KEYWORD: Alcohol

DIGEST: Applicant is a 46-year-old retired Navy Senior Chief, who has continued working as a submarine launched ballistic missile technician for a defense contractor since 2004. He had three minor alcohol related offenses from 1979 to 1981, before he enlisted. In December 2005, while Christmas shopping, he consumed too many strong draft beers during several stops for meals between noon and early evening, and was arrested for DUI. He is not alcohol dependent and has complied with or exceeded all conditions of his alcohol treatment program and his pre-trial diversion agreement that will result in a suspended sentence for negligent driving. Applicant fully mitigated security concerns arising from his alcohol consumption. Clearance is granted.

CASENO: 06-22078.h1

DATE: 07/30/2007

DATE: July 30, 2007

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| In re: | ) | |
| | ) | |
| ---------- | ) | ISCR Case No. 06-22078 |
| SSN: ---------- | ) | |
| | ) | |
| Applicant for Security Clearance | ) | |

**DECISION OF ADMINISTRATIVE JUDGE**
**DAVID M. WHITE**

**APPEARANCES**

**FOR GOVERNMENT**
Jennifer Goldstein, Esq., Department Counsel

**FOR APPLICANT**
David I. West, Esq.

## SYNOPSIS

Applicant is a 46-year-old retired Navy Senior Chief, who has continued working as a submarine launched ballistic missile technician for a defense contractor since 2004. He had three minor alcohol related offenses from 1979 to 1981, before he enlisted. In December 2005, while Christmas shopping, he consumed too many strong draft beers during several stops for meals between noon and early evening, and was arrested for DUI. He is not alcohol dependent and has complied with or exceeded all conditions of his alcohol treatment program and his pre-trial diversion agreement that will result in a suspended sentence for negligent driving. Applicant fully mitigated security concerns arising from his alcohol consumption. Clearance is granted.

## STATEMENT OF THE CASE

On December 21, 2005, Applicant's employer filed a NISPOM-required Adverse Information Report of his arrest and citation, on December 17, 2005, for driving under the influence of intoxicating liquor (DUI). On December 18, 2006, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to Applicant, pursuant to Executive Order 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended. The SOR detailed reasons, under Guideline G (Alcohol Consumption), of the revised Adjudicative Guidelines (AG),[1] why DOHA could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant Applicant access to classified information, and recommended referral to an administrative judge to determine whether his clearance should be denied or revoked.

Applicant responded to the SOR allegations in a notarized letter dated January 15, 2007, admitting the truth of five of the six factual allegations, and elected to have a hearing before an administrative judge. On March 12, 2007, the case was assigned to another administrative judge, who caused a notice of hearing to be issued on March 15, 2007. Applicant retained counsel who, due to unavailability on the scheduled April 12, 2007 hearing date, requested a continuance. That administrative judge found good cause for the continuance, and a notice of hearing cancellation was issued on March 30, 2007. The case was then reassigned to me on May 7, 2007. Another notice of hearing was issued on May 23, 2007, and the hearing was held as scheduled on June 21, 2007. The Government offered 8 exhibits that were marked as Government Exhibits (GE) 1 through 8, and admitted without objection. Applicant testified, and offered 13 exhibits that were marked Applicant Exhibits (AE) A through M, and admitted without objection. DOHA received the hearing transcript (Tr) on July 9, 2007.

## FINDINGS OF FACT

[1] *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information (August 2006)* as implemented by Under Secretary of Defense Memorandum of Aug. 30, 2006 for use in adjudication of all cases in which an SOR had not been issued by Sept 1, 2006. These revised AG replaced those found in enclosure 2 of the Directive, which is pending revision to incorporate them. Copies of the applicable AG were provided to Applicant with the SOR.

