DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
----------	)	ISCR Case No. 07-01273
SSN: ----------	)	
	)	
Applicant for Security Clearance	)	

Appearances

For Government: James F. Duffy, Esquire, Department Counsel
For Applicant: *Pro Se*

June 30, 2008

Decision

WESLEY, Roger C., Administrative Judge

Statement of the Case

On October 9 2007, the Defense Office of Hearings and Appeals (DOHA), pursuant to Executive Order 10865 and Department of Defense Directive 5220.6 (Directive), dated January 2, 1992, issued a Statement of Reasons (SOR) to Applicant, which detailed reasons why DOHA could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. DOHA recommended referral to an administrative judge to determine whether clearance should be granted, continued, denied or revoked.

Applicant responded to the SOR on October 16, 2007, and requested a hearing. The case was assigned to me on February 5, 2008, and was scheduled for hearing on April 8, 2008. A hearing was held on April 8, 2008, for the purpose of considering whether it would be clearly consistent with the national interest to grant, continue, deny, or revoke Applicant's security clearance. At the hearing, the Government's case consisted of eight exhibits; Applicant relied on one witness (himself) and no exhibits. The transcript (R.T.) was received on April 17, 2008.

Procedural Rulings and Evidentiary Issues

In advance of the hearing, Department Counsel moved to amend the SOR to (a) add the arrests covered by sub-paragraphs 1.b,1.c and 1.f to the arrests allegedly omitted by Applicant when responding to question 23d of his completed security clearance application (e-QIP) of July 2005 and (b) add the arrest covered by subparagraph 1.f when responding to question 23f of his completed security clearance application (e-QIP) of July 2005. For good cause shown, Department Counsel's amendment request was accepted.

Before the close of the hearing, Applicant requested leave to supplement the record with documentation of his treatment records and character references. For good cause shown, Applicant was granted 10 days to supplement the record. The Government was afforded two days to respond. Within the time permitted, Applicant supplemented the record with documented FAA medical certifications, 2005 outpatient substance abuse records, a continuing outpatient care status report, and character references. His post-hearing exhibits were admitted and considered.

Before the close of the hearing, Department Counsel requested leave to furnish copies of pertinent state statutes covering Applicant's alcohol-related offenses. For good cause shown, Department Counsel was granted 10 days to supplement the record with the state statutes. Applicant was permitted two days to respond. Within the time permitted, Department Counsel provided copies of pertinent state statutes. These statutory provisions were accepted for legal guidance purposes.

Summary of Pleadings

Under Guideline G, Applicant is alleged to have (a) consumed alcohol, at times to excess and to the point of intoxication, from approximately 1975 to at least August 2005, (b) been arrested, charged, or cited with four alcohol-related offenses between March 1978 and June 2005 (in March 1978 for driving under the influence (DuI), in December 1978 for operating under the influence of intoxicating liquor, in February 2003 for DuI, and in June 2005 for DuI), and (c) been treated as an inpatient for alcohol dependence at A facility in October 2002.

Under Guideline E, Applicant is alleged to have falsified his security clearance application (e-qip) of July 2005 by omitting his June 2005 DuI arrest when answering question 23c (any pending charges)..

For his response to the SOR, Applicant admitted all of the alcohol-related allegations but denied any intent to falsify his e-qip. He added an explanation of his e-qip omission: reliance on advice of his attorney that (I) his June 2005 DuI arrest was not a criminal offense and (ii) he was not criminally charged.

Findings of Fact

Applicant is a 48 year-old avionics engineer for a defense contractor who seeks a security clearance. The allegations covered in the SOR and admitted by Applicant are

incorporated herein by reference and adopted as relevant and material findings. Additional findings follow.

Applicant's alcohol history

Applicant is married and has two children (R.T., at 48). He was introduced to alcohol in high school. He began with beer at the age of 15 and expanded his alcohol of choice to mixed drinks. He was a bartender for three years while in college and was generally around alcohol. In the late 1980s he progressed to vodka and rum as his drink of choice (sometimes chugging out of a bottle). He consumed alcohol excessively (as much as a liter of rum or vodka a day when he was binging) between 1975 and August 2005, and often to the point of intoxication (*see* ex. 2). He did most of his drinking at home, but occasionally became intoxicated outside of the confines of his home.

