

DATE: January 13, 2005

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In re:

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SSN: -----

Applicant for Security Clearance

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ISCR Case No. 03-07552

## **DECISION OF ADMINISTRATIVE JUDGE**

**MICHAEL J. BRESLIN**

### **APPEARANCES**

#### **FOR GOVERNMENT**

Jennifer I. Campbell, Esq., Department Counsel

#### **FOR APPLICANT**

*Pro Se*

### **SYNOPSIS**

Applicant is a 45-year-old employee of a defense contractor. Applicant abused drugs and alcohol between about 1974 and 2002. His misconduct resulted in several criminal offenses and adversely affected his marriage and his employment. He was diagnosed as both alcohol dependent and cannabis dependent. He received treatment for his substance abuse problems on several occasions, but relapsed. Applicant's last alcohol-related incident occurred in March 2002; he completed substance abuse treatment and has abstained from alcohol and illegal drugs since then. Considering his history of substance abuse and his poor record for rehabilitation, Applicant has not mitigated the security concerns arising from his drug and alcohol abuse or his personal conduct. Clearance is denied.

### **STATEMENT OF THE CASE**

The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant under Executive Order 10865, *Safeguarding Classified Information Within Industry*, (Feb. 20, 1960), as amended and modified, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program*, (Jan. 2, 1992), as amended and modified (the "Directive"). On May 26, 2004, DOHA issued a Statement of Reasons (SOR) detailing the basis for its decision. The SOR alleges security concerns raised under Guideline G, Alcohol Consumption, Guideline H, Drug Involvement, and Guideline E, Personal Conduct, of the Directive.

Applicant answered the SOR in writing on July 19, 2004. He elected to have a hearing before an administrative judge.

The case was assigned to me on August 26, 2004. With the concurrence of the parties, I conducted the hearing on September 23, 2004. The government introduced 22 exhibits. Applicant presented six exhibits and the testimony of two witnesses. He also testified on his own behalf. The DOHA received the transcript (Tr.) on October 6, 2004.

### **FINDINGS OF FACT**

Applicant admitted the allegations in the SOR, with explanations. Applicant's Answer to SOR, dated July 19, 2004.

Those admissions are incorporated herein as findings of fact. After a complete and thorough review of the evidence in the record, I make the following additional findings of fact:

Applicant is 45 years old. Ex. 1, at 1. He grew up on a Native American reservation. Tr. at 41. He began drinking alcohol in about 1973 at about age 14 and it soon developed into a serious problem. Tr. at 46. Between the ages of 16 and 18, he drank once or twice a week, sometimes up to 12 beers. Ex. 3 at 21; Tr. at 46, 48. Applicant's problems with alcohol interfered with his education-he did not finish ninth grade. Tr. at 46. Between the ages of 19 and 26, he often drank until he blacked out and would be sick for the next day or two. Ex. 3 at 3; Tr. at 47-48. Applicant also smoked marijuana regularly. Tr. at 60. Additionally, Applicant purchased and used lysergic acid diethylamide (LSD) about 15 times in the 1970s. Tr. at 41; Ex. 18 at 5.

Applicant worked in a uranium mine for six or seven years. Ex. 16 at 6. He then drove an ambulance for a period of time, before going into construction work. *Id.*

In April, 1979, Applicant drove drunk and committed assault, resulting in his arrest. Ex. 2. Appellant could not recall details of this incident. Answer to SOR, *supra*, at 1.

In about 1989, Applicant moved to his present area of the country in order to escape life on the reservation. Tr. at 42. He stopped drinking alcohol for about five years. Ex. 3 at 21; Ex. 4.

In about 1990 or 1991, Applicant hurt his back at work. Tr. at 42. Applicant was off work for about one year as a result and took pain medication. Tr. at 42. He later returned to work in local shipyards. Tr. at 42.

Applicant began working for his current employer, a defense contractor, in January 1994, as a maintenance carpenter. Tr. at 23. He applied for and was granted a security clearance. Ex. 1. On the security clearance application form, he falsely denied ever having been arrested or having used illegal drugs. *Id.* at 5.

