DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
[Redacted]	)	ISCR Case No. 10-03488
	)	
Applicant for Security Clearance	)	

Appearances

For Government: David F. Hayes, Esq., Department Counsel
For Applicant: *Pro se*

July 29, 2011

Decision

FOREMAN, LeRoy F., Administrative Judge:

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

Statement of the Case

Applicant submitted a security clearance application on December 28, 2009. On March 22, 2011, the Defense Office of Hearings and Appeals (DOHA) sent him a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny his application, citing security concerns under Guidelines G and E. 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 March 28, 2011; answered it on April 9, 2011; and requested a hearing before an administrative judge. DOHA received the request on April 13, 2011. Department Counsel was ready to proceed on May 12, 2011, and the

case was assigned to me on May 20, 2011. DOHA issued a notice of hearing on June 3, 2011, scheduling the hearing for June 10, 2011. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 3 were admitted in evidence without objection. Applicant testified and submitted Applicant's Exhibits (AX) A through C, which were admitted without objection. DOHA received the transcript (Tr.) on June 20, 2011.

Findings of Fact

In his answer to the SOR, Applicant admitted the allegations in SOR ¶¶ 1.a, 2.a, and 2.b. He denied SOR ¶¶ 1.b, 1.c, and 2.c. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 42-year-old senior research associate at a U.S. university. He has held this position since March 2008. He obtained a PhD in education and psychology in August 1998, and he worked as a research scientist at another university from September 1998 until he assumed his current position. He married in January 1990. He and his wife have two children, ages 16 and 12. He received a security clearance in March 2006.

Applicant applied for eligibility for access to sensitive compartmented information (SCI) in October 2007. (GX 3 at 7.) He underwent five polygraph examinations between October 2007 and June 2008. (GX 3 at 6, 37-38.) During the polygraph examinations and related interviews, he admitted consuming alcohol, at times to excess and to the point of intoxication and occasional blackouts from about 1985 until January 2010. He admitted using alcohol to self-medicate for anxiety and stress. He admitted marital discord due his wife's disapproval of his excessive alcohol use. (GX 3 at 19-20, 32, 39-40.)

Applicant also admitted that he downloaded adult pornography onto university computers while working in his previous position in 1998 and 1999, and that he continued to view adult pornography about two times a week. As of the date of a psychological evaluation in July 2009, he still had pornographic images on his personal computer. (GX 3 at 17, 21, 39.)

Applicant admitted using the services of prostitutes on two occasions while traveling in a foreign country in April 2004, and he admitted concealing his conduct from his wife. (GX 3 at 20-21.) Applicant disclosed his use of prostitutes to his wife about a week before the hearing, and he submitted a statement from her verifying his disclosure. (Tr. 52; AX C.)

Applicant also admitted two flirtatious episodes with female colleagues that did not develop into romantic or sexual relationships. He admitted an unlawful entry into university facilities and marijuana use while an undergraduate student. He admitted that in 2002 he purchased an over-the-counter stimulant from an online pharmacy in Canada that required a prescription in the United States. He used four or five of the eight pills and threw away the rest. He admitted that in October 2008 he used a

prescription pain reliever that had been prescribed for his son, but he threw the rest of the medication away because he realized that he "should not be taking it." (GX 3 at 13, 17, 18, 22, 31, 39.)

Applicant found the polygraph experience frustrating, because he believed it indicated deception when he was being truthful. Applicant testified that he underwent five polygraphs and "passed" only the fifth. After his third polygraph examination in early March 2008, Applicant searched the Internet for instrumentation to test his physiological reactions to questioning. He purchased a video game that included a glove with finger slots for electrodermal response and cardio response. The game involved intentionally raising and lowering his physiological responses while performing tasks on the screen. (Tr. 55-57.)