Applicant admitted the truth of some factual allegations set forth in the SOR pertaining to alcohol consumption under AG G (¶¶ 1.b, 1.c, 1.d, 1.e (changing the location from one town to another), and 1.f). Those admissions are incorporated herein as findings of fact. He denied the remaining allegation under AG G (¶ 1.a). After complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following findings of fact:

Applicant is a 46-year-old submarine launched ballistic missile technician who has held a security clearance since the 1980s, during his 22.5 year Navy career and his employment with a defense contractor that began in 2004. He was born and raised in Germany, where his father was stationed with the U.S. military. He moved to the U.S. when he was 18 years old. He began drinking beer in Germany at age 16, where it was legal to do so. Upon return to the U.S., he continued to drink beer, which was also legal in his state where the minimum legal age for beer consumption was 18 at the time.

Shortly before he turned 19, he was arrested for drunk driving in November 1979. He paid a $50 fine, attended a ten-week alcohol and substance abuse program, and upon its successful completion the conviction was reduced to reckless driving.[2] In December 1980, he was arrested for drinking in public when he and a friend drank a beer in a mall parking lot. He paid a $25 fine for this violation.[3] In July 1981, at age 20, he was arrested for being drunk in public and fined $35.[4] He enlisted in the Navy in June 1982, advanced to pay grade E-5 by the end of his first enlistment in 1988, and retired in 2004 at pay grade E-8. He had no disciplinary action, criminal charges, or alcohol-related incidents during his Navy career, and held a Top Secret security clearance during the vast majority of his service without incident.[5] After a few months of terminal leave he began employment with his current employer, performing classified work on submarine launched ballistic missiles.

Applicant has consumed beer throughout most of his adult life, obviously excluding time under way in Navy ships. He does not drink wine or hard liquor.[6] For a few weeks while he was on terminal leave pending retirement during summer 2004, and before he started his current employment, he increased his consumption to three or four beers per day. This would start in the afternoon on most days of the week, while working around his home and yard. At his wife's suggestion, he voluntarily and successfully cut back on that level of consumption.[7] He testified that he would feel "buzzed" after about three or four beers.[8] His current wife has never seen him drink to excess and does not feel he has an alcohol problem. His former wife of ten years never had any

[2]GE 1 at 7; GE 2 at 4; GE 3 at 2; Tr at 99, 116-117.

[3]GE 1 at 7; GE 2 at 4; GE 3 at 1; Tr at 117-118.

[4]GE 1 at 7; GE 2 at 4; GE 3 at 2; Tr at 118-119.

[5]Tr at 92-93.

[6]Tr at 109, 111.

[7]Tr at 97-98, 111.

[8]Tr at 110.

concerns about his drinking, and alcohol was not a factor in their 2000 divorce.[9] This was not a pattern of sufficient quantity or duration to constitute either habitual or binge consumption to the point of impaired judgment.

On December 17, 2005, Applicant went Christmas shopping. In the course of the afternoon and evening, between noon and about 8:30 pm, he consumed some 10 to 11, 16 oz. micro-brew beers.[10] He also ate lunch and dinner during that period. On his way home, he was stopped for erratic driving and admitted having consumed alcohol. His blood alcohol content (BAC) tested at .181, which is more than twice the legal limit of .08.[11] The police report described that his impairment was obvious, his coordination was poor, and his speech was slurred. The licensed clinical social worker and chemical dependency professional expert who testified for Applicant opined that these reactions demonstrated a lack of tolerance for alcohol and indicated he is not a heavy user. He further opined that the facts "would appear to be an atypical instance of acute intoxication and not indicative of an ongoing maladaptive pattern of use that would suggest an abuse diagnosis."[12]

Applicant and his attorney negotiated a pre-trial diversion agreement (PTDA) concerning his resulting DUI charge.[13] His compliance with the agreement is monitored by the prosecutor's office, not the probation department. Among other things, the agreement requires him to commit no further violations, and not to drive with a BAC above .02 (1/4 the legal limit) for three years, after which the charge will be reduced to Negligent Driving First Degree, with a 90-day jail sentence and $1,000 fine suspended for two additional years.