In September 1994, Appellant's 14-year-old daughter called the local police to report that Applicant assaulted her. Ex. 11 at 2. She had gone to a party at night against her parent's instructions and Applicant became angry. She alleged that he grabbed her head, neck, hair, and face, and slapped her. *Id.* Applicant's wife told the police she saw Applicant hit the child. The police apprehended Applicant when he returned home. Ex. 18. He denied slapping her face, but admitted grabbing her by the shoulders and cheeks because of her disobedience and smart remarks. Ex. 11 at 3. The police arrested Applicant for assault. *Id.* Applicant pled guilty at trial. The court sentenced him to a fine of \$5,225.00 (\$4,750.00 suspended), confinement for 365 days (suspended), and an alcohol assessment. Ex. 9. Applicant fulfilled the requirements. *Id.* There is no evidence that alcohol was involved in the incident (Ex. 11), other than the court referring Applicant for an alcohol assessment (Ex. 9 at 3).

Applicant began drinking again in about 1995. Ex. 4 at 1. He began with smaller amounts, but increased gradually until he was binge drinking once a week. Ex. 3 at 21; Ex. 4.

In June 1996, Applicant and his wife got into an argument about the discipline of the children. Ex. 18. Applicant admitted he may have grabbed her. *Id.* Appellant's wife sought an order of protection based upon Applicant's violence against her. Ex.12. The court issued a temporary restraining order against Applicant, requiring him to vacate the home and stay 500 feet from his wife. She moved to terminate the order a few days later, but the court denied it. The court later dismissed the restraining order. *Id.* Applicant indicated that alcohol may have played a part in the incident. Ex. 18 at 3.

Applicant continued drinking excessively. Ex. 3 at 21. In April 1997, Applicant drove a vehicle while drunk. Ex. 10. A police officer stopped him for erratic driving; his blood-alcohol content exceeded .20%. Ex. 10 at 2. The officer arrested Applicant and charged him with driving under the influence of alcohol. *Id.* at 8. The court granted Applicant deferred prosecution on the condition that he undergo alcohol evaluation and complete treatment. Ex. 7; Ex. 8.

Applicant cooperated with the alcohol assessment. Ex. 3 at 20. He was diagnosed with severe alcohol dependency under the Diagnostic and Statistical Manual of Mental Disorders IV (DSM IV), ¶ 303.90. *Id.* at 21. Applicant was required to complete a two-year treatment program consisting of three phases, including mandatory meetings with Alcoholics

Anonymous (AA), formal training, and individual counseling. Ex. 3 at 24; Ex. 15. Applicant abstained from alcohol during the two-year program, as required. However, he continued to smoke marijuana, contending it was for relief of his back pain. Tr. at 43; Ex. 18 at 4. Applicant completed the treatment program in May 1999. Ex. 3 at 26. The state dropped the charges against him. Ex. 7 at 11.

Applicant began drinking again in late 1999, about six months after completion of the treatment program. Tr. at 50. In August 2001, Applicant drove a vehicle while under the influence of alcohol. Ex. 18. An off-duty police officer followed his vehicle for about 10 miles before Applicant pulled into his driveway. *Id.* Police patrol officers arrived later and Applicant was arrested. *Id.* He refused to submit to a breath test, but he believes he would have tested over the legal limit. *Id.* The court dismissed the charge at trial; Applicant believes it was because he was arrested in his private driveway. *Id.*

Applicant's alcohol abuse did not adversely affect his duty performance at first. His employer found him to be a very talented, flexible employee. In October 2000, he was promoted to maintenance electrician. Tr. at 23.

Applicant continued to drink to excess. In about late 2001 and early 2002, Applicant's excessive consumption of alcohol began to affect his work. He was late to work or missed work on several occasions and received progressive discipline from his employer. Tr. at 23; Ex. 20. This included verbal counseling and documented warnings by supervisors. Tr. at 28; Ex. 20. Applicant continued to be late or absent from work, resulting in two written reprimands, a one-day suspension, and a five-day suspension. Ex. 20.

