failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including, but not limited to, failure to take prescribed medication or failure to attend required counseling sessions.

Appellant's 2023 psychological evaluation concluded that there were concerns about his judgment because his sexual habits led him to violate rules and laws without remorse or fear of being caught. His prognosis was guarded. AG ¶ 28(b) is established for SOR ¶ 2.a. AG ¶ 28(a) is not established because the conduct is also alleged under Guideline D.

Applicant's diagnosis of panic disorder without agoraphobia does not meet any of the disqualifying conditions. There is no evidence this disorder casts doubt on his judgment, stability, reliability, or trustworthiness. Likewise, Applicant's disqualification from ROTC for mental health issues does not allege a disqualifying condition. SOR ¶¶ 2.b and 2.e are resolved for Applicant.

Applicant stopped taking psychotropic medications on his own on two occasions. AG ¶ 28(d) is established for SOR ¶¶ 2.c and 2.d.

Applicant's suicidal gesture is behavior that could cast doubt on his judgment, stability, reliability, or trustworthiness. AG ¶ 28(a) is established for SOR ¶ 2.f.

I have considered the mitigating conditions under AG ¶ 29. The following are potentially applicable:

(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;

(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 is under the regular care of a psychiatrist, who he sees monthly. Although he may have technically stopped taking Zoloft without consulting his doctor, the medical records and Dr. M's testimony make clear that he brought his concerns about the medication to Dr. M and Dr. M had no issue with Applicant experimenting with his dosage. Applicant continues to see Dr. M and is compliant with his care. AG ¶ 29(a) is established for SOR ¶ 2.c.

Dr. M testified that he believed Applicant's ADHD remitted in high school, which is around the time Applicant stopped taking Focalin. He has not been diagnosed with or treated for ADHD since that time and there is no evidence in the record that he still struggles with symptoms of ADHD. AG ¶¶ 29(d) and 29(e) are established for SOR ¶ 2.d.

It has been over ten years since Applicant's suicidal gesture, which occurred under uniquely stressful circumstances. According to the testimony received, the letters submitted, and the medical records, he has not had any further suicidal ideations or attempts. AG ¶¶ 29(d) and 29(e) are established for SOR ¶ 2.f.

Dr. C-S was directed to evaluate Applicant with a specific focus on his sexual behavior, judgment, and potential vulnerability to blackmail and coercion. Although she did not diagnose him with a mental health disorder, she noted that his disregard for boundaries, rules, and law when it comes to sexual behavior and romantic relationships is a long-standing personality characteristic that is unlikely to change in the future. She only evaluated him once, in 2023, and she did not have the opportunity to review his mental health records before completing her evaluation.

Dr. M is Applicant's current psychiatrist and has been treating him for anxiety and depression for several years, up to the present. Dr. M disagreed with Dr. C-S's opinion and stated that he felt the sexual behaviors were isolated incidents that do not compromise Applicant's current judgment. Applicant testified that he did not feel remorse for his actions until several months before the hearing.

I have considered the age of the 2023 evaluation, the lack of medical records available for the evaluation, and Dr. M's differing opinion in determining the appropriate weight to give to Dr. C-S's evaluation. I also considered the fact that the medical records in evidence make little mention of Applicant's sexual behavior and that Dr. M was not treating Applicant for sexual behavior-specific issues, nor was he ever tasked with conducting an in-depth evaluation of Applicant's sexual behaviors as they relate to his judgment. Ultimately, I find that Dr. C-S's evaluation remains relevant because it comes to essentially the same conclusion that this Analysis independently reaches when considering the totality of the behaviors listed in SOR ¶¶ 1.a-1.e and 4.b and 4.c: when it comes to sexual behavior and interpersonal relationships, there is an undeniable throughline of disregard for the trust, boundaries, norms, and rules of people and institutions. Applicant's recent expressions of remorse are insufficient to mitigate this concern. None of the mitigating conditions apply to SOR ¶ 2.a.

### **Guideline M, Use of Information Technology**

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

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.

AG ¶ 40 includes conditions that could raise security concerns under this guideline and may be disqualifying in this case:

(e) unauthorized use of any information technology system.

Applicant violated his university's network policies regarding prohibited websites when he viewed pornography on their network. AG ¶ 40(e) is established.

I have considered the mitigating conditions under AG ¶ 41. The following is potentially applicable:

(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.

The behavior alleged in SOR ¶ 3.a is not recent and has not recurred. While misuse of information technology shows poor judgment and disregard for rules, particularly in matters involving sexual behavior, he has respected the limits and not

abused information technology for several years. Guideline M security concerns are mitigated.

## **Guideline E, Personal Conduct**

The security concern under this guideline is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. . . .