Another requirement of the PTDA was that Applicant obtain a chemical dependency evaluation, and thereafter successfully comply with all treatment recommendations. The court-ordered evaluation actually pre-dated the final PTDA, and was performed at the local Naval Hospital by a "Licensed Independent Practitioner" whose credentials are: "MA, MFT, NCAC II, CDP".[14] This person's actions in Applicant's case were reviewed and concurred in by a Medical Service Corps officer described in the record as "Psy.D." No evidence was submitted to define either of these individual's credentials. Applicant did admit to the allegation in SOR ¶ 1.f, that he was treated at this hospital "for a condition diagnosed as Alcohol Abuse." However there is no SOR allegation that the diagnosis was rendered by a "duly qualified medical professional" as defined in Guideline G ¶ 22(d),[15] or a "licensed clinical social worker under Guideline G ¶ 22(e), so he did not admit to that and there is no evidence that either provider qualified as one. Applicant challenged the competency of both the diagnosis and treatment provided by the Licensed Independent Practitioner. Expert

[9]AE B at 2, Tr at 58-61.

[10]GE 7 at 1; GE 8 at 1; Tr at 103-105. Micro-brew beers typically have a higher alcohol concentration than normal commercial beer.

[11]GE 6.

[12]AE B at 3, Tr at 72-73.

[13]*See* AE H, AE I, AE J.

[14]*See* AE A.

[15]A "duly qualified medical professional" is defined as "a physician, clinical psychologist, or psychiatrist."

testimony and unrebutted evidence established that Applicant neither met the recognized DSM IV criteria for alcohol abuse, nor received treatment appropriate for such a diagnosis.[16] In fact, Applicant's only diagnosis in this program was "305.03 Alcohol Abuse in remission, V62.89 Phase of Life Problem."

Applicant's prescribed alcohol-related treatment plan was to complete an "IMPACT" course, discontinue all alcohol use for 90 days, and attend one AA meeting per week for four weeks. His follow–up treatment at the hospital itself was just three counseling sessions of individual therapy to address phase of life/circumstance problems.[17] Applicant did successfully complete the treatment program prescribed for him, has not had any alcohol-related incidents since December 2005, and remains in full compliance with the pre-trial diversion agreement. The Navy counselor who diagnosed "alcohol abuse in remission," also "felt there was no potential for his alcohol use to impact his ability to safeguard classified information or impact his judgment or reliability. . . [and] had no reason not to recommend him for a position impacting the national security."[18] Applicant has not consumed any alcohol since March 2007. He and his wife engage in significant physical fitness activities and practice a health-conscious lifestyle.[19]

Applicant was independently evaluated by a licensed independent clinical social worker who is a fully qualified clinician and active in undergraduate and graduate level education and training.[20] He testified that he performed an Alcohol/Drug Evaluation on Applicant, including two standard assessment instrument, and concluded that he demonstrated insufficient evidence of substance abuse/dependence. His recollection, and his report, indicated that Applicant's three alcohol-related incidents from 1979 to1981 were not included in the evaluation, although Applicant testified that he did reveal them. In response to hypothetical questions, he said that the existence of such incidents more than 25 years before the 2005 DUI arrest would have been relevant to his evaluation, but probably would not have changed his diagnosis since the DSM IV requires multiple, recurrent adverse incidents within a 12-month period to support a diagnosis of substance abuse.

Applicant submitted three declarations and a letter of recommendation from current and former co-workers, supervisors and social associates. One witness also testified concerning his extensive personal knowledge of, and experiences with Applicant. These sources were unanimous in their positive evaluation and recommendations concerning his character, work performance, responsible alcohol use, trustworthiness and reliability.

## POLICIES

The revised AG that replaced Enclosure 2 of the Directive set forth adjudicative guidelines which must be considered in the evaluation of security suitability. In addition to brief introductory explanations for each guideline, the adjudicative guidelines are divided into disqualifying conditions (DC) that may raise security concerns, and mitigating conditions (MC) that may reduce or negate

[16]AE B; AE K; AE L; AE M; Tr at 62-71.