Beginning in March 1978, Applicant was involved in the first of what was to comprise four alcohol-related incidents spanning March 1978 and June 2005. He was arrested in March 1978 and charged with DuI. He was returning from a party for his high school baseball team when he was stopped by police and administered a sobriety test at the scene (R.T., at 52-53). He believed he registered a .12 percent BAC on the Breathalyzer administered him back at the police station (R.T., at 54). He believed he paid a fine, but had no recall of ever appearing in court on DuI charges (R.T., at 54-57).

In December 1978, Applicant was arrested and charged with operating a vehicle under the influence of liquor. He admits to being under the influence at the time he was stopped by police but did not think he was intoxicated. He estimates he blew no more than a .11 or .12 BAC on the Breathalyzer administered him by the arresting officer (R.T., at 58). He believes this DuI arrest was disposed of by a fine without going to court (R.T., at 57).

Applicant continued to drink heavily between 1978 and 2002. Sometimes he would drink for days at a time and suffer blackouts (R.T., at 68-69). Concerned about his heavy drinking and how it was affecting his family, Applicant entered an inpatient substance abuse program with A facility in October 2002 (*see* ex. 2; R.T., at 69). Once admitted to A facility, he acknowledged being alcoholic and was diagnosed by Dr. X with alcohol dependence (ex. 2; R.T., at 72). After spending three days in A facility's inpatient program, Applicant transferred to the facility's outpatient program for the remaining two and one-half weeks of his stay at the facility (*see* ex. 2). While enrolled in A facility's program, he received prescribed anti-depressant medications and participated in Alcoholics Anonymous (AA) meetings. His treatment counselors prescribed abstinence and continued AA meetings on his own after he completed his outpatient treatment (R.T., at 75).

Applicant returned to drinking following completion of his A facility outpatient program. He reached the point in late 2002 or early 2003 where he would consume a 1.75 liter bottle in one sitting (*see* ex. 2; R.T., at 65, 80-81). In February 2003, he was arrested and charged with DuI. He had consumed a considerable amount of alcohol earlier and registered a .25 per cent BAC when administered a Breathalyzer test by arresting police at the scene (R.T., at 60). He was convicted of DuI on these charges

and ordered to attend driving classes and complete 60 hours of community service (R.T., at 63).

Applicant continued to drink notwithstanding his 2003 DuI arrest (R.T., at 66-69). He recollects at least three to four relapses between 2002 and 2005, which included intoxication and blackouts (*see* exs. C and 2). His drinking never resulted in any work-related alcohol incidents; albeit he estimates that there were probably a couple of times at work when he could not have passed a Breathalyzer test (R.T., at 143-44). While he briefly attended an alcohol outpatient program in 2004 (where he was once again diagnosed alcohol dependent by a licensed counselor), he did not cease drinking (R.T., at 86-87).

In June 2005, Applicant was arrested again for DuI. He had taken off early from work that day and consumed considerable amounts of alcohol at a friend's house in the morning before driving home (R.T., at 61). After striking a parked car on the side of the road that housed two women occupants, he checked on their status, but does not know whether either of the occupants were injured (ex. 2). When police arrived at the scene, he was arrested by the investigating police officer (*see* ex. 2; R.T., at 62). He declined a Breathalyzer at the scene (R.T.,at 61) and was later convicted of DuI, fined, and had his driver's license revoked (*see* ex. 2; R.T., at 62-63). As a condition of his probation, he was court-required to attend an intensive outpatient course with B facility. He committed to an aftercare program sponsored by the same facility. His aftercare program included sustained sobriety, positive lifestyle changes, knowledge gained from his treatment, continued contact with the facility, and AA participation (ex. B). Whether or not his probation was lifted by the court overseeing his aftercare program is unclear from the combined record.

Since completing his outpatient course with B facility in August 2005, Applicant has maintained his abstinence with the support of his AA chapter (weekly meetings) and an additional 62 sessions of aftercare through November 2006 with B facility (*see* ex. B). Applicant's treatment counselor attested to Applicant's maintaining his sobriety through November 2006.

