DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 14-00390
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Eric H. Borgstrom, Esq., Department Counsel
For Applicant: *Pro se*

10/15/2014

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Decision

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MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant has three drunk-driving convictions on his record, including two in 2012 after he had attended alcohol education following a 2007 driving under the influence (DUI) offense. In March 2013, he was arrested for driving after his license had been suspended following his arrest for DUI in December 2012. He completed two court-ordered alcohol-counseling programs in 2013. Since July 2014, he has participated in voluntary group sessions to ensure against a relapse of abusive drinking, but the alcohol consumption and alcohol-related criminal conduct concerns are not fully mitigated. He satisfied eight of his nine delinquent debts, and he is making payments on his remaining debt, so the financial considerations are mitigated. Clearance is denied.

Statement of the Case

On April 24, 2014, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant, detailing the security concerns under Guideline J (Criminal Conduct), Guideline G (Alcohol Consumption), and Guideline F (Financial Considerations), and explained why it was unable to find that it is

clearly consistent with the national interest to grant him a security clearance. The DOD CAF took action under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the DOD on September 1, 2006.

Applicant submitted an undated response to the SOR allegations, and he requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. On July 23, 2014, the case was assigned to me to conduct a hearing to determine whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. On August 1, 2014, I scheduled a hearing for August 19, 2014.

I convened the hearing as scheduled. Nine Government exhibits (GEs 1-9) and ten Applicant exhibits (AEs A-J) were admitted into evidence without objection. Applicant and a witness testified, as reflected in a transcript (Tr.) received on August 29, 2014. The record was held open for two weeks for Applicant to submit documentation. Applicant timely submitted additional exhibits, which were received on August 29, 2014. Department Counsel filed no objections by the September 9, 2014 deadline for comment, so the documents were entered into the record as AEs K-R.

Summary of SOR Allegations

The SOR alleges under Guideline J (SOR 1.a-1.g) and cross-alleges under Guideline G (SOR 2.a) that Applicant was fined $100 for possession of alcohol by a minor in October 1999 (SOR 1.a); that he pleaded guilty to reckless driving following his arrest for DUI in June 2002 (SOR 1.b); that he was arrested in October 2005 for disorderly conduct and vandalism (SOR 1.c); that he was convicted of DUI offenses committed in December 2007 (SOR 1.d), June 2012 (SOR 1.e), and December 2012 (SOR 1.f); and that he was arrested and sentenced for driving on an invalid license in March 2013, his license having been suspended for the December 2012 DUI (SOR 1.g). Under Guideline F (SOR 3.a-3.i), Applicant is alleged to owe delinquent debt totaling $40,392 as of April 24, 2014.

When Applicant responded to the SOR, he admitted the Guideline J and Guideline E allegations without explanation other than he was seeking treatment for the alcohol issues. He denied all the Guideline F allegations on the basis that the debts had been paid (SOR 3.a-3.d and 3.f-3.i) or in the case of the loan for a repossessed vehicle, the debt was $8,081.64 rather than the $9,800 alleged, and he was arranging repayment terms (SOR 3.e).

Findings of Fact

Applicant's admissions to the alcohol-related criminal offenses are accepted and incorporated as findings of fact. After considering the exhibits and transcript, I make the following additional findings of fact.

Applicant is a 35-year-old high school graduate with some studies at a local community college. While in high school, he worked part time at a local gas station. After high school, he either worked for local casinos in various positions (*i.e.*, slot cashier, security, or soft-count attendant) or in the sheet-metal fabrication industry. For one month, in December 2000, he was employed as a fabrication technician by his current employer, albeit at a different location than his current location. Applicant has been consistently employed by his defense contractor employer since September 2002. He was granted a secret-level security clearance in December 2003. In September 2010, he was promoted to a supervisory position. He is currently an operations supervisor on second shift. (GEs 1, 2; Tr. 22.) Applicant supervises 20 to 30 people and is the third-shift turnover supervisor. He stays past his shift end-time to see that the third shift runs smoothly. (Tr. 22.)

Applicant and his ex-wife married in February 2007. She was pregnant at the time. After she miscarried, and with Applicant on repeated temporary duty assignments, they amicably agreed to separate around December 2007. Applicant moved in with his parents, and his divorce was final around February 2009. Applicant and his ex-wife began cohabitating in April 2011, and they had a son in March 2012. (GEs 1, 9; Tr. 56-57.) As of August 2014, they were still together and working on reconciling their differences. (Tr. 56, 69.)

Criminal Conduct and Alcohol

Applicant has a history of alcohol-related legal problems starting at age 20. Around October 1999, Applicant had stopped at a gathering of loud youths in a driveway of a residence in his home state (state A). The police responded on a complaint that the youths were yelling and screaming. When the police arrived, Applicant exited his vehicle quickly. The officer approached his vehicle and noticed a 12-pack of beer on the front floor and a six-pack of hard lemonade in the rear of the vehicle. When confronted by the police, Applicant denied that the alcohol belonged to him. He admitted that he owned the vehicle, and was arrested for possession of alcohol by a minor. In early November 1999, he pleaded nolo contendere to the charge and paid a $100 fine. (GEs 2, 6, 7, 9.)