[17]AE A; GE 8 at 6.

[18]GE 8 at 6.

[19]Tr at 106, 112-114.

[20]Concerning this entire paragraph, *see* AE B; AE K; AE L; Tr at 51-84.

security concerns. Applicable DCs and MCs must be considered in deciding whether to grant, continue, deny or revoke an individual's eligibility for access to classified information. Conditions that could raise a security concern and may be disqualifying, as well as those which would mitigate security concerns, are set forth and discussed in the conclusions section below.

An administrative judge need not view the adjudicative guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are intended to be applied in conjunction with the factors set forth in the Adjudicative Process provision of the Directive,[21] to assist the administrative judge in reaching fair and impartial, common sense decisions.

The entire decision-making process is a conscientious scrutiny of a number of variables known as the "whole person concept." All available, reliable information about the person, past and present, favorable and unfavorable, should be considered in making a meaningful decision. The Adjudicative Process factors which an administrative judge should consider, in addition to the applicable guidelines, are: (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.

Protection of the national security is the paramount consideration, so the final decision in each case must be arrived at by applying the standard that issuance of a clearance must be clearly consistent with the interests of national security. Any doubt as to whether access to classified information is clearly consistent with national security must be resolved in favor of the national security.[22] In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

In the decision-making process, facts must be established by "substantial evidence."[23] The burden of producing evidence initially falls on the government to establish a case which demonstrates, in accordance with the Directive, it is not clearly consistent with the national interest to grant or continue an applicant's access to classified information. "Department Counsel is responsible for presenting witnesses and other evidence to establish facts alleged in the SOR that have been controverted."[24] "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

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[21]AG ¶ 2.

[22]*Id*., at ¶¶ 2(b), 2(c).

[23]"Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the record." ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). "This is something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge's] finding from being supported by substantial evidence." *Consolo v. Federal Maritime Comm'n*, 383 U.S. 607, 620 (1966). "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).

[24]Directive ¶ E3.1.14.

Counsel, and [Applicant] has the ultimate burden of persuasion as to obtaining a favorable clearance decision."[25] Once it has met its initial burden of production, the burden of persuasion (including any burden to disprove a mitigating condition) never shifts to the government.[26]

A person who seeks access to classified information seeks to enter a fiduciary relationship with the government predicated upon trust and confidence. It is a relationship that transcends normal duty hours and endures throughout off-duty hours as well. It is because of this special relationship that the government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. Decisions under this Directive include, by necessity, consideration of the possible risk an 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 information. Section 7 of Executive Order 10865 specifically provides that any adverse industrial security clearance decision shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned," so the decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of the applicant. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

## CONCLUSIONS

As set forth in the Regulation, every recommended personnel security decision must be a fair and impartial overall common sense decision based on all available evidence, both favorable and unfavorable. The decision must be arrived at by applying the standard that the grant or continuance of a security clearance or access to classified information is clearly consistent with the interests of national security.

### Guideline G: Alcohol Consumption

"Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness."[27] The SOR alleged, and Appellant admitted to, three pre-service alcohol-related arrests and convictions between 1979 and 1981, for which he was fined a total of $110, and one DUI arrest in December 2005, concerning which he entered into a pre-trial diversion agreement with which he remains in full compliance. These incidents raise possible security concerns under alcohol consumption disqualifying condition (AC DC) 22(a) ("alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent").

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[25]Directive ¶ E3.1.15.

[26]ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005); "The Administrative Judge [considers] the record evidence as a whole, both favorable and unfavorable, evaluate[s] Applicant's past and current circumstances in light of pertinent provisions of the Directive, and decide[s] whether Applicant ha[s] met his burden of persuasion under Directive ¶ E3.1.15." ISCR Case No. 04-10340 at 2 (App. Bd. July 6, 2006).

[27]Regulation, Appendix 8, Guideline G ¶ 21.