Applicant continues to attend AA meetings and work the program's 12 steps (R.T., at 78, 90-93). He has a sponsor and assures he has (a) maintained his sobriety since August 2005 and (b) has no desire to return to drinking (*see* ex. D; R.T., at 76-77, 94-96, 142). Applicant documents receipt of a chip from AA that commemorates his sustained sobriety for two years (*see* ex. E; R.T., at 137). In his discharge summary, his outpatient counselor with B facility credited Applicant in February 2006 with successful completion of a clinical intervention program in September 2005 that included his own self assessment of alcohol abuse and gained insight into the dangers of alcohol abuse and dependency (*see* ex. C). His B facility treatment counselor (in November 2006) corroborated Applicant's AA support, acknowledged belief in a higher power, and commitment to future abstinence (*see* ex. C; R.T., at 94-96). On the assumption that Applicant was able to maintain his behavioral changes and thinking towards alcohol consumption, the treatment counselor assigned a good recovery prognosis back in November 2006 (*see* ex. C). Whether his treatment counselors at B facility ever changed their prognosis of Applicant is not known at this time.

Interested in returning to private flying, Applicant recently filed his application papers with the FAA (*see* ex. A; R.T., at 83). Included in his post-hearing submission package is his granted third-class airman medical certificate (*see* ex. A). By its terms, though, the medical certificate expires in May 2008. Qualification for issuance of a medical certificate for an additional year is dependent on Applicant's passing another physical examination that covers his recovering alcohol dependence history (ex. A). Applicant's package of materials does not contain any required physical examination for his extended airman medical certificate, or any updated alcohol prognosis (*see* ex. A). A January 2008 FAA letter in his post-hearing submission asks for additional information from Applicant: (1) details of his patterns of alcohol use, (2) medications he is taking, (3) confirmation of two years of abstinence and supporting letters from responsible persons familiar with his progress, and (4) a current status report from his treating physician that covers his history of alcohol dependence, medications, current functional/symptomatic state, and prognosis (supported by copies of liver enzymes or CBC testing from the last two years or new tests if none are available (*see* ex. B). Applicant does not provide any materials that address the expressed FAA concerns.

Applicant's wife, father, and AA sponsor all credit Applicant with sustained abstinence over the past two and a half years and a manifest strong commitment to pursue an alcohol-free life (*see* ex. D). Applicant, though, does not include an updated alcohol prognosis in his post-hearing submissions. Lack of an updated prognosis makes it difficult to evaluate his recovery progress and prospects for continued sobriety in the future. Because he has had multiple relapses in the past, gauging his ability to avoid a relapse in the future is even more difficult without current input from a medical professional or substance abuse counselor.

As a recovering alcoholic, Applicant can not say he will never return to drinking. In his AA meetings, he simply follows the established custom of one day at a time. It is the only way he knows of being honest with himself, and credits his sobriety with dramatic improvements in the quality of his life (R.T., at 93).

Applicant's e-qip omissions

Asked to complete an e-qip in July 2005, Applicant omitted three of his four alcohol-related arrests (listing only his February 2003 arrest when responding to the pertinent multi-parts of question 23 of the questionnaire). His explanations for his omissions are mixed. He initially attributed his omission of his June 2005 arrest covered by question 23c (pending charges) and 23f (arrests not covered in any of the other subparts) to his answering the questionnaire in June 2005 before the arrest occurred (R.T., at 96-97, 101-08).

In the approved amendment to the SOR, Applicant's omissions to questions 23d and 23f were added. When answering question 23d, he listed only his 2003 DuI arrest, while omitting both his 2005 arrest and his earlier 1978 alcohol-related arrests. He attributes these cumulative omissions to both his previously described misunderstanding of the nature of a DuI arrest (based on his lawyer's advice) and memory lapses associated with his earlier arrests (R.T., at 103-05). In other words, when answering 23d, he claims he simply never contemplated his perceived legal distinctions in defining DuI offenses and criminal offenses.

