



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



In the matter of:	)	
	)	
-----	)	ISCR Case No. 08-11563
SSN: -----	)	
	)	
Applicant for Security Clearance	)	

**Appearances**

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

June 7, 2010

**Decision**

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines G (Alcohol Consumption), E (Personal Conduct), and F (Financial Considerations). Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a security clearance application on February 26, 2008. On October 15, 2009, the Defense Office of Hearings and Appeals (DOHA) sent her a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny her application, citing security concerns under Guidelines G, E, and F. DOHA acted 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 adjudicative guidelines (AG) implemented by the Department of Defense on September 1, 2006.

Applicant received the SOR on October 19, 2009; answered it in an undated document; and requested a hearing before an administrative judge. DOHA received the request on November 23, 2009. Department Counsel was ready to proceed on December 3, 2009, and the case was assigned to me on January 19, 2010. DOHA issued a notice of hearing on January 27, 2010, scheduling the hearing for February 18, 2010. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 9 were admitted in evidence without objection. Department Counsel submitted a demonstrative exhibit summarizing the evidence of Applicant's financial problems, and it was marked as Hearing Exhibit (HX) I and attached to the record. Applicant testified, presented the testimony of one witness, and submitted Applicant's Exhibits (AX) A through H, which were admitted without objection. I kept the record open until March 5, 2010, to enable her to submit additional documentary evidence. She timely submitted AX I through Q. Department Counsel's comments regarding AX I through Q are attached to the record as HX II. DOHA received the hearing transcript (Tr.) on February 26, 2010.

### **Findings of Fact**

In her answer to the SOR, Applicant admitted the allegations in SOR ¶ 1.a-1.c, 2.a, 3.b-3.f, 3.i, 3.k, and 3.l. Her admissions in her answer and at the hearing are incorporated in my findings of fact.

Applicant is a 55-year-old technical writer for a federal contractor. She has worked for her current employer since January 2008. She married in December 1978, divorced in June 1980, remarried in June 1984, and divorced in December 1990. She has two adult sons. She received a clearance in January 1980 while she was employed by a defense contractor. She does not hold a current security clearance.

Applicant was arrested for driving under the influence (DUI) in November 1996. She pleaded guilty and entered an accelerated rehabilitative disposition program. The program consisted of six weeks of alcohol education classes, but no evaluation or treatment. She completed it, and her arrest record was expunged. (AX C; Tr. 70-71.)

Applicant cohabited with a man for about 17 years after her last divorce. When her cohabitant left her in January 2007, the breakup was emotionally difficult for Applicant. After her cohabitant left her, she discovered he had been hiding unpaid bills. (Tr. 75-78.) She began falling further into financial difficulty because there were no longer two incomes to cover her financial obligations. (GX 2 at 5.) She also began consuming alcohol to excess, usually drinking alone at home. (Tr. 74.)

In April 2007, Applicant was arrested for driving under the influence (DUI). She had been drinking with friends, started to drive home, realized she was drunk, pulled off the road, and fell asleep in her car. (GX 4; Tr. 72.) Her blood-alcohol level was .10 per cent. The prosecutor reduced the alleged blood-alcohol level to .08 per cent, and she pleaded guilty to misdemeanor DUI. She paid a fine and was required to attend an alcohol education class, but she did not receive any evaluation or treatment for alcohol

abuse or alcohol dependence. (GX 2 at 8.) She completed a highway safety and intervention program in October 2007. (AX F.)

When Applicant submitted her most recent security clearance application, she disclosed her April 2007 DUI arrest, but she did not disclose her 1996 arrest. She explained that she misunderstood the question and believed that she was required to report only arrests that occurred in the seven years preceding her application. (Tr. 59, 92.) I found her explanation plausible and credible.