He has had no alcohol-related incident at work (AC DC 22(b)). I conclude that he has not engaged in habitual or binge consumption of alcohol to the point of impaired judgment (AC DC 22(c)). His three youthful arrests occurred over a period of more than 18 months, and only the first and last involved any level of intoxication. All three were addressed with minor fines, indicating the *de minimis* nature of the incidents. There is no evidence of irresponsibly excessive drinking at any time thereafter until his December 2005 DUI arrest. He did consume sufficient beer that day to test at .181 when stopped. However, his consumption involved drinking two or three beers at each of three or four different stops involving two meals and an afternoon snack during an eight-hour afternoon and evening of Christmas shopping. While this became carelessly excessive, I do not judge this to be binge consumption, and there is no evidence he did this habitually. SOR ¶ 1.a is vaguely worded to imply a 29 year period of intoxication and excessive alcohol consumption, which Applicant formally denied. He did consume alcohol intermittently over the period alleged, and there were shown to be three incidents in 1979, 1981, and 2005, when he drank too much. I do not find this raises security concerns as habitual or binge drinking other than those already raised under AC DC 22(a). Should they do so, however, the same analysis of mitigating factors discussed below pertains to these concerns.

Applicant did not admit, and there is not substantial evidence to establish, that his naval hospital chemical dependency evaluation of "Alcohol Abuse in remission" was rendered by a duly qualified medical professional (AC DC 22(d)) or licensed clinical social worker who is a staff member of a recognized alcohol treatment program (AC DC 22(e)). Accordingly, the government did not meet its initial burden of production on this disputed fact. Nor do I conclude that "Alcohol Abuse in remission" necessarily qualifies as a diagnosis of alcohol abuse under this guideline. Even absent these deficiencies, Applicant demonstrated conclusively that his one-time alcohol incident does not meet the DSM IV criteria for a competent medical diagnosis of alcohol abuse.[28] I do not interpret this guideline to mean that abusing alcohol one time meets the disqualifying condition *per se*, and I find the counselor's determination that the DUI was alcohol abuse is insufficient in itself to establish either AC DC. Applicant also demonstrated that the treatment program he successfully completed was not one that would be prescribed for clinically diagnosed alcohol abuse. Accordingly, neither AC DC 22(d) nor AC DC 22(e) apply.

There is neither an allegation nor any evidence of relapse after completion of an alcohol rehabilitation program or failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence. To the contrary, Applicant has complied with all court-ordered education, evaluation, treatment and abstinence resulting from his two DUI arrests (occurring 26 years apart) and, barring another offense in the next 18 months, neither will result in conviction for DUI. Neither AC DC 22(f) nor AC DC 22(g) apply. Only AC DC 22(a) raises potential security concerns.

I have considered potentially applicable alcohol consumption mitigating conditions in light of the facts and circumstances established by the evidence. Application of mitigating conditions must be assessed in light of the entire record, not by viewing any particular incident solely in isolation.

[28]"The essential feature of Substance Abuse is a maladaptive pattern of substance use manifested by recurrent and significant adverse consequences related to the repeated use of substances. There may be repeated failure to fulfill major role obligations, repeated use in situations in which it is physically hazardous, multiple legal problems, and recurrent social and interpersonal problems. These problems must occur recurrently during the same 12-month period.

AC MC 23(a) ("so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment") applies to mitigate security concerns raised by Applicant's four admitted arrests both individually and collectively. One of the three that occurred over 25 years ago involved nothing more than drinking a beer in a mall parking lot. The other two were some 18 months apart and involved intoxication, but he was very immature and subsequently served a highly successful and responsible naval career of more than 22 years without further incident. He admittedly committed one DUI violation in December 2005 when he misjudged his degree of intoxication and consumed additional strong beers at a series of stops during an afternoon and evening of holiday shopping. Considering the absence of any other alcohol-related incident during the preceding 25 years or the 18 months since that night, the absence of substance dependency or clinically significant abuse, and his successful compliance with every post-arrest treatment and abstinence conditions, Applicant has proven under AC MC 23(a) that the these incidents, individually and collectively, do not cast doubt on his current reliability, trustworthiness or judgment, and that alcohol abuse is unlikely to recur.

