



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:

SSN: -----

Applicant for Security Clearance

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ISCR Case No. 08-09097

Appearances

For Government: Jennifer Goldstein, Esquire, Department Counsel
For Applicant: *Pro Se*

November 24, 2009

Decision

WESLEY, Roger C., Administrative Judge:

History of Case

On June 5, 2009, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing reasons why DOHA could not make the preliminary affirmative determination of eligibility for granting a security clearance, and recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the revised Adjudicative Guidelines (AGs) promulgated by the President on December 29, 2005, and effective within the Department of Defense for SORs issued after September 1, 2006.

Applicant responded to the SOR on June 26, 2009, and requested a hearing. The case was assigned to me on July 21, 2009, and was scheduled for hearing on August 19, 2009. A hearing was held on the scheduled date 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 nine exhibits; Applicant relied on two witnesses (including himself) and three exhibits. The transcript (Tr.) was received on August 27, 2009. Based upon a review of the case file, pleadings, exhibits, and testimony, eligibility for access classified information is denied.

Summary of Pleadings

Under Guideline G, Applicant is alleged to have been arrested on four different occasions for driving under the influence of alcohol (DUI): (a) in December 2004, for which he was fined \$576 and ordered to serve 48 hours of community service; (b) in October 2004, for which he was fined \$577 and ordered to serve 48 hours of community service; (c) in September 1993, for which he was fined \$910, and ordered to serve 48 hours of community service; and (d) in October 1983, for which he was fined an unidentified amount.

Under Guideline F, Applicant is alleged to have (a) petitioned for Chapter 7 bankruptcy protection in December 2006 (discharged in April 2007), (b) accumulated \$20,000 in gambling debts over a five-year period; and (c) continues to gamble.

In his response to the SOR, Applicant denied most of the alcohol-related allegations covered by Guideline G; he admitted only the allegations in subparagraph 1.d. He admitted to petitioning for Chapter 7 bankruptcy in December 2006 and continuing to gamble. He denied losing \$20,000 in gambling debts over a five-year period. Applicant provided no explanations for his answers.

Findings of Fact

Applicant is 53-year old material coordinator for a defense contractor who seeks a security clearance. The allegations covered in the SOR and admitted by Applicant are adopted as relevant and material findings. Additional findings follow.

Applicant had a short marriage: He married in October 1987 and divorced his wife in June 1989. He has no children. He has no military experience and no identified schooling beyond high school (see ex. 1).

Applicant was introduced to alcohol at the age of 16 (Tr. 90). He did not like it and did not resume drinking until he was 21 years of age (Tr. 90). Applicant continued to drink at a light to moderate rate between 1975 and 1989 (see exs. 2 and 8). He attended about 20 Alcoholics Anonymous (AA) meetings on the orders of the court that sentenced him following his 1983 DUI conviction, but none thereafter (Tr. 91).

Between 1989 and 1994, he increased his drinking considerably: to the point of intoxication three to four times a year (Tr. 90). During this period, he often drank to mitigate the effects of his depression problem. (Tr. 92, 102). He was counseled and treated by a psychiatrist for a minor depression problem from October 1995 to November

2008 (see ex. 2). After his medical provider advised him not to continue drinking in conjunction with the anti-depressant medication (Prozac) he was taking for his diagnosed Dysthymic Disorder (Tr. 65, 93), he reduced his alcohol consumption (Tr. 94). For the ensuing seven years (between 1993 and 2000), he drank very little, and even abstained completely for a brief period between 1995 and 1997 (Tr. 116).

After his mother passed away in 1997, though, he resumed his drinking, sometimes with his brother in social settings (Tr. 94, 117). Applicant realizes he should not be drinking with his brother, but still spends time with him. Just two weeks ago at their father's home, he consumed two beers in his brother's presence (Tr. 94, 117-18). Although Applicant does not consume alcohol as frequently as he used to, he continues to drink occasionally and shows no disposition for abstaining in the future (Tr. 94-95). Typically, when he drinks, he consumes only beer and limits his intake to a few beers (Tr. 94-95).