AG ¶ 16 includes conditions that could raise security concerns under this guideline and may be disqualifying in this case:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

- (1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;
- (2) any disruptive, violent, or other inappropriate behavior;

(3) a pattern of dishonesty or rule violations; and

(4) evidence of significant misuse of Government or other employer's time or resources; and

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

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

Applicant omitted reportable information from this 2017 SCA. AG ¶ 16(a) applies to SOR ¶ 4.a.

In 2020, Applicant created an anonymous account to continue viewing his ex-girlfriend's profile without her knowledge or consent (SOR ¶ 4.b); in 2017, he researched websites on how to view a fellow student's private Instagram profile without requesting access from her, though he was unsuccessful despite several attempts (SOR ¶ 4.c); and SOR ¶¶ 1.a through 1.c are cross-alleged: he circumvented security measures to view pornography on his university's network in violation of school internet policies and he accessed pictures of his mother on her computer to masturbate to (SOR ¶ 4.d). AG ¶ 16(d) applies to SOR ¶¶ 4.b and 4.c. None of the disqualifying conditions apply to SOR ¶ 4.d because the credible adverse information about his sexual behavior is alleged under Guideline D. AG ¶ 16(e) does not apply because Applicant disclosed his behavior to security officials, family, and mental-health providers. His prior conduct does not create a vulnerability to exploitation, manipulation, or duress.

I have considered the mitigating conditions under AG ¶ 17. The following are potentially applicable:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(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;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Applicant explained that he did not report his prior mental health care on his 2017 SCA because he thought the question was only asking about diagnosed conditions. Given how exceedingly candid and forthcoming he was on his 2020 SCA and throughout the investigation and hearing, I find this explanation believable and persuasive. There is no evidence anywhere else in the record that he ever tried to hide any facts about his mental health history. AG ¶¶ 17(a) and 17(c) apply to SOR ¶ 4.a.

Just as with SOR ¶¶ 1.a through 1.e under Guideline D, SOR ¶¶ 4.b-4.c could each individually be mitigated by the passage of time under AG ¶ 17(c). Taken together, however, particularly along with the Guideline D allegations, they raise questions about Applicant's respect for rules and boundaries. Under Guideline E, the surreptitious nature of his actions is particularly concerning because it is inherently dishonest and untrustworthy.

Applicant's ex-girlfriend chose to block him on Instagram. Regardless of the public setting on her profile, she had made clear that she did not want him to view her profile when she blocked him. Despite this boundary, Applicant found a way to keep viewing her profile and did so for years, up until a few months before the hearing. The second woman had a private profile, which plainly shows that she wanted to control who viewed her profile. Despite this boundary, Applicant sought to find an alternate way to access her profile. The university had protections in place to prevent pornography from being viewed on their network. Despite this prohibition, Applicant obtained and used a VPN to circumvent the school's security measures. Applicant's mother trusted him with her computer login, and for years he used that to access photos of her and masturbated while viewing them. Applicant completely disregarded the boundaries and trust of others, exploited or tried to exploit vulnerabilities in these systems, and did not find anything wrong with his actions until about six months before the hearing, after the "external pressure" of this process caused him to reflect upon his actions.

Applicant was exceedingly open and honest throughout the investigative process and the hearing, and I have no concerns about his credibility. That being said, admitting to these actions does not render the actions acceptable or mitigated. Though he has received and continues to receive mental health treatment, that treatment is focused on his anxiety and depression. If the counseling addresses these boundary and rule violation issues at all, it is clearly insufficient since Applicant continued looking at his ex-girlfriend's profile up until a few months before the hearing, and he did not feel remorse for his actions until just a few months prior to the hearing. None of the mitigating conditions sufficiently apply to SOR ¶¶ 4.b-4.c.

### **Whole-Person Concept**

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. In applying the whole-person concept, an 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. An 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.

I have incorporated my comments under Guidelines D, I, M, and E in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). While Appellant presented excellent references, has notable educational and professional achievements, and is well-regarded in the community, this mitigating evidence is not enough at this time to outweigh the concerns regarding his judgment and trustworthiness. After weighing the disqualifying and mitigating conditions under these guidelines, and evaluating all the evidence in the context of the whole person, I conclude Appellant has mitigated use of information technology concerns; however, he has not mitigated the security concerns raised by his sexual behavior, psychological conditions, and personal conduct.

### **Formal Findings**

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

Paragraph 1, Guideline D:	AGAINST APPLICANT
Subparagraphs 1.a-1.e:	Against Applicant
Subparagraph 1.f:	For Applicant
Paragraph 2, Guideline I:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Subparagraphs 2.b-2.f:	For Applicant
Paragraph 3, Guideline M:	FOR APPLICANT
Subparagraph 3.a:	For Applicant
Paragraph 4, Guideline E:	AGAINST APPLICANT
Subparagraph 4.a:	For Applicant

Subparagraphs 4.b-4.c:  
Subparagraph 4.d:

Against Applicant  
For Applicant

### **Conclusion**

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

---

A. M. Driskill  
Administrative Judge