AC MC 23(b) ("the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser)") also applies in mitigation of alcohol consumption security concerns. He listed his three pre-service incidents on both record security clearance applications and promptly reported his 2005 arrest to proper authorities. Both the Navy and the private alcohol counselors who evaluated him found him to be completely forthright and cooperative concerning his DUI incident. He complied with the treatment regimen and has practiced either extended periods of abstinence or responsible use of alcohol ever since.

AC MC 23(c) ("the individual is a current employee who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress") does not apply because he already successfully completed his counseling or treatment program. Finally, AC MC 23(d) ("the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program") also applies. Should the Navy counselor, under supervision of the Medical Service Corps officer be deemed to be either a qualified medical professional or an alcohol treatment program staff licensed clinical social worker for purposes of AC DC 22(d) or AC DC 22(e), then any security concerns arising thereunder are mitigated by his clear favorable prognosis after Applicant successfully completed his counseling and rehabilitation program. In any event, the private social worker who testified for Applicant fully qualifies, and also rendered a very favorable prognosis.

**Whole Person Analysis**

I have considered the "whole person" concept in evaluating Appellant's risk and vulnerability in protecting our national interests. He committed three minor alcohol-related offenses more than 25 years ago and before he began a highly successful naval career involving work in highly classified

programs. He committed one DUI offense during the pre-holiday season in 2005, which he freely disclosed and admitted, and for which he has fully complied with all conditions of the resulting pre-trial diversion agreement. While his level of intoxication was significant, he caused neither property damage nor any personal injury. He did not set out either to get drunk or to commit a DUI, but instead misjudged his level of intoxication over the course of several stops to eat meals with which he drank the beer.

Applicant fully recognizes and understands his error, and has had no subsequent irresponsible alcohol consumption. The three old incidents occurred when he was 19 and 20 years old, and shortly after he moved to the U.S. after being raised in Germany where beer consumption is common and accepted. He was fully mature and accountable for the 2005 incident, however. He has demonstrated rehabilitation, to the extent rehabilitation pertains to not repeating a one-time bad exercise of judgment, and permanent behavioral changes to an exercise and fitness oriented lifestyle involving little to no alcohol consumption. Since his family, coworkers and employer are fully aware of the recent incident, there is no potential for pressure, coercion, exploitation or duress.

I find the likelihood of continuation or recurrence to be as low as is possible to predict in the uncertain world of human behavior. Any subsequent incident, however, would certainly support immediate suspension of any security clearance and action to revoke it. The low risk of recurrence, therefore, does not carry any concomitant risk to the national security. Applicant's current and former supervisors and coworkers unanimously vouch for his character, excellent performance, responsibility, reliability and trustworthiness. He has dedicated more than 25 years of unblemished and demanding service in the strategic defense of the United States. Accordingly, although Appellant admitted the factual truth off the allegations in SOR ¶¶ 1.b to 1.f, I find that he has fully mitigated the security concerns raised by his alcohol consumption. It is clearly in the interest of national security to continue his access to classified material or protected information.

## FORMAL FINDINGS

Formal Findings For or Against Applicant on the allegations set forth in the SOR, as required by Paragraph 25 of Enclosure 3 of the Directive are:

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| Paragraph 1, Guideline G: | FOR APPLICANT |
| Subparagraph 1.a: | For Applicant |
| Subparagraph 1.b: | For Applicant |
| Subparagraph 1.c: | For Applicant |
| Subparagraph 1.d: | For Applicant |
| Subparagraph 1.e: | For Applicant |
| Subparagraph 1.f: | For Applicant |

## DECISION

In light of all the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is granted.

David M. White
Administrative Judge