Once he returned to drinking in 2000, his alcohol consumption increased dramatically. Sometimes he drank to intoxication. Once a month, sometimes bi-monthly, he drove to a large gambling metropolis south of his place of residence to spend weekends seeing exhibits, attending concerts, and gambling casinos. On these occasions, he typically consumed large amounts of alcohol: usually seven to eight beers over a five-hour period. Applicant maintained this travel practice for over four years, before cutting back to the occasional drinking he currently practices.

Between October 1983 and December 2004, Applicant was involved in four alcohol-related incidents. He was arrested and fined for all four of his alcohol-related arrests: in October 1983, in September 1993, in October 2004, and in December 2004 (see exs. 2 through 8; Tr. 63. In each instance (save for his 1983 conviction), he was fined and court-ordered to serve 48 hours of community service (see exs. 2 and 8). His arrest records covering his 1993 DUI note that Applicant recorded a .199 per cent blood alcohol consumption rate after telling the arresting officer he had consumed two to three beers (see exs. 4 and 5). Besides the four incidents for which he was arrested and convicted, he is certain there were other occasions when he consumed alcohol before he drove his vehicle (Tr. 89).

Over a 10-year period between 1995 and 2006, Applicant often took gambling vacations to a large gaming metropolis in his state (Tr. 97-98). On these trips, usually once a month, he typically attended exhibits, concerts, and gambling casinos, and often consumed alcohol to the point of intoxication (Tr. 98-99). When attending outdoor concerts, he typically consumed seven to eight beers over a five to six hour period ex. 2; (Tr. 99-100).

Applicant entered guilty pleas in connection with the DUI charges filed in connection with both his October and December 2004 arrests. The court consolidated the cases and assigned a single case number (see exs. 2 and 3). When Applicant appeared on both cases in August 2006, the court accepted his guilty pleas. In its sentencing order, the court required Applicant to complete an online alcohol-related

driving course (Tr. 66). The court also required him to obtain an evaluation from a local alcohol counselor (Tr. 67, 87, 104-09, 112). He is not familiar with her credentials, but believes she was a licensed substance abuse counselor (see ex. 2; Tr. 105). While she did not indicate he had an alcohol problem, she did not share any report with him (Tr. 104-15). She advised him to consult his physician about combining his prescribed Prozac medications with alcohol. Applicant complied with her instructions (Tr. 67, 96-97).

Following Applicant's two convictions resulting from his 2004 DUI arrests, the court directed Applicant to seek an alcohol-related evaluation. By all accounts, Applicant complied with the terms of the sentences imposed on him in connection with each of his convictions (Tr. 86). Since his last DUI offense in 2004, Applicant has not been involved in any other alcohol-related incident.

Applicant has alcohol issues within his family. His brother is an alcoholic (Tr. 64). Consequently, when Applicant visits his brother, he seldom longer consumes alcohol in his presence (see ex. 2; Tr. 64). Besides his brother, Applicant had a grandfather who was an alcoholic before he passed away (Tr. 64). He also had a close friend who believed to be an alcoholic. Applicant finds it hard to deal with either of them, and tries to avoid them as much as possible (Tr. 118-19).

Since his last DUI conviction, Applicant continues to consume alcohol, but less frequently. After completing his 20 court-directed Alcoholics Anonymous (AA) meetings in 1983, he ceased attending AA events altogether, and has never resumed his AA participation.

At home, Applicant has little social life and considers himself an infrequent drinker. He has no family support system, though, and no AA or other support network to help him maintain his sobriety. The court-referred counselor who evaluated him following his 2004 DUI convictions never shared her report with him or provided him a copy of the same (Tr. 104-07). And Applicant has never referred himself for diagnosis by a certified physician or licensed substance abuse counselor (Tr. 102). So, at this time, it is still unclear whether (a) Applicant has any alcohol-related disorder (inclusive of dependence or abuse) or (b) if he does, it is medically advisable for him to continue to consume alcohol in the face of his alcohol drinking and family history.