While in route home from the beach in state A with a friend in mid-June 2002, Applicant was detected by police radar to be traveling about 28 miles per hour over the posted speed limit. Applicant was followed to a local residence, where he and his companion fled their vehicle. Detecting alcohol on Applicant's breath and slurred speech, the officer arrested Applicant for DUI, first offense, after he was unable to complete field sobriety tests. At the station, Applicant's blood alcohol level registered at 1.14%, and at 1.05% 30 minutes later. (GE 4.) He admits that he was legally intoxicated. (Tr. 91.) Applicant pleaded not guilty to DUI at his arraignment. In late July 2002, he pleaded nolo contendere to a reduced charge of reckless driving, and he was sentenced to a $500 fine. (GEs 1-5, 9.) He also paid about $200 in fines for speeding. (GE 7.)

Around August 2002, Applicant applied to work for his defense contractor employer in state B. On August 21, 2002, he completed and certified to the accuracy of a security clearance application. He disclosed that he had been fined in December 1999 [sic] for

possession of alcohol as a minor and in July 2002 for reckless driving/speeding, and that he had been fired from his job at a casino in November 2001 for absenteeism. (GE 2.)

On December 11, 2002, Applicant was interviewed by a Defense Security Service (DSS) special agent about his arrests and his job termination. Applicant explained that he quit his job at the casino without notice because of the long commute. He had listed absenteeism as the reason for his termination because he believed it would be official reason cited by the casino. About his arrests, Applicant related that in the June 2002 incident, his blood alcohol level tested at .10%, although he pleaded guilty to a reduced charge of reckless driving. He attributed his minor in possession arrest to "none of the others" being willing to take responsibility for the beer bottles in his vehicle. Applicant detailed his current consumption of alcohol as "five or six drinks a week and not all at the same time." He added that he was no longer driving when drinking more than a couple of alcoholic drinks. (GE 7.) Applicant was granted his secret clearance around December 2003. (GE 1.)

In October 2005, Applicant was arrested for misdemeanor disorderly conduct. The charge was dismissed. (GE 3.) Applicant was not asked about, and he volunteered no details about this incident, although he admits the arrest. (Answer.)

In late December 2007, shortly after Applicant returned to state A from TDY (Tr. 58), he consumed two to four alcoholic beverages while watching a televised professional football game with a friend at a bar. Applicant was stopped by the police in route to his home. He was arrested for DUI, 2nd offense, after failing field sobriety tests. Applicant was convicted of DUI, and ordered to attend eight alcohol-education classes and to pay a $1,000 fine. Applicant also lost his driver's license for 30 days. (GEs 1, 3, 9.) Applicant completed his alcohol education program on time. (GE 9.)

In June 2012, Applicant drank a beer with 60% alcohol content at a bar after work. (Tr. 70.) Applicant told an investigator for the Office of Personnel Management (OPM) in August 2013 that he had just purchased a new car (GE 8), and that he was adjusting his mirrors when he was stopped by the police in state B for erratic driving. (GE 9.) He now realizes that he should not have consumed a beverage of such high alcohol content just before leaving the bar. (Tr. 70.) Applicant was administrated field sobriety tests, and his breathalyzer showed his blood alcohol content to be just over the legal limit (.084%). Applicant was charged with DUI. (GEs 1, 9; Tr. 70-71.) He was allowed to keep his driver's license. (Tr. 71.) The case was not disposed of until July 2013, when he was placed on probation for one year. He was also ordered to complete 100 hours of community service ("CIS"), not to drive without a valid license, and to obtain treatment if necessary. (GE 1; AE B; Tr. 42-45, 89.) Applicant had not been formally released from his probation in state B as of August 19, 2014. He has to submit proof of 100 hours of community service, and he just recently finished his hours on August 14, 2014. To regain his driving privileges, he needs a positive medical board review and an interlock device on his vehicle. (Tr. 90.)

While the June 2012 DUI charge was pending in state B, Applicant was arrested in state A in December 2012 for DUI, subsequent offense within five years. As Applicant was

leaving an inn where he had consumed "a couple of social drinks" (*i.e.*, "probably Jim Beam and Cokes") the police were responding to an argument in an apartment nearby. Applicant was stopped for driving erratically and backing into a parked car. Applicant does not deny that he may have hit a car, but he denies that he damaged the other vehicle. Applicant refused to submit to a chemical test and was arrested.(GEs 1, 3, 9; Tr. 72-76, 130.) State A's traffic court judge allowed Applicant to keep his license after his arrest.[1] However, the judge in the district court ordered him not to drive or to drink as conditions of his bail. (Tr. 76, 79.)

Applicant attended outpatient alcohol counseling from January 2013 to May 2013 at a local treatment center (treatment center X) as ordered by the district court in state A. (Tr. 80.) To Applicant's knowledge, he was not given a diagnosis with respect to whether he had an alcohol problem. (GE 9.) He had 17 urinalysis tests between January 23, 2013, and May 15, 2013, which were negative for all substances tested, including alcohol. (AE E.)

With the disposition of the December 2012 DUI still pending in district court in state A, and conflicting information about the status of operating privileges, Applicant continued to operate a motor vehicle. In March 2013, Applicant was stopped in route home from work for invalid registration. He was arrested for driving with a suspended license. (Tr. 77-79.) Believing that the DUI charge would not be sustained on appeal, but facing 30 days in jail for driving on a suspended license, Applicant pleaded nolo contendere under a plea bargain in April 2013 to a consolidated disposition for the December 2012 DUI and March 2013 driving with license suspended charges. (Tr. 79-80.) He was sentenced to one year, with 20 days to be served in home confinement and 345 days suspended; to 345 days of probation; to one-year loss of license; to a fine and court costs; to 30 hours of community service; and to an interlock device on his ignition for one year. (GEs 1, 3, 9; Tr. 89.)