Applicant disclosed his use of the game during his fifth and last polygraph examination in late March 2008. He testified that the game is not marketed as a polygraph countermeasure, but as a relaxation and meditation system in a game format. (Tr. 96.) According to the polygraph examiner's report concerning the fifth polygraph, Applicant admitted composing questions based on what he had been asked during previous polygraph examinations, reading and answering the questions, and then checking his physiological reactions on the screen. The report states that he practiced the questions and answers about ten times until he showed no response to them. (Tr. 56; GX 3 at 28-29.) The report states that Applicant ended the fifth polygraph examination when he "went into an angry fit," attempted to remove the instrumentation, threw some of the equipment to the ground, called the machine names, and told the examiner that he had not done his homework and gave the test too much weight. (GX 3 at 29.)

In November 2008, Applicant told a security investigator that he believed he had problems with the polygraph examinations because of nervousness and problems with questions about illegal drug use. He told the investigator he tended to think about his excessive alcohol use when he was asked about illegal drug use. He used the game to learn techniques to help him relax and focus on the questions, and he believed it was helpful. However, he decided to stop using the game because it "caused too many problems" during his last polygraph. (GX 3 at 33.)

At the hearing, Applicant testified that the examiner in his last polygraph was very inexperienced and did not know how to respond to his admission that he had practiced with the biofeedback game. (Tr. 60.) He denied ending the examination in an "angry fit." He admitted removing some of the equipment, but he denied throwing it to the ground. He admitted using the game to ask himself anxiety-provoking questions, such as questions about his alcohol consumption and personal relationships. He did not practice giving deceptive answers, but he reviewed his psychological responses to truthful answers. He denied admitting that he practiced until he showed no response to the questions. (Tr. 61-63.)

Applicant testified that he is a psychology researcher who studies human-computer interactions, and he is familiar with the concepts underlying polygraph examinations. He testified that he knew he probably would be asked to take a polygraph when he accepted his current position in March 2006, and so he avoided any research into polygraph countermeasures, even though he works with colleagues who are experts in polygraph examinations and countermeasures. His reasons for avoiding such research were partly ethical and partly because he thought that such research "would only screw [him] up" when he took a polygraph examination. (Tr. 53-55.) He admitted that he knew he was in "somewhat dangerous territory" when he bought and used the game, because he realized he was trying to better control his responses to questions. (Tr. 57.)

While Applicant was in graduate school in 1996-1998, he sought mental health services for symptoms of depression including sadness, difficulty in concentrating, feelings of hopelessness, lack of energy, and some suicidal ideation. He received counseling as well as prescription medications for depression. (GX 3 at 41-42.) He continued his medication until March 2006, when he assumed his current position. At that time, his physician agreed to continue prescribing his medication on the condition that he obtain periodic psychological counseling. He saw a psychologist three times in 2008 and 2009, and he consulted with a psychiatrist in February and June 2009. (GX 3 at 41-42.)

In April 2009, Applicant was referred for psychological examination in connection with his application for SCI eligibility, to determine if he had a psychiatric, drug-related, or alcohol-related condition that would be likely to impair his judgment, reliability, or ability to protect classified information. During this evaluation, Applicant disclosed his history of alcohol consumption in detail, and he admitted that he had driven while intoxicated about six times, most recently in November 2008. He also admitted that he was under the influence of alcohol at work three or four times in 2004-2005. He admitted having alcohol-related blackouts on two occasions. A psychologist concluded that Applicant met the criteria for diagnoses of alcohol dependence and dysthymic disorder. He concluded that the risk of behavior indicative of poor judgment, impulsivity, or irresponsibility was high. He recommended that Applicant abstain from alcohol. (GX 3 at 40-44.)

In August 2009, Applicant was informed that his application for SCI eligibility was denied. The denial was based on evidence of excessive alcohol consumption. The decision did not refer to his history of depression, viewing pornography, extramarital sex, or an attempt to use countermeasures during a polygraph examination. (GX 3 at 12.) He did not appeal the decision.[1] His collateral clearance was suspended on February 4, 2011. (Tr. 42.)

[1] The Directive ¶ E3.1.37, prohibiting reapplication for a clearance within one year of having a clearance denied or revoked does not apply to this case. The prohibition is triggered only when the denial or revocation is by DOHA. Applicant's SCI eligibility was denied by another government agency.