Applicant's finances

Before filing for Chapter 7 bankruptcy relief in December 2006 (see ex. 2), Applicant maintained reasonably good credit (Tr. 75). Periodically, he traveled south to a large metropolis to gamble, a favorite pastime of Applicant's. He characterized his gambling as social gambling that he did not think (at the time) involved the use of income sources needed to pay his domestic bills (Tr. 77). He now realizes that "he must have gambled with money that went to pay bills," based on his understanding of the contents of his Chapter 7 bankruptcy schedules (Tr. 77).

Between 2001 and 2006, he estimates he spent about \$20,000 on his gambling vacations before filing for bankruptcy in late 2006 (Tr. 71-74). Black jack was his principal game of choice, and he sometimes lost as much as \$500 in an evening of gambling (Tr. 77, 97). He typically used his credit cards to finance his gambling endeavors (ex. 2).

Prior to filing for Chapter 7 relief, Applicant talked to several of his credit card creditors about lowering his debt payments, but to no avail (Tr.68). When he was late on one of his credit card payments, the creditor raised the interest rate on his account to 30 per cent (Tr. 68-69). He could not make the increased payments with the interest rate changes and elected to file for bankruptcy (see ex. 2; Tr. 69). Besides talking to debt consolidation companies and his credit card creditors, Applicant also completed the court's required financial counseling (Tr. 68).

In his 2007 bankruptcy petition, Applicant scheduled \$63,736 in unsecured claims (mostly credit card accounts) and \$6,200 worth of secured claims (see ex. 2; Tr. 73). His listed assets included a secured mobile home worth \$5,000 and personal property valued at \$33,678 (see ex.2). Applicant claimed all of this property to be exempt from creditor claims (see ex. 2).

Applicant received his bankruptcy discharge in April 2007. By all accounts, his claimed exemptions were honored, and nothing was left of his estate for distribution to his creditors. As such, Applicant's bankruptcy is classified as an essentially no-asset case.

Since his bankruptcy discharge, Applicant has been able to maintain all of his accounts in a current state (see exs. C through E; Tr. 70-72). His net monthly income is approximately \$2,000 a month (see ex. 2; Tr. 78-79). He monthly expenses cover his rent (\$300), food (\$400 to \$500), car insurance (\$105), gas for his vehicle (\$50), utilities (\$400 plus), and recreation (\$80). He has no written budget but tries to keep track of his expenditures (Tr. 80). Applicant has few assets: a vehicle, about \$600 in his checking account, and some \$3,000 stuffed under his bed for emergencies (Tr. 81). His 401(k) retirement plan has about a \$12,000 balance at the present time (Tr. 77-78, 82-83). He owns a 2003 vehicle that is paid off (see ex. B). While he continues to gamble some in his home town, he no longer takes weekend gambling trips and gambles only with extra dollars not needed to pay his bills (Tr. 77). Applicant is corroborated by his credit reports, which show all of his accounts to be in current status (see exs. C through E).

Endorsements

Applicant's supervisor (who is also the firm's company manager) has known Applicant for 20 years (Tr. 48-49). This supervisor knows Applicant professionally and socially, sees him two to three times a week, and characterizes him as loyal, responsible, and trustworthy (Tr. 51-53). He credits Applicant with a very strong work ethic (Tr. 59). Applicant's employment credits include numerous training certificates (see ex. F).

Policies

The AGs list guidelines to be considered by judges in the decision-making process covering DOHA cases. These guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual's reliability, trustworthiness, and ability to protect classified information. These guidelines include "[c]onditions that could raise a security concern and may be disqualifying" (disqualifying conditions), if any, and all of the "[c]onditions that could mitigate security concerns," if any. These guidelines must be considered before deciding whether or not a security clearance should be granted, continued, or denied. Although, the guidelines do not require judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in arriving at a decision.

In addition to the relevant AGs, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in ¶ 2(a) of the AGs, which are intended to assist the judges in reaching a fair and impartial, commonsense decision based upon a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a sufficient period of an applicant's life to enable predictive judgments to be made about whether the applicant is an acceptable security risk.