In October 2008, after Applicant realized that she was about to lose her home where she had lived for 25 years, she drank to excess and was arrested again for DUI. (GX 8.) She notified her facility security officer of her arrest and asked her employer for time off to receive alcohol rehabilitation treatment. (Tr. 97.) She pleaded guilty to DUI with a blood-alcohol level of .15 percent. She was sentenced to 30 days in jail, with credit for time served, a \$750 fine, and 48 hours of community service. She was placed on probation, required to surrender her driver's license, and required to undergo rehabilitative treatment. (GX 2 at 30-31.)

Applicant completed a three-day detoxification program on December 27-29, 2008, and an inpatient treatment program from January 16 to February 13, 2009. There is no evidence of a diagnosis of alcohol abuse or alcohol dependence. However, upon her discharge from the inpatient program, a medical doctor's prognosis was "Fair, if patient follows through with aftercare recommendations." (GX 2 at 27-28.)

Applicant then entered an intensive outpatient treatment program, requiring therapy sessions three times a week. She completed the program in May 2009. There is no evidence of a diagnosis, but she received a "favorable" prognosis from a certified alcohol counselor, conditioned on continued use of her established support systems. She then completed another outpatient program requiring group therapy once a week for about six weeks. (Tr. 81-83; GX 2 at 29.)

As of the date of the hearing, Applicant had not consumed alcohol for a year, and she was attending Alcoholics Anonymous (AA) meetings once or twice a week. (Tr. 63, 80, 83.) She was released from probation in November 2009, and she expects that her driver's license will be returned to her in June 2010. (Tr. 90.)

Applicant began falling behind on her home mortgage payments in February 2007. She was laid off from her job in December 2007 until she started her current job in January 2008. (GX 1 at 11-13; GX 2 at 5.) At some time during this period, she suffered a "TIA"<sup>1</sup>, which she described as a "minor stroke." She did not suffer any permanent neurological injury, but she incurred medical bills. (Tr. 64-65.)

Foreclosure proceedings on Applicant's home were started several times between June 2008 and September 2008. She completed a "short sale" of her home in

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<sup>1</sup> A TIA is a mild cerebrovascular stroke with reversible symptoms that last from a few minutes to several hours. Webster's New World College Dictionary (4<sup>th</sup> ed. 2009) at p. 1495.

November 2008, settling the mortgage debt for less than the full balance. (AX E and G.) She now lives in a rented apartment. The defaulted mortgage was not alleged in the SOR.

Applicant's credit bureau reports for March 2008, May 2009, and December 2009 reflect the 13 delinquent debts alleged in the SOR (GX 5; GX 6; GX 7.) Applicant testified the medical debt in SOR ¶ 3.a was for her son's medical treatment and had been paid, but she provided no documentation of payment. (Tr. 101.)

Applicant testified she made payments in 2008 on the utility bill in SOR ¶ 3.b and was trying to negotiate a settlement agreement, but she had not reached any agreement. (Tr. 102-03.) She testified she submitted the medical debt in SOR ¶ 3.c to her insurance company, but her claim was denied because it was for treatment of a preexisting condition. She disputed the denial in 2007, but she had no further contact with the doctors or the insurance company. (Tr. 99-100.) She provided no documentary evidence of her payments, negotiations, or disputes.

Applicant has not resolved the debt alleged in SOR ¶ 3.d. She provided a letter from the creditor alleged in SOR ¶ 3.e stating that the account was paid in full, but it refers to a different account from the debt alleged in the SOR. (AX K; AX L.) She submitted the medical debt in SOR ¶ 3.f to her insurance company in 2005, but it has not been resolved. (Tr. 106.) She has not contacted the creditor alleged in SOR ¶ 3.g. (Tr. 108.) She could not identify the creditor alleged in SOR ¶ 3.h (Tr. 109-10.) She testified that she made payments on the debt alleged in SOR ¶ 3.i, that the debt alleged in SOR ¶ 3.j was paid, that the debt alleged in SOR 3.k was consolidated with another debt, and that the debt alleged in SOR ¶ 3.i was paid, but she provided no documentation for any of these transactions. (Tr. 110-18.)

Applicant testified that she paid about \$300 on the debt alleged in SOR ¶ 3.m (Tr. 119.) She provided no documentation of payment, but she submitted a settlement offer dated October 7, 2009. (AX M.) There is no evidence that she accepted the offer.