Only Applicant's omission of his June 2005 DuI arrest/charges in his responding to question 23c (pending charges) of his e-qip was alleged in the initial SOR. When Applicant answered this initial SOR, he claimed he relied on the advice of his attorney who assured him the 2005 DuI was not a criminal offense (*see* answer; R.T., at 109). When asked about this explanation by Department Counsel, Applicant confirmed the advice he received and the reliance he placed on this advice (*viz.,* that his June 2005 DuI was not of a criminal nature) that prompted him to answer "no" to questions 23c and 23(f) of his e-qip (R.T., at 111-34). This explanation is quite tenuous; since the state's law covering DuI offenses treats first time offenses as a class b misdemeanor and repeated offenses as either aggravated or persistent, depending on the number of proven prior intoxication-related offenses (*see* §§ 577.023(1) and (4) of the state's revised statutes covering driving while intoxicated and other public safety offenses). Applicant's explanations for omitting his 2005 arrest when answering questions 23c, 23d and 23f are not reconcilable either with his memory lapse claims associated with his omissions of his earlier DuI arrests.

Without more to tie in his mixed omission explanations with his e-qip answers to questions 23c, 23d and 23f covering his alcohol-related arrests, respectively, Applicant's explanations are not convincing. The questions themselves (questions 23c, 23d and 23f) are straight forward and ask for details covering any alcohol-related arrests and/or arrests not previously addressed. Acceptance of Applicant's explanations require more corroborative proof of a consistently framed good-faith misapprehension of the questions posed, the timing of his answer preparation, his recollection efforts, and the reliance placed on his attorney's advice than Applicant was able to provide.

Afforded an opportunity to disclose his June 2005 DuI arrest in a subject OPM interview conducted in January 2006, Applicant is on record in disclosing the arrest. What is not clear from the reported interview is whether Applicant was prompted or confronted with the arrest before he disclosed it. Neither the report itself nor Applicant's hearing testimony provide any clarification to this question. Where doubts exist on a potential affirmative defense available to Applicant, they must be resolved against the party who has the burden of proof. Where an affirmative defense is involved (as it here), the evidentiary burden rests with Applicant.

Policies

The revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information (effective September 2006) list Guidelines to be considered by judges in the decision making process covering DOHA cases. These Guidelines require the judge to consider all of the conditions that could raise a security concern and may be disqualifying (Disqualifying Conditions), if any, and all of the Mitigating Conditions, if any, before deciding whether or not a security clearance should be granted, continued or denied. The Guidelines do not require the judge to assess these factors exclusively in arriving at a decision. In addition to the relevant Adjudicative Guidelines, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in E.2.2 of the Adjudicative Process of Enclosure 2 of the Directive, which are intended to assist the judges in reaching a fair and impartial, common sense decision.

Viewing the issues raised and evidence as a whole, the following adjudication policy factors are pertinent herein:

Alcohol Consumption

"The Concern. 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" (Adjudicative Guidelines, ¶ 21).

Personal Conduct

"The Concern: Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process" (Adjudicative Guidelines, ¶ 15).

Burden of Proof

By virtue of the precepts framed by the Directive, a decision to grant or continue an applicant's security clearance may be made only upon a threshold finding that to do so is clearly consistent with the national interest. Because the Directive requires administrative judges to make a common sense appraisal of the evidence accumulated in the record, the ultimate determination of an applicant's eligibility for a security clearance depends, in large part, on the relevance and materiality of that evidence. As with all adversary proceedings, the judge may draw only those inferences which have a reasonable and logical basis from the evidence of record. Conversely, the judge cannot draw factual inferences that are grounded on speculation or conjecture.

The Government's initial burden is twofold: (1) It must prove any controverted fact[s] alleged in the Statement of Reasons and (2) it must demonstrate that the facts proven have a material bearing to the applicant's eligibility to obtain or maintain a security clearance. The required showing of material bearing, however, does not require the Government to affirmatively demonstrate that the applicant has actually mishandled or abused classified information before it can deny or revoke a security clearance. Rather, consideration must take account of cognizable risks that an applicant may deliberately or inadvertently fail to safeguard classified information.