On July 23, 2013, Applicant completed and certified to the accuracy of an Electronic Questionnaire for Investigations Processing (e-QIP) to update his security clearance eligibility. Applicant listed his arrests and indicated that he was on probation until April 4, 2014, for the December 2012 and March 2013 offenses, and until July 2, 2014, for the June 2012 DUI. Applicant also reported his counseling from January 2013 to May 2013 for his DUI arrests. (GE 1.)

On August 26, 2013, Applicant was interviewed by an authorized investigator for the OPM, partially about his alcohol use and related offenses. About his arrests, Applicant indicated that he had consumed only one beer before his June 2012 arrest for DUI, and in December 2012, he neither had been driving erratically nor had damaged another vehicle. However, he had accepted a plea bargain in which he lost his license for one year for the December 2012 DUI. Regarding the March 2013 driving on a suspended license charge,

[1] Applicant testified that the traffic court judge "laugh[ed] at [the charge]," because the affidavit was not signed. However, he also admitted that he lost his case in traffic court. Concerning the disposition of the DUI charge in the district court, Applicant discrepantly indicated that he had won his appeal for the DUI charge when he agreed in April 2013 to a plea bargain, but also that he agreed to the plea bargain because he was told he would lose his appeal on the DUI in light of his arrest for driving with a suspended license in March 2013. (Tr. 78-79.)

Applicant indicated that he received notice that his driver's license would be suspended as of April 22, 2013, for the December 2012 DUI. Since the DUI charge was still pending, the penalty for the March 2013 driving on a suspended license was "rolled into" his DUI. Applicant stated that from 1997 to 2009 or 2010, he consumed three to six drinks once or twice weekly. His drinking then increased because of the stress of his parents' declining health. After the birth of his son in March 2012, he decided to reduce his alcohol consumption, but in August 2012, he began caring for his ill father almost full time.[2] He drank more frequently, in unrecalled amounts, until January 2013 when he began counseling, and his father moved into a nursing home. Applicant explained that he considered drinking to be a stress reliever and a social activity. He was either unable or unwilling to provide the investigator with the date on which he last drank alcohol to intoxication, which he defined as four or more alcoholic drinks. Applicant stated that the birth of his son had the most influence in his decision to reduce his consumption to its present level of one to two glasses of wine or Sangria with his ex-wife at the end of the week. Applicant expressed his intent to continue to consume alcohol at that frequency and to abstain completely if there is a chance he may have to drive a vehicle. (GE 9.)

Applicant was required to undergo an alcohol assessment by state B for the June 2012 DUI. (Tr. 80, 94.) He attended an outpatient treatment program at treatment center X for six weeks in the fall of 2013 as then required. He underwent urinalysis testing on five separate occasions between September 16, 2013, and October 24, 2013, while in the program, with no drugs or alcohol detected. (AE E; Tr. 48, 94.) Applicant continued to consume alcohol, "one or two [drinks] maybe a week," while in counseling because he did not think drinking was an issue for him.[3] (Tr. 81.)

[2] Applicant testified discrepantly about his father's nursing home placement. He indicated that two days after his son was born, he placed his father in a nursing home. (Tr. 68.) He later testified that the same week that he moved out of his foreclosed home, he got his father into a nursing home. (Tr. 70.) Based on the address information on his e-QIP, he moved out of the house in February 2012 (GE1), so his father would have been in the nursing home before Applicant's June 2012 DUI.

[3] Applicant testified about his alcohol consumption since his August 2013 interview, as follows:

> The [DUI in state B], though like I said was on pending when I turned in my investigation. Didn't realize they had ordered me the assessment on the bottom of that. So I actually had to go back to the alcohol counseling for, I didn't realize the assessment was six weeks. I thought it was like a day or so. Go back, a six-week program, so I had to go six weeks successfully and all those results are in that document. When I finished, then I did tell, and I told [Department Counsel] . . .as far as I was still drinking, because I didn't think the drinking was an issue. I was still occasionally having a drink. One or maybe two a week. If I go to like a wedding or something, I'd have a glass of wine. (Tr. 80-81.)

On cross-examination, Applicant testified that he last drank alcohol in late April or early May 2014, when he consumed one drink after a funeral. (Tr. 86.) When asked what prompted him to drink on that occasion, Applicant responded:

> I would say somebody , I just bought and it [sic] passed it, I wasn't thinking to the point where I shouldn't be drinking at all and I did have that drink. And what little I had, I probably had half a drink, put it back on the counter and that was, that was it. And I probably all together in the last year I've since, since my, uh, charges and everything last year, I probably [had] altogether maybe six, seven drinks total. Eight drinks total in the last year and a half. (Tr. 98.)

In late fall 2013, Applicant's ex-wife lost her job. She began attending school to become a hairstylist. (Tr. 99-100.) Applicant had more responsibilities concerning their son, so he stopped drinking on weekly basis. He continued to consume alcohol on occasion, until late April or early May 2014, when he had one drink after a funeral. (Tr. 86, 98, 126.)