When evaluating an applicant's conduct, the relevant guidelines are to be considered together with the following ¶ 2(a) 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 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.

Viewing the issues raised and evidence as a whole, the following individual guidelines 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. See AG ¶ 21.

Financial Considerations

The Concern: 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. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a security concern. It may indicate proceeds from financially profitable criminal acts. AG ¶ 18.

Burden of Proof

By virtue of the principles and policies framed by the revised AGs, 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 commonsense 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. See *Kungys v. United States*, 485 U.S. 759, 792-800 (1988). As with all adversarial 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 by substantial evidence any controverted facts alleged in the SOR, 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 materiality showing, 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 evidentiary burden shifts to the applicant for the purpose of establishing his or her security worthiness through evidence of refutation, extenuation, or mitigation. Based on the requirement of Exec. Or. 10865 that all security clearances be clearly consistent with the national interest, the applicant has the ultimate burden of demonstrating his clearance eligibility. "[S]ecurity-clearance determinations should err, if they must, on the side of denials." See *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988).

Analysis

Applicant is a highly regarded employee of a defense contractor with a history of recurrent alcohol-related arrests (four in all over a 20-year period spanning 1983 and 2004) and admitted other instances of abusive alcohol consumption over the same period. Applicant's exhibited alcohol abuse raises security concerns covered by

Guideline G of the Adjudicative Guidelines. Applicant's accumulated delinquent debts associated with credit card accounts (some used to finance his gambling endeavors) contributed to a Chapter 7 bankruptcy in 2007. Applicant's finances raise security concerns, too, under Guideline F.

Applicant's alcohol issues

Applicant's four alcohol-related arrests covered in the SOR raise major concerns over his risk of recurrent alcohol abuse. On the strength of the evidence presented, two disqualifying conditions (DC) of the Adjudication Guidelines for alcohol consumption (AG ¶ 21) may be applied: 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," and ¶ 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."

Despite the recurrent pattern of his alcohol-related arrests (four over a 20-year period), Applicant does not believe he is alcoholic and assures he has reduced his drinking to occasional consumption since his last DUI conviction in 2004. He has alcohol addiction in his family, however, and a recurrent history of alcohol-related incidents. He also reports some history of depression issues requiring medications. Advised by his treating mental health provider that these medications could, when used concurrently with alcohol, exacerbate his condition, he elected to cease taking his medications altogether. Family history, recurrent alcohol-related convictions, and continued drinking despite knowledge of a recurrent psychological problem are cited indicators of a substance-dependence problem. See *Diagnostic Statistical Manual-IV* (4th ed) (DSM-IV).

Whether Applicant has an alcohol disorder covered by the *DSM-IV* cannot be firmly established without a documented professional evaluation by a credentialed physician or licensed substance abuse counselor. In the absence of an updated professional evaluation, Applicant's status and needs cannot be reasonably determined. From what is known from the proofs, he has never sought an evaluation from a credentialed physician or licensed substance abuse counselor, and has not attended any meetings with AA or other recognized support system since the 1980s.

Applicant's failure to provide any professional evaluations or documented support of his reduced drinking during the past four plus years are important considerations in determining what weight to assign to Applicant's rehabilitation claims. See ISCR Case 02-03186 (App. Bd. Feb. 16, 2006); ISCR Case 01-20579, at 5 (App. Bd. Apr. 14, 2004).

Still troubling and of ongoing security concern is Applicant's history of recurrent relapses following periods of light to moderate alcohol consumption, and his lack of any extended period of sustained abstinence. While Applicant provides assurances of his sincere commitment this time to maintain his current track of occasional drinking, he

provides no professional evaluations on which to assess the adequacy of his reduced alcohol consumption in managing his sobriety.

With a family history of alcohol dependence, a recurrent pattern of alcohol-related incidents over a 20-year period, and a medical condition that could be exacerbated by any concurrent use of alcohol with his prescribed medications, it is still too soon to make safe predictions that Applicant is at no foreseeable risk to a recurrent alcohol-related incident or episode. Although he has been able to avoid any more alcohol-related arrests since his last arrest and conviction in 2004, he continues to drink without a clean bill of health from a physician or licensed substance abuse provider. Under these special circumstances, MC ¶ 23(a), “so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment,” has limited application.