Applicant's drinking also affected his family relationships. His wife threatened to leave him and return to their home state. Ex. 4 at 2. Applicant became increasingly depressed. *Id.* In early March 2002, he decided to kill himself. He drank four shots of whiskey and about five beers, and drove his vehicle into a telephone pole. *Id.*; Tr. at 53. He was arrested at the scene and charged with negligent driving. *Id.* Applicant was hospitalized for psychiatric care because of the suicide attempt. Ex. 16. He was diagnosed as suffering from alcohol abuse. *Id.*

That same month, Applicant informed his employer that he had a problem with alcohol and needed help. Tr. at 23, 30; Ex. 4 at 3. The contractor had Applicant sign a Return to Work Agreement setting out the requirements for Applicant to continue his employment. Ex. E.

A few weeks later, Applicant was hospitalized again for psychiatric treatment for depression and suicidal ideation. Ex. 13. He was discharged after four days. *Id.* He was again diagnosed with alcohol dependence, along with a major depressive disorder. Ex. 13 at 8. Applicant took a leave of absence from March 27th until September 10th, 2002, for in-patient treatment. Tr. at 23-24.

In September 2002, Applicant pled guilty to negligent driving. Ex. 5 at 2. The court sentenced him to confinement for 90 days (75 days suspended), a fine of \$1,000.00 (\$250.00 suspended), probation for two years, restitution for property damage, and an alcohol assessment. Ex. 5 at 2; Ex. 6 at 2.

Applicant completed the confinement through house arrest. Ex. 4 at 2. He submitted to the alcohol evaluation and was diagnosed as alcohol dependent and cannabis dependent. Ex. 14 at 8. Thereafter, Applicant completed a 12-week treatment program, beginning in November 2002. *Id.*

After the court-ordered treatment program, Applicant worked with the Employee Assistance Program to complete the requirements of the Return to Work Agreement. Tr. at 24. He successfully completed the terms of the agreement, including random alcohol and drug screening tests on multiple occasions from September 2002 until August 2004. *Id.* ; Ex. D; Ex. F.

At the hearing, the human resources director for the defense contractor testified that Applicant has been an outstanding employee since his return to work in September 2002. Tr. at 24. She indicated he is dependable and trustworthy. Tr. at 25.

Applicant's wife testified about the incident with their daughter culminating in Applicant's conviction for assault in September 1994. Tr. at 32. She claimed they were counseling their daughter on her behavior, their daughter made a fist,

and her husband acted only to restrain her. Tr. at 35, 37. She denied that he slapped their daughter. Tr. at 37. Thereafter, Applicant admitted he did slap his daughter. Tr. at 38.

Applicant testified that he recognizes the mistakes he made and is resolved to turn himself around. Tr. at 45. He asserts that he has not used alcohol or illegal drugs since his vehicle accident in March 2002. Tr. at 54. Applicant has not attended AA meetings since August 2002, but he sees an elder from his church daily. Tr. at 55-56.

## POLICIES

In Executive Order 12968, *Access to Classified Information*, § 3.1(b) (August 4, 1995), the President provided that eligibility for access to classified information shall be granted only to United States citizens "whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information." A person granted access to classified information enters into a special relationship with the government. 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.

To be eligible for a security clearance, an applicant must meet the security guidelines contained in the Directive. Enclosure 2 of the Directive sets forth personnel security guidelines, as well as the disqualifying conditions and mitigating conditions under each guideline. The adjudicative guidelines at issue in this case are:

Guideline G, Alcohol Consumption. Excessive alcohol consumption often leads to the exercise of questionable judgment, unreliability, failure to control impulses, and increases the risk of unauthorized disclosure of classified information due to carelessness. Directive, ¶ E2.A7.1.1.

Guideline H, Drug Involvement. Improper or illegal involvement with drugs, raises questions regarding an individual's willingness or ability to protect classified information. Drug abuse or dependence may impair social or occupational functioning, increasing the risk of an unauthorized disclosure of classified information. Directive ¶ E2.A8.1.1.1.

Guideline E, Personal Conduct. Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations could indicate that the applicant may not properly safeguard classified information. Directive ¶ E2.A5.1.1.

Other conditions that could raise a security concern and may be disqualifying, as well as those which could mitigate security concerns pertaining to these adjudicative guidelines, are set forth and discussed in the conclusions below.