Applicant denies, and there is no evidence, that he has ever been diagnosed with alcohol abuse or alcohol dependence. (Tr.94.) He does not consider himself an alcoholic. (Tr. 97.) Applicant recently decided to cease drinking altogether for his son's sake. (Tr. 81, 126.) On July 15, 2014, Applicant voluntarily presented himself for an alcohol assessment at treatment center X. He attended one individual session and five weekly group sessions as of August 13, 2014. (AE E.) During his group sessions, they discuss stress and coping mechanisms and alcohol-related issues. (Tr. 96, 101.) In addition to attending the outpatient sessions, Applicant provided seven toxicology screens by August 25, 2014, which were all negative. (AEs E, L.) As of his hearing in mid-August 2014, Applicant intended to continue with his counseling sessions, which will be one group session every three weeks (Tr. 128), and to provide weekly random, supervised toxicology screens, even though he also testified that his counselor does not think he has an issue with alcohol. (AE E; Tr. 82, 96, 127.) Applicant's ex-wife does not drink alcohol, so she "does pretty much keeps [him] in line." (Tr. 101.)

Applicant testified that he has not operated a motor vehicle since his arrest for driving on a suspended license in March 2013.4 He commutes to work with co-workers or by a van service. (Tr. 92-93.) Applicant has not fully completed his sentence for the December 2012 DUI in that he has not had the interlock device installed. He is required by states A and B to have the interlock device installed for one year (concurrent). (Tr. 44, 87-88.) Applicant just finished his community service, most of it at a food bank. (Tr. 82, 89.) Applicant has to submit proof of the completion and have the interlock device installed to regain his driving privileges. (Tr. 87-88.) Applicant intends to volunteer at the food bank going forward a couple days a month by helping to unload trucks when they come in. (Tr. 82.)

When confronted about the discrepancy between his account of eight drinks total in the last 18 months and his prior admission of August 2013 that he was drinking on a weekly basis, and that he intended to continue drinking at the same rate, Applicant stated, "I drink, when I'm usually home having a dinner or something, I do have, I was having a glass of Sangria or something. Nothing major." (Tr. 99.) When asked when his weekly consumption stopped, Applicant responded, "probably some point last year." His ex-wife lost her job in the fall and "[he] actually had to step up to the plate as far as with the kid and everything." (Tr. 99.) The evidence substantiates that he consumed more than eight drinks in the last 18 months, although there is no evidence of any consumption since the funeral in late April or early May 2014 or of abusive drinking since December 2012.

[4] Applicant told the OPM investigator in late August 2013 that he would not drink alcohol if there were a chance that he might have to operate a vehicle. (GE 9.) His driver's license had been suspended for one year in state A for his December 2012 DUI. Driving should not have been a consideration for him. Even so, there is no evidence that he drove a vehicle after his March 2013 arrest.

Financial

Applicant returned from four months of TDY in December 2007 to find that his parents needed to live in a one-story home because of health issues. They owned property on which they had partially completed construction. Applicant had the unfinished building torn down, and he contracted to have a custom modular house built on the property with an in-law apartment that would be handicapped accessible for his parents. Applicant's parents added him to the deed. In November 2008, Applicant took on a $274,500 mortgage on the property, to be repaid at $2,200 per month. (GE 8; Tr. 57-59, 63.) His parents' health then deteriorated to the point where they required hospitalization and financial assistance from Applicant to cover some of their medical expenses. Applicant could not keep up with his own debt obligations as a result. The builder placed a lien on the property for $24,000, which froze the $12,000 to $14,000 he had left in a construction account. Applicant fell behind in his payments to his plumber and other creditors because of the freeze of his construction assets. (Tr. 60-61.) Applicant's mortgage lender paid the construction lien on the property plus attorney fees for a total of $32,000, but then placed its own lien on the property. Applicant was given one year to pay off the lien through an escrow account on his mortgage. His monthly mortgage obligation increased to about $4,950, which he could not afford on his income. (Tr. 63.) He fell about $30,000 behind in the mortgage payments. (Tr. 66.) Applicant's priority was to save the home for his parents, and with his increase in salary as a supervisor starting in 2010, he paid the mortgage delinquency to avert a foreclosure. However, his other accounts became seriously delinquent. (GE 8; Tr. 65-66.) In 2011, Applicant put his mother in a nursing home under a hardship provision (Tr. 64), but he could not afford the costs of a nursing home for his ill father. He incurred the costs of nursing care for his father in the home when he was at work. Around April 2011, his ex-wife moved into the home to help. (Tr. 67.) On the advice of a lawyer, Applicant allowed the home to go to foreclosure. (Tr. 65-66.) The lender initiated foreclosure around July 2011 and redeemed the property to settle the defaulted mortgage. (GEs 1, 8, 9.)

Applicant initially rented a home at $1,700 a month for himself, his ex-wife, and his father in the same neighborhood. (Tr. 68.) In March 2012, Applicant and his ex-wife had their son. (GE 1.) Two days after his son's birth, Applicant was successful in placing his father in a nursing home. (68-70.) No longer needing a handicapped accessible residence and to reduce expenses, Applicant and his ex-wife moved in with her mother until December 2012. (GE 1; Tr. 70.)

On his July 2013 e-QIP, Applicant indicated that the $32,000 lien debt was paid around October 2010. He listed six delinquent consumer credit card accounts totaling $7,097 as satisfied in full or settled by June 2013, including a $769 judgment debt. Applicant disclosed that he was working to settle by the end of July 2013 another four credit card accounts with past-due balances totaling $3,828; a checking account debt of $1,098; a $9,047 line of credit account, and a $196 cable debt. Additionally, he was working to settle three vehicle loan debts of $9,800, $2,601, and $18,507. (GE 1.)