Without proof of sustained abstinence, current participation in AA or other credible support program, and/or a positive alcohol evaluation, none of the other potentially available mitigating conditions under the alcohol guideline are available to Applicant. Passage of time without a recurrent incident, while important, is not enough to warrant application of any of the other mitigating conditions without any demonstrated satisfaction of the requirements imposed by these other mitigating conditions.

Faced with similar recurrent alcohol-related arrests over a considerable period of time, and the absence of any sustained abstinence, the Appeal Board has expressed reluctance to make safe, predictive judgments about an applicant’s ability to avoid abusive incidents in the future without strong probative evidence of sustained recovery, aided by positive professional reinforcements. See ISCR Case No. 06-17541 (App. Bd. Jan. 14, 2008); ISCR Case No. 04-10799 (App. Bd. Nov. 9, 2007); ISCR Case No. 05-16753 at 2-3 (App. Bd. Aug. 2, 2007).

Taking into account both Applicant’s history of alcohol abuse, his strong work record, the applicable guidelines and a whole person assessment of his most recent alcohol moderation efforts, conclusions warrant that his overall efforts, while encouraging, do not reflect sufficient evidence of sustained commitment to a program that provides optimum protections against recurrent alcohol abuse. In the past, he has enjoyed considerable periods of abuse avoidance, only to return to abusive drinking that involved alcohol-related incidents away from work. Because of this recurrent abuse problem, his earlier incidents cannot be considered isolated and unrelated to a pattern of abuse, despite their comparative age when considered separately.

Considering the record as a whole, Applicant fails to make a convincing showing that he has the resource support at his disposal to avert any recurrent problems with judgment lapses related to alcohol. Applicant’s mitigation efforts are simply not enough at this time to warrant safe predictions that he is no longer at risk to judgment impairment

associated with alcohol abuse. Unfavorable conclusions warrant with respect to the allegations covered by the alcohol guideline of the SOR.

Applicant's financial issues

Applicant's pleading admissions of his Chapter 7 bankruptcy and continued involvement in gambling activities (sometimes referred to as judicial admissions) negate the need for any independent proof (*see McCormick on Evidence*, § 262 (6th ed. 2006)). Moreover, Applicant's Chapter 7 bankruptcy schedules, which include defaulted credit card accounts covering some \$20,000 in pre-bankruptcy gambling debts, are fully documented in his latest credit reports and provide ample independent proof of his pre-bankruptcy debts. Applicant's accumulation of gambling-related debts and their inclusion in his Chapter 7 bankruptcy discharge warrant the application of two of the disqualifying conditions (DC) of the Guidelines: DC ¶ 19(a), "inability or unwillingness to satisfy debts," DC ¶19(c) "a history of not meeting financial obligations," and DC ¶ 19(f), "financial problems that are linked to drug abuse, alcoholism, gambling problems, or other issues of security concern."

With his limited repayment history and lengthy practice of using his monthly income to fund his gambling endeavors instead of applying his marginal income sources to discharge his consumer bills that came due, Applicant's finances have not been very stable in recent years. While he has made some noticeable improvements in keeping his accounts current since receiving his Chapter 7 discharge in April 2007, his past gambling abuses do create some recurrence concerns.

Applicant's progress to date in regaining control of his finances is encouraging. His efforts reflect positively on the lessons he has learned from his past mistakes in allocating his income sources. His furnished estimates of his ability to continue to pay his bills in a timely way and avoid any return to gambling except with excess funds are credible, significant, and encouraging. Based on his evidentiary showing, Applicant's proofs are sufficient to establish some extenuating circumstances associated with his debt accumulations (*i.e.*, unanticipated major increases in interest rates on carried balances by some of his credit card issuers). Of limited application is MC ¶ 20(b) of the financial considerations guideline, "the conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce, or separation, and the individual acted responsibly." Most of his accrued debts were controllable, though, and could likely have been avoided without the compounding burdens of his gambling debts.