"The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance." Directive, ¶ E2.2.1. An administrative judge must apply the "whole person concept," and consider and carefully weigh the available, reliable information about the person. *Id.* An administrative judge should consider the following factors: (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the voluntariness of participation; (6) the presence or absence of rehabilitation and other pertinent 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. *Id.*

Initially, the Government must present evidence to establish controverted facts in the SOR that disqualify or may disqualify the applicant from being eligible for access to classified information. Directive, ¶ E3.1.14. Thereafter, the applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate the facts. Directive, ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security." Directive, ¶ E2.2.2.

The decision to deny an individual a security clearance is not a determination as to the loyalty of the applicant. Exec.

Ord. 10865, § 7. It is merely an indication that the applicant has not met the strict guidelines the President has established for issuing a clearance.

## CONCLUSIONS

I considered carefully all the facts in evidence and the legal standards discussed above. I reach the following conclusions regarding the allegations in the SOR:

### **Guideline G, Alcohol Consumption**

Paragraph E2.A7.1.2.1 of the Directive provides that it may be a disqualifying condition if the evidence reveals "[a]lcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, or other criminal incidents related to alcohol abuse." The evidence shows Applicant has several alcohol-related incidents away from work, including drunk driving in April, 1997, drunk driving in August 2001, and negligent driving in March 2002. Additionally, Applicant's drinking made him late for work or absent without authorization on numerous occasions. The 1994 incident resulting in his conviction for assault does not qualify, because there is no evidence it was alcohol-related. I find this potentially disqualifying condition applies.

Paragraph E2.A7.1.2.4 of the Directive indicates that an "[e]valuation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program" may be disqualifying. The government's evidence and the Applicant's admissions show that he was given a diagnosis of alcohol abuse on one occasion and alcohol dependence on three occasions. I find this potentially disqualifying condition applies.

Under the Directive, ¶ E2.A7.1.2.5, "[h]abitual or binge consumption of alcohol to the point of impaired judgment" may be disqualifying. Applicant admitted that he has engaged in binge drinking on numerous occasions, consuming alcohol until he blacked out. I conclude this disqualifying condition applies.

Finally, ¶ E2.A7.1.2.6 of the Directive states that "[c]onsumption of alcohol, subsequent to a diagnosis of alcoholism by a credentialed medical professional and following completion of an alcohol rehabilitation program" may be disqualifying. The Directive defines "credentialed medical professional" to include a "physician, clinical psychologist, or psychiatrist." Directive, ¶ E2.A7.1.2.3. There is no evidence Applicant was diagnosed by a "credentialed medical professional," as defined by the Directive. Therefore, I conclude this potentially disqualifying condition does not apply.

The government's evidence and Applicant's admission constitute substantial evidence of numerous potentially disqualifying conditions under Guideline G, Alcohol Consumption. This raises significant concerns about Applicant's judgment, reliability, ability to control impulses, and capacity to protect classified information.

The security concerns arising from Applicant's alcohol consumption can be mitigated under certain circumstances. Under the Directive, ¶ E2.A7.1.3.1, it may be mitigating where "the alcohol-related incidents do not indicate a pattern." Applicant's long-term history of alcohol abuse, including relapses following treatment, indicate a pattern. I conclude this potentially mitigating condition does not apply.

Paragraph E2.A7.1.3.2 provides that it may be mitigating where, "[t]he problem occurred a number of years ago and there is no indication of a recent problem." any of Applicant's alcohol-related incidents occurred many years ago, such as Applicant's drunk driving in April 1979. However, Applicant's alcohol-related problems reveal a pattern of abuse lasting many years, continuing until 2002. I find there are indications of a recent problem. I conclude this mitigating condition does not apply.

Paragraph E2.A7.1.3.3 of the Directive provides that it may be mitigating where an applicant demonstrates, "[p]ositive changes in behavior supportive of sobriety." Following his suicide attempt in March 2002, Applicant completed alcohol assessment and treatment for about two years, including attendance at AA meetings. He asserts he has not consumed alcohol since that time and there is no evidence to the contrary. I conclude this mitigating condition applies.