A check of Applicant's credit on August 3, 2013, showed outstanding past-due balances of $2,011 (SOR 3.b) and $18,507 (SOR 3.h) on automobile loans opened in

February 2008 for $8,625 and in June 2008 for $29,305. The $9,800 auto loan (SOR 3.e) was listed as having a zero balance after repossession, but also that "there may be a balance due." A $491 jewelry debt was reported to have a zero balance after being charged off and placed for collection (SOR 3.a). Applicant reportedly owed past-due credit card debt of $1,517 (not alleged), $1,192 (SOR 3.c), and $457 (SOR 3.g); debts of $196 for satellite television (SOR 3.f) and of $252 for insurance (SOR 3.i) in collection since February 2013; and an installment loan delinquency of $9,047 (SOR 3.d). Another $1,098 (not alleged) in checking account debt had been paid in June 2013 after being written off to profit and loss. (GE 8.)

Applicant was asked about his delinquent debts during his August 26, 2013 interview with the OPM investigator. Applicant indicated that he had paid most of his past-due accounts, including the $1,516 credit card debt not alleged in the SOR. About the debts in the SOR, Applicant averred that he had paid the jewelry debt (SOR 3.a). The $1,192 credit card debt (SOR 3.c) was settled for $596 through a debt management plan arranged in January 2013. He indicated he has been paying $678 monthly to the debt relief firm to resolve debts. Applicant's line of credit debt (SOR 3.d) had been transferred so many times that he lost track of his payments. In August 2013, he settled the debt in SOR 3.d for $4,524 and the debt in SOR 3.g for $320. He also maintained that he had paid the satellite television debt (SOR 3.f), the $2,061 debt (SOR 3.b) for a vehicle repossessed in October 2011, and the insurance debt (SOR 3.i). Evidence shows he did not pay the insurance debt until November 2013. Applicant was still negotiating with one auto lender (SOR 3.h) about repayment terms. About the $9,800 auto loan debt (SOR 3.e), Applicant explained that the car had been repossessed and sold at auction, leaving him with a $9,981 deficiency balance, which he expected to resolve by the end of the year. Additionally, Applicant had arranged for repayment of the $1,517 credit card debt (not alleged). (GE 9.)

Available evidence shows Applicant paid the jewelry debt identified in SOR 3.a in August 2012 (AE J); the satellite television debt in SOR 3.f on August 15, 2013 (AE P); and the insurance debt in SOR 3.i on November 6, 2013 (AE Q). He paid $1,138.23 on September 6, 2013, to resolve the $1,517 credit card debt not alleged in the SOR. (AE O.) He settled the auto loan debt in SOR 3.h for about "$6,000 and change" on December 19, 2013.[5] (AE C; Tr. 114.) As of mid-May 14, 2014, Applicant had settled the loan in SOR 3.d for about $4,524 (AE G; Tr. 105), and the credit card debts in SOR 3.c for less than $600 (AE H; Tr. 104) and SOR 3.g (AE I). About the auto loan debt in SOR 3.e, which was for a repossessed vehicle, Applicant paid $200 in September 2013, $500 in October 2013, $300 in November 2013, $900 in January 2014, and $942.85 in May 2014 toward the debt.[6] (AE R; Tr. 108-111.) He got off his payment schedule after he had to stop a check. (Tr. 49.)

[5] Applicant testified that he had a loan on a "way over-valued car" that he traded for another vehicle. As a result, he had a loan obligation of $25,000 to $30,000 on a car valued between $10,000 and $12,000. He could not afford his monthly payments that were "close to $700 a month," so the car was repossessed. (Tr. 113.)

[6] Applicant testified that the original payment agreement was $963 a month, which he could not afford because his son had medical bills that took priority. (Tr. 108.)

Applicant's gross salary for 2013 was close to $140,000, almost double his usual gross of $75,000, because of many hours of overtime, so he could afford to make the payments on his old debts. (Tr. 105-107.) He also borrowed $10,000 from his 401(k). (Tr. 115.)

On August 16, 2014, Applicant was hired to work part time unloading trucks for a home improvement store. (Tr. 81-82.) He sought the job for the income needed to catch up on his payments on the debt in SOR 3.e. (Tr. 81-82.) On August 18, 2014, he wired $400 to the creditor to get back on a repayment schedule. (AE F.) Around August 21, 2014, Applicant authorized the automatic debit of $200 per month starting September 15, 2014, to repay the remaining balance of $6,738.79. (AE M; Tr. 83.) Applicant intends to repay the debt in full to avoid a higher income tax bill were he to settle for $5,000 or so. (Tr. 109.) He is hoping to pay off the debt in October 2014. (Tr. 108-109.)

As of August 2014, Applicant had only one outstanding balance on his credit record as reported by Experian. He had opened a low-limit credit card account in November 2013, which was current with a balance of $8.00. (AE D.) He owed a $400 payday loan not on his credit record, which he intends to repay. (Tr. 84.) Applicant owes no delinquent federal or state taxes. He paid $3,453 to the IRS, $135 to state B, and $707 to state A in April 2014 to satisfy his income tax liabilities for 2013. (AE N.) Applicant's taxes were high because he was issued 1099-C forms for debt excused on SOR 3.d and SOR 3.h. (Tr. 105, 114.) Applicant owes no personal property taxes. He had three vehicles at one time (model-years 1992, 2003, and 2008) (AE A), but he presently has no vehicle. The 2008 vehicle was repossessed (SOR 3.e), and he sold the 1992 car in May 2014. (Tr. 87.)