Applicant's current payment practices with his creditors since his 2007 bankruptcy discharge entitle him to some mitigation credit under MC ¶ 20(d), "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." Although his bankruptcy was a no-asset case, he did initiate some prior efforts to work with his creditors before ultimately settling on a bankruptcy strategy to resolve his accrued debts. His bankruptcy petition and discharge cost him both time and money expended on

attorneys to process his bankruptcy petition to completion. His efforts, although very limited, are encouraging. They are not enough, though, at this time to warrant full application of any of the mitigating conditions covered in the financial guideline.

To be sure, Applicant's gambling was significant and extended over a five-year period between 2001 and 2006. His gambling expenditures over this time frame (around \$20,000 by Applicant's estimations) were considerable and a principal contributor to his 2006 bankruptcy petition. Moreover, even if some of Applicant's debt delinquencies did arise due to circumstances outside of his control, he could have been reasonably expected to have exerted more responsible efforts in limiting his gambling activities that left him with no viable options to petitioning for bankruptcy.

Holding a security clearance involves a fiduciary relationship between the Government and the clearance holder. Quite apart from any agreement the clearance holder may have signed with the Government, the nature of the clearance holder's duties and access to classified information necessarily impose important duties of trust and candor on the clearance holder that are considerably higher than those typically imposed on government employees and contractors involved in other lines of government business. *See Snapp v. United States*, 444 U.S. 507, 511 n.6 (1980).

Financial stability in a person cleared to access classified information is required precisely to inspire trust and confidence in the holder of the clearance. While the principal concern of a clearance holder's demonstrated financial difficulties is vulnerability to coercion and influence, judgment and trust concerns are explicit in financial cases. Failure of the applicant to make concerted efforts to pay or resolve his debts when able to do so raises security-significant concerns about the sufficiency of the applicant's demonstrated trust and judgment necessary to safeguard classified information.

While no direct causal links were established in the record between Applicant's drinking and gambling abuses, they do bear some relationship. His gambling trips typically involved weekend excursions that included drinking and gambling. His gambling debts accrued over a contemporaneous period that included his last two DUI incidents. Recurrent alcohol risks that remain with Applicant could pose some potential for Applicant's resumption of the gambling trips that caused him financial problems before 2007. The potential overlap was never firmly stitched together, though, and Applicant can credibly claim he is current with all of his bills since his bankruptcy discharge and in no danger of losing control of his finances.

Whole-person assessments enable Applicant to surmount the judgment questions raised by his accumulation of delinquent debts that were resolved by his Chapter 7 discharge in 2007. His positive endorsement from his supervisor who he has known for 20 years, and his credible showing that he is current in his bills all support his claims that he has a firm control of his finances and is at no risk to delinquencies in the foreseeable future.

Taking into account all of the documented facts and circumstances surrounding Applicant's debt accumulations (inclusive of his major gambling debts) and resulting 2007 bankruptcy, and his most recent efforts in managing his finances, Applicant's efforts to date are sufficient to make safe predictive judgments about his ability to maintain control of his finances in the foreseeable future.

Overall, clearance eligibility assessment of Applicant based on the information available for consideration in this record enables him to establish judgment and trust levels sufficient to overcome security concerns arising out of his accumulation of delinquent debts. Favorable conclusions warrant with respect to the allegations covered by subparagraphs 2a through 2.c.

In reaching my decision, I have considered the evidence as a whole, including each of the factors and conditions enumerated in ¶ 2(a) of the AGs.

Formal Findings

In reviewing the allegations of the SOR in the context of the findings of fact, conclusions, and the factors and conditions listed above, I make the following separate formal findings with respect to Applicant's eligibility for a security clearance.

GUIDELINE G (ALCOHOL CONSUMPTION): AGAINST APPLICANT

Sub-paras. 1.a through 1.d: Against Applicant

GUIDELINE F (FINANCIAL CONSIDERATIONS): FOR APPLICANT

Sub-paras: 2a through 2.c: For Applicant

Conclusions

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