Finally, under ¶ E2.A7.1.3.4, it may be mitigating where, "Following diagnosis of alcohol abuse or alcohol dependence, the individual has successfully completed inpatient or outpatient rehabilitation along with aftercare requirements,

participates frequently in meetings of Alcoholics Anonymous or a similar organization, has abstained from alcohol for a period of at least 12 months, and received a favorable prognosis by a credentialed medical professional or licensed clinical social worker who is a staff member of a recognized alcohol treatment program." Applicant admits that he is not currently attending AA meetings. He asserts his daily meetings with a church elder are the equivalent of AA meetings. However, there is no evidence that the church elder is qualified to provide suitable guidance, or that the meetings provide the structure or purpose equivalent to AA meetings. I conclude this mitigating condition does not apply.

### **Guideline H, Drug Involvement**

Under the Directive, unlawful involvement with drugs "raises questions about an individual's willingness or ability to protect classified information." Directive, ¶ E2.A8.1.1.1. The Directive sets out several conditions that could be disqualifying.

Paragraph ¶ E2.A8.1.2.1 of the Directive provides that "[a]ny drug abuse" may be disqualifying. The Directive defines "drug abuse" as "the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction." Similarly ¶ E2.A8.1.2.2 makes "illegal drug possession" potentially disqualifying. Applicant admitted purchasing and using marijuana regularly from about 1974 until March 2002. He also admitted purchasing and using LSD on about 15 occasions in the 1970's. I conclude these disqualifying conditions apply.

Under Paragraph ¶ E2.A8.1.2.4 of the Directive, an "[e]valuation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program," may be disqualifying. In October 2002, the counseling service conducting the court-ordered assessment diagnosed Applicant with "Cannabis Dependence" under DSM-IV, ¶ 304.3. I conclude this potentially disqualifying condition applies.

One of the disqualifying conditions set out in the Directive is ¶ E2.A8.1.2.5, which provides,

"[f]ailure to successfully complete a drug treatment program prescribed by a credentialed medical professional. Recent drug involvement, especially following the granting of a security clearance, or an expressed intent not to discontinue use, will almost invariably result in an unfavorable determination." The phrase "recent drug involvement" would seem to state, on its face, a separate basis for potential disqualification. However, the Appeal Board concluded that the phrase must be applied within the context set out in the first sentence of the paragraph. ISCR Case No. 02-24452 at 3 (App. Bd. Aug. 4, 2004). Thus, the Appeal Board holds that drug involvement following the grant of a security clearance only constitutes a separate disqualifying condition when it follows a failure to complete a drug treatment program. *Id.* There is no evidence Applicant failed to complete the drug rehabilitation programs, his subsequent lapses notwithstanding. Thus, I conclude this disqualifying condition does not apply.

Under the Directive, the security concerns arising from Applicant's drug abuse may be mitigated under certain conditions. Under ¶ E2.A8.1.3.1 of the Directive, it may be mitigating where, "[t]he drug involvement was not recent." Applicant's possession and use of LSD occurred in the 1970's, therefore I find it was not recent. Applicant's wrongful possession and use of marijuana continued until 2002. I conclude this potentially mitigating condition does not apply to Applicant's possession and use of marijuana.

Paragraph E2.A8.1.3.2 provides that it may be mitigating where "[t]he drug involvement was an isolated or aberrational event." Applicant's possession and use of both LSD and marijuana was repeated and continuing. I conclude this potentially mitigating condition does not apply.

Under ¶ E2.A8.1.3.3 of the Directive, it may be mitigating where the evidence shows "[a] demonstrated intent not to abuse any drugs in the future." In 2002, Applicant completed substance abuse evaluation and treatment and he has abstained from alcohol and drug use since that time. Although his record of success with rehabilitative programs is low, the available evidence demonstrates his intent not to abuse drugs in the future. I conclude this potentially mitigating condition applies.

Finally, under ¶ E2.A8.1.3.4 of the Directive it may be mitigating where the evidence shows "[s]atisfactory completion of a prescribed drug treatment program, including rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a credentialed medical professional." Applicant completed the prescribed substance

abuse treatment program. However, there is no favorable prognosis from a credentialed medical professional in evidence. I conclude this potentially mitigating condition does not apply.