Applicant's job is very important to him. His household finances are currently tight in that he is the sole provider in his household and covers the insurance costs for his son. His ex-wife is currently in school and unemployed (Tr. 81, 83), although she is scheduled to finish her studies around February 2015. (Tr. 83.) Applicant's father is still in a nursing home. (Tr. 59.) Applicant's mother died in March 2014. (Tr. 57.) It is unclear whether Applicant provides any financial assistance for his father.

Applicant's general foreman has worked with Applicant since they both started with their defense contractor employer about 12 years ago. They were partners at one time, and about four years ago, they both assumed supervisory positions. Two years ago, the foreman became Applicant's direct supervisor. The foreman testified about Applicant's excellent work record. Applicant reports for duty on time, covers various shifts, and currently works seven days a week. (Tr. 15.) The foreman described Applicant as an asset to him personally, to the department, and to their employer. He rated Applicant above average (a four on a five point rating scale) at Applicant's latest annual performance review in June 2014. He knows of no security violations committed by, or involving Applicant. On occasion, he and Applicant have socialized outside of the workplace, including at functions where alcohol has been present. To his knowledge, Applicant is not drinking alcohol presently. This foreman is aware of "the DUIs where [Applicant] made a couple bad decisions." Applicant is required to tell him "that he's got some stuff going on." He reminded Applicant of his job and parental responsibilities, and he believes that Applicant has since then "turned around definitely." (Tr. 17-22.)

Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are required to be considered in evaluating an applicant's eligibility for access to classified information. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overall adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk 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. Section 7 of Executive Order 10865 provides that decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." *See also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline J, Criminal Conduct

The security concern for criminal conduct is set out in AG ¶ 30:

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

The alcohol and criminal conduct concerns are largely, although not completely, factually related in this case. Applicant was fined $100 for minor in possession of alcohol in October 1999. Although he denies that the alcohol belonged to him, he was legally culpable because the alcohol was in his vehicle. More significant from a security standpoint, he has three DUI convictions on his record for offenses committed in December 2007, June 2012, and December 2012. Additionally, while his first arrest for DUI in June 2002 was disposed of through his plea to reckless driving, his blood alcohol content tested over the legal limit, and Applicant admits that he was intoxicated. Applicant was also caught driving with a suspended license in March 2013. There is no evidence that he consumed alcohol before that offense. Assuming some confusion from the traffic court allowing him to retain his driving privileges, he knew that the district court had ordered him to refrain from operating a vehicle as a condition of his bail. His failure to comply with the district court order raises considerable concerns about whether he can be counted on to abide by rules and regulations. Disqualifying conditions AG ¶ 31(a), "a single serious crime or multiple lesser offenses," and AG ¶ 31(c), "allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted, or convicted," are both established by Applicant's alcohol-related offenses. Applicant was also arrested for disorderly conduct in October 2005, but the charge was dismissed. The evidence of that offense is limited and does not prove culpability. To the extent that AG ¶ 31(c) is implicated by his undisputed arrest, mitigating condition AG ¶ 32 (c), "evidence that the person did not commit the offense," applies.

AG ¶ 31(d), "individual is currently on parole or probation," is pertinent because Applicant had not been released from probation for the June 2012 DUI in state B. His one-year probation term ended in July 2014, but he was required to complete his community service as a condition of his probation. He testified that he had just finished his hours only days before his security clearance hearing and had not yet provided proof of his completion to state B.

Criminal conduct may be mitigated under AG ¶ 32(a), if "so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment." The recurrent nature of Applicant's drunk driving and the recency of his March 2013 driving on a suspended license do not reasonably support a conclusion that so much time has elapsed since his criminal conduct to where they no longer cast doubt on his judgment.

Applicant shows some rehabilitation under AG ¶ 32(d), "there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement." Applicant completed court-

ordered outpatient alcohol counseling from January 2013 to May 2013 and for another six weeks from September 2013 to October 2013. It was apparently successful in that there has been no recurrence of any alcohol-related criminal conduct since December 2012. There is also no evidence that Applicant has operated a motor vehicle since his arrest in March 2013. However, fulfillment of sentencing terms does not carry the same weight in mitigation than constructive actions taken without the threat of legal consequences for any noncompliance. Additionally, Applicant has yet to fully complete all of the terms of his sentences for the 2012 and 2013 offenses. For the June 2012 DUI in state B, he has to prove that he satisfied his 100 hours of community service to regain his driving privileges and have the interlock device installed on a vehicle.[7] For the December 2012 DUI and March 2013 driving on a suspended license in state A, he has yet to have the interlock device installed on a vehicle, again because he does not have his license. Under these circumstances, it is too soon to conclude that he is fully rehabilitated of the criminal conduct concerns.

Guideline G, Alcohol Consumption

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

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

Applicant started drinking as a teenager in 1997. In October 1999, he was caught with a 12-pack of beer minus one on the floor of the passenger side of his vehicle. Whether or not the beer belonged to him, his socialization clearly involved alcohol at that time. His blood alcohol content was over the legal limit when he was arrested for DUI in June 2002. Perhaps because he was allowed to plea to a reduced charge of reckless driving, he failed to moderate his alcohol use significantly in that he continued to consume three to six drinks once or twice weekly until 2009 or 2010. His drinking led to negative impact on his judgment and reliability at least once during this time, as evidenced by his December 2007 DUI. Due to the stress of caring for his parents, Applicant increased his drinking starting in 2009 or 2010. He provided no details about the amount or frequency of his alcohol consumption over the next few years. As to the duration of his heavier consumption, Applicant discrepantly told an OPM investigator in August 2013 that it lasted until the birth of his son in March 2012, but that he drank more frequently from August 2012, when he began caring for his father full time, until he entered treatment in January 2013. Applicant's present testimony is that he secured nursing home care for his father in March 2012. Whatever the date of his father's nursing home placement, stress does not justify or excuse his June 2012 and December 2012 DUIs. Two disqualifying conditions are implicated under AG ¶ 22:

[7] Applicant no longer has a vehicle because he sold his 1992-model automobile in May 2014. (Tr. 87.) Presumably, he will have to acquire a vehicle or have the interlock device installed on someone else's car that he is authorized to operate.