Once the Government meets its initial burden of proof of establishing admitted or controverted facts, the burden of persuasion shifts to the applicant for the purpose of establishing his or her security worthiness through evidence of refutation, extenuation or mitigation of the Government's case.

Analysis

Applicant comes to these proceedings with a good work record and a history of regular alcohol consumption over a 30-year period and four established alcohol-related incidents between 1978 and 2005. Applicant's history of alcohol-related incidents,

treatment, and multiple relapses following treatment for alcohol dependence in 2002 and 2004, reflects both a recent pattern of alcohol abuse outside the work place and a potential abuse or dependency problem that raise security concerns. Additional security concerns are raised over Applicant's omissions of most of his alcohol-related in his answers to a security clearance application in July 2005.

Alcohol issues

On the strength of the evidence presented, three of the available disqualifying conditions (DC) of the Adjudication Guidelines for alcohol consumption are clearly applicable to Applicant's situation: DC 22(a), "alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent," 22(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," and 22(d), "diagnosis by a duly qualified professional (*e.g.,* physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence." Applicant's drinking history is considerable: It includes four alcohol-related incidents, diagnosed alcohol dependence during inpatient and outpatient stays in 2002 and 2004, respectively, and multiple drinking relapses following each treatment episode. His drinking history reflects problem drinking over a very long period of time, and warrants application of each of the cited disqualifying conditions.

Applicant acknowledged, too, that he reported to work a couple of times during his period of heavy drinking when he probably could not have passed a Breathalyzer test. While this is a potential source of security concern, there are reported no work-related incidents of record. By itself, Applicant's reported information is too attenuated and insufficiently developed to apply DC 22(b) of Guideline G (alcohol-related incidents at work) in these circumstances.

While Applicant's A facility program had some positive influence initially on his drinking practices, he soon resumed regular drinking and maintained this drinking pattern for the most part until August 2005. During this ensuing three-year stretch, he experienced two additional alcohol-related arrests (*i.e.,* in 2003 and 2005), for which he was convicted, and at times consumed alcohol beyond recognized legal limits. This combination of continuous abusive drinking over a extensive period of time (over 30 years) that manifested in a series of alcohol-related offenses (four proven ones altogether) and multiple relapses following his dependence diagnoses and completion of treatment programs in 2002 and 2004 warrants application of DC 22(f), "relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program," as well.

To Applicant's credit, he returned to outpatient treatment and AA participation following his last DuI conviction in June 2005. His sobriety efforts over the past two years have been earnest and sustained and are underscored as important considerations in the favorable prognosis he received from his treatment counselor at his B facility in November 2006. While this prognosis reflects an important milestone for Applicant, it is still relatively dated, given Applicant's abuse history and number of relapses following his 2002 diagnosis and treatment episode. Without a probative

response to the FAA's January 2008 information request and/or an updated prognosis that assesses Applicant's ongoing recovery efforts over the past two years, maximum weight cannot be accorded his 2006 prognosis.

Applicant's efforts do enable him to claim the mitigation benefits of several of the mitigating conditions covered by Guideline G: MC 23a), "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," and 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)."

Applicant may claim some mitigation benefit, too, from MC 23(d), " the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, his demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program." For serious alcohol abuse cases like applicant's presents, MC 23(d) has the most potential benefit for resolving security risks associated with alcohol consumption. Maximum benefit of this mitigating condition, though, is not available to Applicant without a positive response to FAA's 2008 information request or a supplied updated prognosis to fully assess Applicant's recovery progress.

Whole person assessment, while equally important to evaluating potential security risks, is not sufficient in this case to fully absorb the Government's security concerns associated with Applicant's pattern of alcohol-related offenses, alcohol dependence diagnoses, and recurrent drinking. While Applicant's exhibited abstinence, strong AA investment, and favorable 2006 prognosis from his outpatient care counselor are very encouraging, they are not enough at this time to mitigate the Government's security concerns. Without responsive FAA data or a positive updated prognosis, it is still too soon to make safe predictive judgments that Applicant is unlikely to relapse again in the foreseeable future.