### **Guideline E, Personal Conduct**

The Directive provides that personal conduct "involving questionable judgment, untrustworthiness, unreliability . . . or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information." Directive, ¶ E2.A5.1.1. The Directive sets out various factors that may be potentially disqualifying or mitigating.

The SOR, ¶ 3.a, alleges Applicant's excessive absenteeism resulted in written reprimands and a five-day suspension, and that Appellant was placed on a two-year probation period and required to submit to random drug and alcohol testing. Paragraph E2.A5.1.2.1 provides that "reliable, unfavorable information" showing questionable personal conduct may be disqualifying. Similarly, under ¶ E2.A5.1.2.5 of the Directive, a pattern of "rule violations" may be disqualifying. Applicant admitted the allegation. Answer to SOR, *supra*, at 2. The evidence showed that the employer's rules prohibited drug or alcohol abuse. Tr. at 30. I find these potentially disqualifying conditions apply.

Under the Directive, the security concerns arising from questionable personal conduct may be mitigated under certain circumstances. Directive, ¶ E2.A5.1.3. Under ¶ E2.A5.1.3.1, it may be mitigating where "[t]he information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability." Applicant's admissions and the government evidence demonstrate the information is substantiated. Also, Applicant's drug and alcohol abuse, discussed above, and its impact on his duty performance, is pertinent to a determination of his judgment, trustworthiness, and reliability. I find this mitigating factor does not apply. I considered carefully the remaining potentially mitigating conditions and conclude they do not apply.

It is necessary to consider all the evidence in light of the "whole person" concept. Applicant was a mature adult during most of the period in question. The available evidence indicates his alcoholism was severe, not only in terms of the amount he drank, the frequency of his intoxication, and the persistence of the problem even after treatment, but also because of the enormous threat he posed to the health and safety of others when driving drunk. Applicant has complied with the rehabilitation requirements since March 2002, although he has done little more than what was strictly required. Notably, he has relapsed into substance abuse after rehabilitation programs in the past, so his rehabilitative potential is low.

It is also important to assess Applicant's credibility, because the substantial part of the information upon which his reliability is measured comes from his own statements or his representations to health care providers. Unfortunately, Applicant is not a credible witness-the record reveals many instances when he made false or misleading statements. In 1994, when he applied for a security clearance, he falsely denied ever having been arrested or using illegal drugs. Ex. 1 at 3. When questioned about assaulting his daughter, he lied and denied that he slapped her in the face. Ex. 11 at 3; Ex. 18 at 2; Tr. at 38. When questioned about his history of drug use for the court-ordered assessment, Applicant falsely stated that he stopped smoking marijuana in 1987, when he was still using the drug for back pain. Ex. 18 at 4. In his statement to security investigators in October 2002 (Ex. 4 at 3), Applicant stated that he was attending AA meetings, but at the hearing he admitted he stopped going to AA meetings in August 2002. Tr. at 57.

I considered the potentially disqualifying and mitigating circumstances in light of the "whole person" concept. I conclude Applicant has not mitigated the security concerns arising from his alcohol consumption, his drug abuse, or his personal conduct.

### **FORMAL FINDINGS**

My conclusions as to each allegation in the SOR are:

Paragraph 1, Guideline G: AGAINST APPLICANT

Subparagraph 1.a: Against 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

Subparagraph 1.h: Against Applicant

Subparagraph 1.i: Against Applicant

Subparagraph 1.j: Against Applicant

Paragraph 2, Guideline H: AGAINST APPLICANT

Subparagraph 2.a: Against Applicant

Subparagraph 2.b: Against Applicant

Subparagraph 2.c: For Applicant

Subparagraph 2.d: Against Applicant

Subparagraph 2.e: For Applicant

Subparagraph 2.f: For Applicant

Paragraph 3, Guideline E: AGAINST APPLICANT

Subparagraph 3.a: Against Applicant

### **DECISION**

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 a security clearance for Applicant. Clearance is denied.

Michael J. Breslin

Administrative Judge