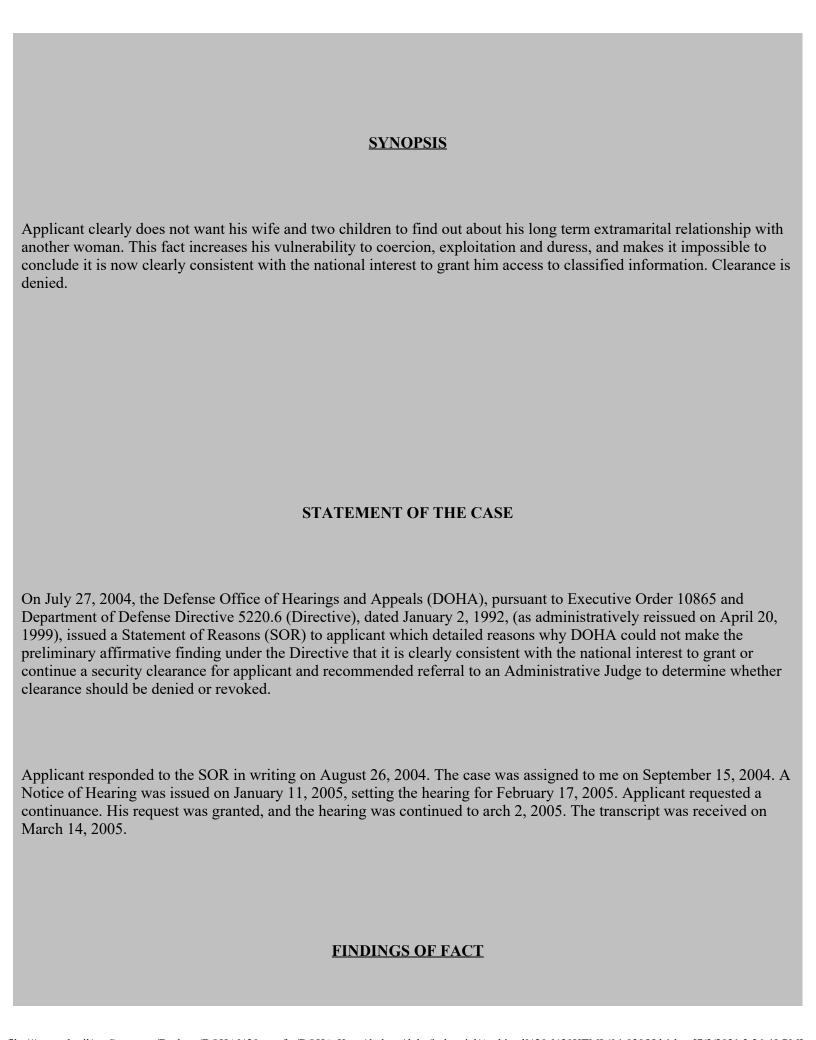
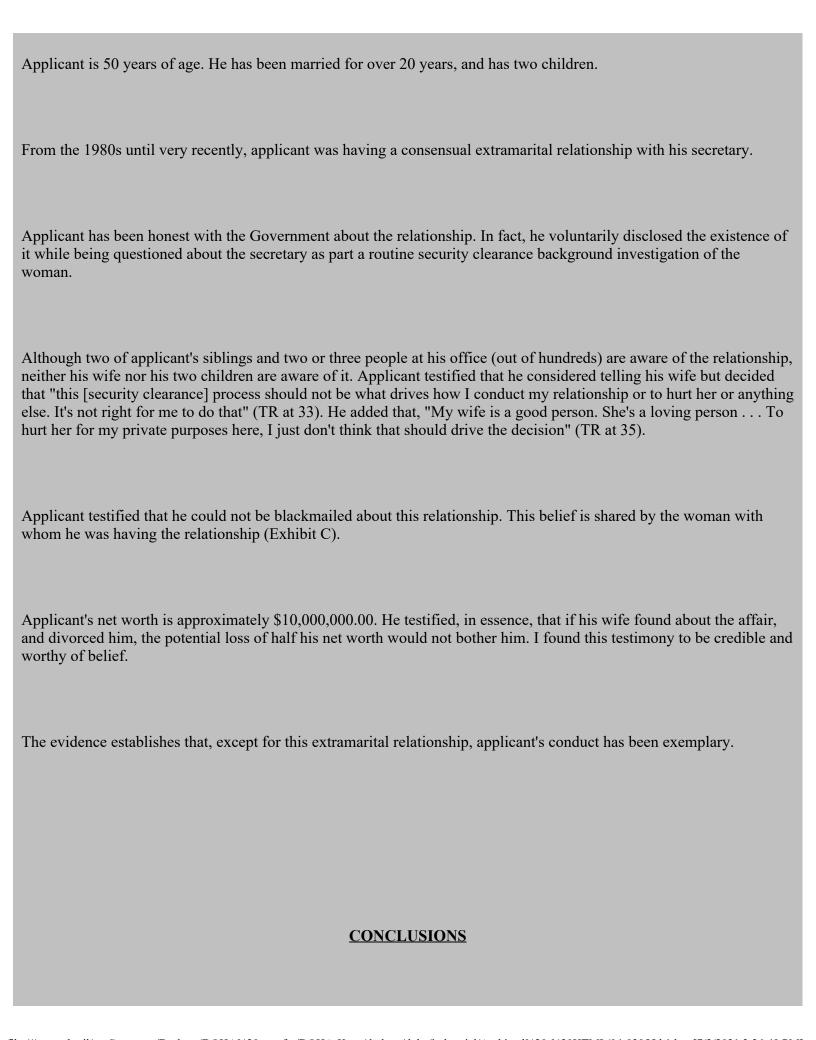
KEYWORD: Sexual Behavior; Personal Conduct
DIGEST: Applicant clearly does not want his wife and two children to find out about his long term extramarital relationship with another woman. This fact increases his vulnerability to coercion, exploitation and duress, and makes it impossible to conclude it is now clearly consistent with the national interest to grant him access to classified information. Clearance is denied.
CASENO: 04-03055.h1
DATE: 03/18/2005
DATE: March 18, 2005
In Re:

SSN:
Applicant for Security Clearance
ISCR Case No. 04-03055
DECISION OF ADMINISTRATIVE JUDGE
JOSEPH TESTAN
APPEARANCES
FOR GOVERNMENT
Jennifer I. Campbell, Department Counsel
Jenninei I. Campoen, Department Counsei
FOR APPLICANT
Edward O. Lear, Esq.





Applicant has been married for over twenty years. For most of that time he was having a consensual extramarital relationship with his secretary. Neither his wife nor his two children are aware of this relationship.

The fact that applicant's wife and children are unaware of applicant's extramarital relationship clearly leaves him vulnerable to coercion, exploitation and/or duress. His testimony regarding why he has not told his wife about the relationship seemed sincere; however, the fact he chose not to tell his wife about the relationship before the DOHA hearing, a disclosure that would have removed most of the Government's security concerns, speaks volumes about his strong, continuing desire to keep his wife and children in the dark about this relationship.

When applicant's strong desire to keep this relationship from his wife and children is balanced against his long history of responsible behavior and his testimony that he would not submit to blackmail, it is impossible to predict how he would react to an attempt to pressure, coerce or blackmail him. However, the Government need not prove that applicant would mishandle classified information in response to such an attempt. All the Government must prove is that facts and circumstances exist which indicate applicant is at risk for mishandling classified information. *See, e.g.*, ISCR Case No. 98-0265 (March 17, 1999). The Government clearly met its burden.

Once the Government established that applicant is at risk for mishandling information, the burden shifted to applicant to demonstrate reform, rehabilitation, or changed circumstances sufficient to warrant the conclusion that it is clearly consistent with the national interest to grant him access to classified information. *See*, ISCR Case No. 01-03132 (August 8, 2002). Considering the evidence as a whole, and applying the pertinent guidelines, including those set forth in Section E.2.2. of Enclosure 2 of the Directive, I have no choice but to conclude that applicant did not meet his burden.

With respect to Guideline D, Disqualifying Conditions E2.A4.1.2.3 (sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress) and E2.A4.1.2.4 (sexual behavior of a public nature and/or that which reflects lack of discretion or judgment) apply to this case. Because applicant's questionable judgment is limited to this relationship, Mitigating Condition E2.A4.1.3.3 (there is no other evidence of questionable judgment, irresponsibility, or emotional instability) is applicable.

With respect to Guideline E, Disqualifying Condition E2.A5.1.2.4 (personal conduct or concealment of information that increases an individual's vulnerability to coercion, exploitation or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail) is applicable.

The corresponding Mitigating Condition (i.e., E2.A5.1.3.5) is not applicable because applicant has not taken positive steps to *significantly* reduce or eliminate his vulnerability to coercion, exploitation or duress.