> (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, and
>
> (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent.[8]

The recurrence of drunk driving makes it difficult to mitigate his episodic alcohol abuse under AG ¶ 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." AG ¶ 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)," applies in that Applicant completed two court-ordered counseling programs in 2013 and he has been participating since July 2014 in additional counseling to address the stress that led him to drink more heavily. He has not been involved in any subsequent alcohol incidents since he started his first treatment program in January 2013. Applicant continued to consume alcohol on a weekly basis until late fall 2013, and infrequently thereafter until April 2014 in moderate amounts.

AG ¶ 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," cannot fully apply, despite Applicant's current participation in counseling. Applicant presented no assessment of his progress in any of his three discrete counseling programs apart from negative urinalysis screens, which tend to substantiate only that Applicant is not a habitual abuser of alcohol.

Similarly, Applicant's counseling in a program recognized by states A and B and the moderation of his drinking since his December 2012 DUI, satisfy some of the requirements under AG ¶ 23(d), which provides as follows:

> (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

[8]Although the term "binge" drinking is not defined in the Directive, the generally accepted definition of binge drinking for males is the consumption of five or more drinks in about two hours. This definition of binge drinking was approved by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) National Advisory Council in February 2004. *See* U.S. Dept. of Health and Human Services, NIAAA Newsletter 3 (Winter 2004 No. 3), http://www.pubs.niaaa.nih.gov/publications/Newsletter/ winter2004/NewsletterNumber3.pdf. To the extent that AG ¶ 22(c) applies, the evidence of binge drinking is limited. Applicant's blood alcohol content of 1.14% in June 2002 suggests binge drinking.

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.

Applicant continued to consume alcohol while in counseling in 2013. There is no evidence that his counselor advised him to abstain completely from alcohol. He was apparently ordered not to drink alcohol as a condition of his bail, however, and it is unclear whether Applicant abstained around that time. By August 2013, he was drinking one or two glasses of wine or Sangria per week, but court-ordered special conditions for his probation in state B did not include abstention from alcohol. He was ordered not to drive in state B without a valid license and to obtain any treatment deemed necessary. His participation in mandatory counseling for six weeks that fall indicates that some counseling was considered necessary. Applicant has not presented a recent assessment by a duly qualified clinician. Such a prognosis is not required for mitigation, particularly when there is no evidence of a diagnosis of alcohol abuse or dependence. That being said, a favorable prognosis would have gone a long way toward eliminating concerns about any future abusive drinking in light of his multiple drunk-driving incidents.

Applicant's resumption of counseling in July 2014 is favorable evidence for him. His reform is undermined to the extent that he denies or minimizes his culpability for the December 2012 DUI, however. He told the OPM investigator in August 2013 that he had not been driving erratically and had not damaged a parked vehicle. Applicant testified at his security clearance hearing that he had consumed "a couple social drinks at the local bar," and that he did not think that he was "too intoxicated." He does not deny that he could have hit a car, although he denies damaging the other vehicle. About the disposition of the December 2012 DUI charge, Applicant discrepantly testified that he had won his appeal for the DUI charge, but also that he had agreed to a plea bargain in April 2013 because he was told he would lose his appeal on the DUI because he drove with a suspended license in March 2013. (Tr. 78-79.) When asked on cross-examination when the last time was that he drank four drinks or more in a sitting, Applicant responded, "That's been since the DUI charge in December." (Tr. 86.) Later asked about what he had been drinking on the night of his arrest, Applicant responded, "I have [sic] a few, it was probably Jim Beam and Cokes. Stuff like that. I don't really." (Tr. 130.) The evidence suggests that Applicant was more impaired on the occasion of his December 2012 DUI than he is now willing to admit. Two of his DUIs occurred after the birth of his son, which Applicant still considers the seminal event that led him to reduce his drinking. Additional evidence in reform is required before I can safely conclude that his abusive drinking will not reoccur.

Guideline F, Financial Considerations

The security concern about financial considerations is set forth in AG ¶ 18:

Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to

protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds.

The SOR alleges nine delinquencies totaling $40,392 as of April 24, 2014. The evidence establishes that Applicant had paid the $491 jewelry debt in August 2012 (SOR 3.a). The other debts in the SOR and a $1,517 credit card debt not alleged were all outstanding as of his July 2013 e-QIP. However, by the time the SOR was issued, Applicant had resolved the debts in SOR 3.b, 3.f, 3.h, 3.i, and the $1,517 credit card debt. Available creditor information as of mid-May 2014 shows that the debts in SOR 3.c, 3.d, and 3.g were settled by recent payments. It is unclear whether those debts were settled as of the SOR, but they had been paid by the time Applicant answered the SOR. As of Applicant's hearing in August 2014, only the debt in SOR 3.e had not been resolved. Even so, Applicant's undisputed record of delinquency establishes AG ¶ 19(a), "inability or unwillingness to satisfy debts," and AG ¶ 19(c), "a history of not meeting financial obligations." Applicant's financial problems were more extensive than shown in the SOR. Other accounts that had been delinquent were paid or settled before he completed his e-QIP, and he lost his home to foreclosure.[9]

Mitigating condition AG ¶ 20(a), "the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not case doubt on the individual's current reliability, trustworthiness, or good judgment," cannot reasonably apply. Applicant's credit report (GE 8) shows no activity on the auto loan in SOR 3.h after October 2009. The credit card debts in SOR 3.g and 3.c went to collection in July 2009 and June 2010. The $1,517 credit card debt not alleged in the SOR was cancelled by the creditor due to nonpayment after May 2009. However, other debts were incurred more recently. His automobile loan in SOR 3.e was opened in June 2012 for $19,864. His car was repossessed and a $9,981 deficiency balance was charged off and in collection as of May 2013.