Applicant's net monthly income is about \$2,000, and her expenses are about \$1,700, leaving a net remainder of \$300. (Tr. 119-24.) She has about \$2,000 in savings and more than \$1,000 in her retirement account. She admitted that she had not addressed her delinquent debts until recently because she was not acting responsibly during 2007 and 2008, and it was not until 2009 that she "came back to [her] senses." (Tr. 125.)

Applicant's close friend for about 12 years, a retired police officer with 25 years of experience in law enforcement, testified that Applicant began drinking heavily because of stress from the breakup of her 17-year relationship, being laid off from her job, and her financial problems. The witness testified that Applicant is hard working and trustworthy. Before the stressful events, Applicant did not abuse alcohol and appeared to have her life under control. (Tr. 49-56.)

The president of the company for whom Applicant works has known her for two years. He describes her as a woman of integrity, devoted to her family and work, organized, efficient, competent, and an employee with high initiative. (AX B.) Applicant's project manager also describes her as a woman of integrity, intelligence, competence, and dedication. (AX Q.) The facility security officer for Applicant's employer has known her for two years and considers her a hard worker, a person of integrity, and security conscious. (AX A.) Applicant completed information assurance awareness training in August 2008, and she received a certificate of achievement in November 2008. (AX O and P.)

## **Policies**

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to "control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is not necessarily a determination as to the loyalty of the applicant. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden

of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 92-1106 at 3, 1993 WL 545051 at \*3 (App. Bd. Oct. 7, 1993).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant 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). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

## **Analysis**

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

SOR ¶ 1.a alleges Applicant was arrested for DUI in April 2007; pleaded guilty; was sentenced to probation for six months, fines and fees totaling about \$972; and was required to complete alcohol education and intervention classes. SOR ¶ 1.b alleges she was arrested for DUI in October 2008. SOR ¶ 1.c alleges that Applicant’s excessive consumption of alcohol required alcohol detoxification and inpatient treatment, and that she was discharged from treatment with a fair prognosis dependent on compliance with aftercare recommendations. She admitted all three allegations in her answer to the SOR and at the hearing.

Applicant’s arrest for DUI in 1996 was not alleged in the SOR. Thus, it may not be considered as an independent basis for denying her a clearance. However, it may be considered to assess her credibility; to decide whether a particular adjudicative guideline is applicable; to evaluate evidence of extenuation, mitigation, or changed circumstances; to consider whether she has demonstrated successful rehabilitation; or as part of a whole person analysis. ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006) (citations omitted). I have considered her 1996 arrest only for these limited purposes.

The concern under this guideline is set out in AG ¶ 21 as follows: “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.” Two disqualifying conditions under this guideline are relevant:

AG ¶ 22(a) (alcohol-related incidents away from work, such as driving while under the influence . . . , regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent); and

AG ¶ 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).

Applicant's record of DUI arrests raises AG ¶ 22(a). Her level of intoxication when she was arrested for DUI and her testimony about her drinking habits raise AG ¶ 22(c).

The disqualifying conditions in AG ¶¶ 22(d), (e), and (f) would be raised if there were a diagnosis or evaluation of alcohol abuse or alcohol dependence. Although Applicant's medical records contain a prognosis by a medical doctor and another by a counselor, the records do not reflect a diagnosis of alcohol abuse or alcohol dependence. Thus, AG ¶¶ 22(d), (e) and (f) are not raised.

Since the Government produced substantial evidence to raise the disqualifying conditions in AG ¶¶ 22(a) and (c), the burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

Security concerns under this guideline may be mitigated if "so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment." AG ¶ 23(a). Applicant's alcohol-related behavior was frequent and did not occur under circumstances making it unlikely to recur. Thus, the focus is on the first prong ("so much time has passed"). There are no "bright line" rules for determining how much time must pass to establish this prong of AG ¶ 23(a). The determination must be based on a careful evaluation of the totality of the evidence. If the evidence shows "a significant period of time has passed without any evidence of misconduct," then an administrative judge must determine whether that period of time demonstrates "changed circumstances or conduct sufficient to warrant a finding of reform or rehabilitation." ISCR Case No. 02-24452 at 6 (App. Bd. Aug. 4, 2004).