Taking into account Applicant's history of alcohol abuse, his dependence diagnoses, his treatment relapses, and the abstinence progress he has demonstrated to date with his continuing aftercare and AA support, the applicable guidelines, and a whole person assessment of his most recent sobriety efforts, conclusions warrant that his overall sobriety efforts to date, while encouraging, reflect insufficient current risk assessments by professional evaluators to absolve Applicant of continuing security risks associated with his drinking history.

Considering the record as a whole, there is insufficient evidence to warrant safe assessments that he is no longer at risk of judgment impairment associated with his past alcohol-related conduct. Unfavorable conclusions warrant with respect to subparagraphs 1.a through 1.f of the SOR.

E-qip omission Issues

Potentially serious and difficult to reconcile with the trust and reliability requirements for holding a security clearance are the timing and circumstances of Applicant's failure to list all of his of his alcohol-related arrests in his 2005 e-qip. So much trust is imposed on persons cleared to see classified information that the margins for excusing candor lapses are necessarily narrow.

By omitting his 1978 and 2005 DuI arrests in his 2005 e-qip, Applicant concealed materially important background information needed by the government to properly process and evaluate his security updates. His conflicting claims of memory lapse, pre-completion of the form before his June 2005 arrest and later reliance on his attorney that his DuI arrests were not criminal arrests that required listing are too inconsistent to satisfy necessary credibility requirements. So, weighing all of the circumstances surrounding his e-qip omissions, Applicant's claims lack the necessary probative showing to avert drawn conclusions he deliberately withheld material background information about the extent of his arrest history.

What is clear about the alcohol-related questions involved in Applicant's 2005 e-qip (both the ones covered by questions 23c and 23d and those catch-all arrests covered by question 23f) is that they contain no time qualifications and involve alcohol-related offenses that are manifestly covered by the State's criminal laws. Applicant's omissions require application of a disqualifying condition (DC) for personal conduct of the Guidelines: 16(a), "deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities."

Mitigation is difficult to credit Applicant with, because his omissions are neither isolated nor followed by prompt and good faith corrections of his omissions. Nor is it clear from his subject interview in January 2006 that he furnished information about his June 2005 DuI arrest without prompting (*see* ex. 2). Under these circumstances, he cannot claim the benefit of any of the potentially applicable mitigating conditions. Not only has the Appeal Board found the use of the predecessor to mitigating condition (MC) 17(c) (which is A5.1.3.2) of the Adjudicative Guidelines for personal conduct ("the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment"*)* to be unavailable to applicants seeking mitigation by treating the omission as isolated, but it has denied applicants availability of MC 17(a) and its predecessor mitigating condition ("the individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts"). *Compare* ISCR Case No. 97-0289 (January 1998) *with* DISCR Case No. 93-1390 (January1995).

Considering all of the evidence produced in this record and the available guidelines in the Directive (inclusive of the E2.2.2 factors), unfavorable conclusions warrant with respect to sub-paras. 2.a through 2.c of Guideline E.

In reaching my decision, I have considered the evidence as a whole, including each of the E 2.2 factors enumerated in the Adjudicative Guidelines of the Directive.

Formal Findings

In reviewing the allegations of the SOR and ensuing conclusions reached in the context of the findings of fact, conclusions, conditions, and the factors listed above, I make the following formal findings:

GUIDELINE G (ALCOHOL CONSUMPTION):	AGAINST APPLICANT
Sub-para. 1.a:	AGAINST APPLICANT
Sub-para. 1.b:	AGAINST APPLICANT
Sub-para. 1.c:	AGAINST APPLICANT
Sub-para. 1.d:	AGAINST APPLICANT
Sub-para. 1.e:	AGAINST APPLICANT
Sub-para. 1.f:	AGAINST APPLICANT
GUIDELINE E (PERSONAL CONDUCT):	AGAINST APPLICANT
Sub-para. 2a:	AGAINST APPLICANT
Sub-para. 2.b:	AGAINST APPLICANT
Sub-para. 2.c:	AGAINST APPLICANT

Conclusion

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

Roger C. Wesley
Administrative Judge