Applicant's financial problems stem largely from him having to assist his parents financially. In addition to contracting to have a handicapped-accessible unit built for his parents, he apparently helped pay some of their medical expenses. A lien placed on his home was covered by his mortgage lender only to have his lender then almost double his monthly mortgage payment to an unaffordable $5,000 a month. With keeping his home a priority, Applicant stopped paying on many of his debt obligations. Applicant did not present evidence of specific medical expenses and other debts covered for his parents, but non-discretionary medical or health needs implicate AG ¶ 20(b):

> (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn,

[9] The DOHA Appeal Board has long held that the administrative judge may consider non-alleged conduct to assess an applicant's credibility; to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; to consider whether an applicant has demonstrated successful rehabilitation; to decide whether a particular provision of the Adjudicative Guidelines is applicable; or to provide evidence for a whole person analysis under Section 6.3 of the Directive. *See*, *e.g.*, ISCR Case No. 03-20327 (App. Bd. Oct. 26, 2006); ISCR Case No. 09-07219 (App. Bd. Sep. 27, 2012).

unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances.

The salient issue is whether Applicant acted responsibly toward his creditors in the circumstances that he faced. It was reasonable for Applicant to give priority to saving his home because he was sheltering his parents with medical issues. After he placed his mother in a nursing home in 2011, he cared for his father in the home until approximately February 2012, when the lender foreclosed. Within a week of his son's birth in March 2012, Applicant had placed his father in a nursing home. Applicant paid some debts before he completed his e-QIP in July 2013. However, his recent default on the car loan in SOR 3.e makes it difficult to fully apply AG ¶ 20(b).

However, Applicant's payments to resolve all but the car loan in SOR 3.e establish mitigating conditions AG ¶ 20(c), "the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control," and AG ¶ 20(d), "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." Resolution of most of his past-due accounts does not end the inquiry in that there must be adequate assurances that Applicant's financial situation is sufficiently under control to where it does not pose an unacceptable security risk. Concerning the debt in SOR 3.e, Applicant intends to satisfy the debt in full to avoid a sizeable income tax liability for 2014 similar to the $3,453 owed the IRS for 2013 because he settled debts for lesser amounts (e.g., SOR 3.h). He has made payments to reduce the debt balance of SOR 3.e to $6,738.79 as of August 21, 2014. (AE M). Furthermore, Applicant exhibits a favorable change in his financial habits in that he has no new delinquent accounts. While he borrowed from his 401(k), he is repaying the loan on time. He has only one credit card account with an $8.00 balance, which is current. He recently took a second job for the income to address his debts. Concerns about Applicant's financial situation no longer persist as long as he has a stable income to address his remaining debt.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of his conduct and all relevant circumstances in light of the nine adjudicative process factors listed at AG ¶ 2(a).[10] Immaturity was a significant factor in Applicant's underage drinking and his alcohol possession offense. Yet, his subsequent DUIs cannot reasonably be attributed to youth. The stress of caring for his parents led to an increase in his alcohol consumption to a level

[10]The factors under AG ¶ 2(a) are as follows:

(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.

and frequency that he inexplicably no longer recalls. He testified to moderating his consumption after he began counseling, but he provided no progress notes or professional assessments that could perhaps corroborate his testimony about favorable changes in his drinking habits and attitudes. Furthermore, it has taken Applicant the past year to fulfill his 100 hours of community service for state B. Applicant's long hours at work may explain his delay in compliance with this term of his sentence, but as a consequence, he has yet to be formally discharged from probation.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance. *See Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990). Three of Applicant's DUIs were committed after he began working for his defense contractor employer and while he possessed a security clearance. Applicant did not allow these incidents to impair his work, but they reflect extremely poor judgment outside of work. His failure to abide by the conditions of his bail in 2013 raises doubts about his willingness to comply with rules and regulations. After considering the facts and circumstances before me in light of the adjudicative guidelines, I cannot conclude that it is clearly consistent with the national interest to continue Applicant's security clearance eligibility at this time.

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 J:	AGAINST APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	Against Applicant
Subparagraph 1.e:	Against Applicant
Subparagraph 1.f:	Against Applicant
Subparagraph 1.g:	Against Applicant
Paragraph 2, Guideline G:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Paragraph 3, Guideline F:	FOR APPLICANT
Subparagraph 3.a:	For Applicant
Subparagraph 3.b:	For Applicant
Subparagraph 3.c:	For Applicant
Subparagraph 3.d:	For Applicant
Subparagraph 3.e:	For Applicant
Subparagraph 3.f:	For Applicant

Subparagraph 3.g:	For Applicant
Subparagraph 3.h:	For Applicant
Subparagraph 3.g:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

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Elizabeth M. Matchinski
Administrative Judge