On the date of the hearing, Applicant had abstained from alcohol for about a year and was regularly participating in AA. A year is a "significant period of time." On the other hand, her history of alcohol related conduct dates back to 1996. She did not complete her probation until November 2009, and her driving privileges are not yet restored. In explaining her financial difficulties, she admitted that she was not acting responsibly in 2007 and 2008, and it was not until 2009 that she "came back to [her] senses." I conclude Applicant has not had insufficient time to demonstrate that she will continue to maintain her sobriety. It is too soon to conclude that she is rehabilitated.

Security concerns also may be mitigated if "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).” AG ¶ 23(b). Applicant has acknowledged her excessive alcohol consumption and had taken significant steps to overcome her problems with alcohol, but insufficient time has passed to establish a pattern of abstinence.

Security concerns under this guideline also may be mitigated if “the individual is a current employee who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress.” AG ¶ 23(c). Applicant receives credit under this mitigating condition, because she is continuing her aftercare program and is making progress. She has no “history of previous treatment and relapse,” because her DUI arrests in 1996 and 2007 were followed by alcohol and safety education, but no medical evaluation or treatment.

Finally, security concerns under this guideline may be mitigated under AG ¶ 23(d) if --

the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

This mitigating condition is partially established. Applicant successfully completed extensive inpatient and outpatient treatment and is complying with the aftercare requirements. As noted above in the discussion of AG ¶¶ 23(a) and (b), she has not had sufficient time to demonstrate a “clear and established pattern” of abstinence. The prognosis by a medical doctor was “fair,” which is marginally favorable. The prognosis by a counselor was more positive, but the record does not demonstrate the counselor’s qualifications sufficiently to establish that he is the equivalent of a licensed clinical social worker.

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

SOR ¶ 2.a alleges Applicant falsified her security clearance application by intentionally failing to disclose her DUI arrest in 1996. SOR ¶ 2.b alleges that she failed to disclose her DUI arrest in October 2008 during an interview with a security investigator.

Department Counsel moved to withdraw SOR ¶ 2.b in light of evidence that the DUI arrest occurred after the interview. (Tr. 131-32.) I have granted the motion to withdraw ¶ 2.b, and I have reflected the withdrawal in my formal findings.



The concern under this guideline is set out in AG ¶ 15 as follows:

Conduct involving questionable judgment, 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.

The relevant disqualifying condition in this case is "deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire." AG ¶ 16(a). When a falsification allegation is controverted, as in this case, the Government has the burden of proving it. An omission, standing alone, does not prove falsification. An administrative judge must consider the record evidence as a whole to determine an applicant's state of mind at the time of the omission. See ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004).

Applicant testified that she misunderstood the question about previous arrests and believed that she needed to report only those arrests that occurred in the seven years preceding her application. She was open and candid throughout the hearing, even when discussing painful and embarrassing events. I am satisfied that she did not intentionally falsify her security clearance application, and I resolve SOR ¶ 2.a in her favor.

### **Guideline F, Financial Considerations**

The concern under this guideline is set out in AG ¶ 18 as follows:

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.

Two disqualifying conditions under this guideline are relevant: AG ¶ 19(a) ("inability or unwillingness to satisfy debts, and AG ¶ 19(c) ("a history of not meeting financial obligations").

Security concerns based on financial problems can be mitigated by showing that "the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment." AG ¶ 20(a). Applicant's delinquent debts are recent and numerous, but they occurred largely because of the

breakup of her 17-year relationship, leaving her solely responsible for numerous debts that were jointly incurred. However, instead of acting aggressively to resolve her financial problems, she lapsed into a period of alcohol abuse and neglect of her financial obligations. This mitigating condition is not completely established.

Security concerns under this guideline also can be mitigated by showing that “the conditions that resulted in the financial problem 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 under the circumstances.” AG ¶ 20(b). Both prongs, i.e., conditions beyond the person’s control and responsible conduct, must be established. Applicant had a short period of unemployment before she began her current job, which exacerbated her financial problems caused by her domestic breakup. She also incurred unexpected medical bills after her mild stroke. However, she admitted at the hearing that she did not act responsibly during 2007 and 2008. Thus, this mitigating condition is not completely established.

Security concerns under this guideline also can be mitigated by showing that “the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control.” AG ¶ 20(c). This mitigating condition is not established because Applicant has not received financial counseling and her problems are not yet under control.

Security concerns under this guideline also can be mitigated by showing that “the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.” AG ¶ 20(d). Good faith means acting in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation. ISCR Case No. 99-0201, 1999 WL 1442346 at \*4 (App. Bd. Oct. 12, 1999). An applicant is not required, as a matter of law, to establish resolution of each and every debt alleged in the SOR. See ADP Case No. 06-18900 (App. Bd. Jun. 6, 2008). An applicant need only establish a plan to resolve financial problems and take significant actions to implement the plan. ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008). There also is no requirement that an applicant make payments on all delinquent debts simultaneously, nor is there a requirement that the debts alleged in the SOR be paid first. *Id.*

Applicant testified she paid or made payments on the debts alleged in SOR ¶¶ 3.a, 3.b, 3.i, 3.l, and 3.m, but she submitted no documentation of any payments. She does not have a concrete plan to resolve her debts. I conclude that AG ¶ 20(d) is not established.

Security concerns under this guideline also can be mitigated by showing “the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.” AG ¶ 20(e). Applicant testified she disputed the debt alleged in SOR ¶ 3.c, but she provided no documentation of the dispute. Thus, AG ¶ 20(e) is not established.

## Whole-Person Concept

Under the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the relevant circumstances. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

(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.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I have incorporated my comments under Guidelines G, E, and F in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

Applicant is a mature adult who suffered significant emotional and financial setbacks shortly before starting her current job. She previously held a clearance while employed by a defense contractor. She has the respect and support of her current employer. She has taken significant steps to prevent further alcohol-related problems. With the passage of time, she may well be able to demonstrate that she has overcome them.

Unfortunately, Applicant's financial problems went largely unresolved while she dealt with her alcohol-related problems. Her first priority on financial matters was to avoid foreclosure on her home. She appears to have resolved that problem through a short sale. Her testimony reflected some piecemeal attempts at dealing with selected creditors, but she has no overall plan to resolve the debts alleged in the SOR. Importantly, she has not provided documentary evidence of her actions, even though she testified she had the necessary documentation and was given additional time to produce it. She has sufficient income to begin addressing the debts in the SOR, now that the home foreclosure issue has been resolved. With more time, she may be able to gain control of the financial disarray she now faces. See Directive ¶¶ E3.1.37 through E3.1.40 (reconsideration authorized after one year).

After weighing the disqualifying and mitigating conditions under Guidelines G, E, and F, and evaluating all the evidence in the context of the whole person, I conclude Applicant has refuted the personal conduct allegations, but she has not mitigated the security concerns based on alcohol consumption and financial considerations.

Accordingly, she has not carried her burden of showing that it is clearly consistent with the national interest to grant her eligibility for access to classified information.

### **Formal Findings**

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline G (Alcohol Consumption):      AGAINST APPLICANT

    Subparagraphs 1.a-1.c:                                      Against Applicant

Paragraph 2, Guideline E (Personal Conduct):              FOR APPLICANT

    Subparagraph 2.a:    For Applicant

    Subparagraph 2.b:    For Applicant (withdrawn)

Paragraph 3, Guideline F (Financial Considerations);      AGAINST APPLICANT

    Subparagraphs 3.a-3.m:                                      Against Applicant

### **Conclusion**

In light of all of the circumstances, it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

LeRoy F. Foreman  
Administrative Judge