When Applicant's security clearance was suspended, he met with his supervisors, explained what had happened, told them the steps he was taking to control his alcohol consumption. His supervisor referred him to the facility security officer for advice. The facility security officer told him that abstinence was a good start, but he would have a better case for reinstatement of his clearance if he attended substance abuse counseling. (Tr. 43.)

Applicant obtained counseling from February through July 2010. He was evaluated by a psychiatrist, who prescribed medication and psychotherapy. A licensed clinical professional counselor concluded that Applicant did not meet the criteria for alcohol-related disorders, but his symptoms met the criteria for a diagnosis of an adjustment disorder with mixed anxiety and depressed mood. She commented favorably on Applicant's improvement in understanding the stressors that affected his use of alcohol as he progressed through the counseling program. She concluded that therapeutic gains after eight counseling sessions warranted giving him the choice to continue or discontinue therapy. Applicant elected to discontinue. (AX B.)

Applicant has been consulting with a psychiatrist regularly since early 2010. In June 2011, his psychiatrist diagnosed him as having generalized anxiety disorder in remission and alcohol abuse "in full sustained remission." He describes Applicant as "remarkably stable (and sober) since [he] started treatment." (AX A.) Applicant takes prescribed medications for depression and obtains counseling about every three months. (GX 2 at 4.)

At the hearing, Applicant testified that the denial of SCI eligibility was a "wake-up call." In September 2009, he began keeping a calendar in which he recorded every drink he consumed. He consumed alcohol nine times in October, seven times in November, five times in December, and five times in January. He consumed alcohol for the last time on January 22, 2010, when he consumed a glass of wine to celebrate his 21st wedding anniversary. (Tr. 40-41.) He is committed to remaining alcohol-free. He testified:

> Quitting drinking was one of the best things I ever did for my health, for my marriage, for my own self esteem. At this time I can't imagine going back to the habits that I used to have. Regardless of what happens with my security clearance, I'm committed to continuing the behavior and mood management practices that I've learned and staying away from alcohol for good.

(Tr. 47-48.)

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.

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, an administrative judge applies these guidelines 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 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 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).

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 that Applicant consumed alcohol, at times to excess and to the point of intoxication and occasional blackouts, from about 1985 to "at least" January 2010. SOR ¶ 1.b alleges that another agency referred Applicant for evaluation by a psychologist in July 2009, who concluded that he was alcohol dependent, but that Applicant continued to consume alcohol, notwithstanding the psychologist's recommendation of abstinence and warning about the potential adverse reaction with prescribed medications. SOR ¶ 1.c alleges that Applicant's excessive use of alcohol caused his facility security officer to recommend substance abuse counseling, which Applicant attended from February 2010 to July 2010.

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." The disqualifying conditions under this guideline are:

> AG ¶ 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;
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> AG ¶ 22(b): alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;
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> 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;
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> AG ¶ 22(d): diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;
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> AG ¶ 22(e): evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;
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> AG ¶ 22(f) relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program; and

AG ¶ 22(g): failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

AG ¶ 22(a) is established by Applicant's admission that he drove while intoxicated about six times, even though he was never arrested for drunk driving. AG ¶ 22(b) is established by his admission that he was under the influence of alcohol at work three or four times. AG ¶ 22(c) is established by Applicant's admission that he regularly drank to the point of intoxication and occasionally experienced blackouts. AG ¶ 22(d) is established by the evaluations of a psychologist in April 2009 and his psychiatrist in June 2011.

AG ¶ 22(e) is not established because the record does not reflect a diagnosis by the licensed clinical counselor who evaluated and counseled him during February through July 2010. AG ¶ 22(f) is not established because there is no evidence that he completed an alcohol rehabilitation program prior to the program in February-July 2010, and no evidence that he relapsed after his completion of the substance abuse program in July 2010. AG ¶ 22(f) is not established because there is no evidence of any court orders mandating alcohol education, evaluation, treatment, or abstinence.

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 excessive drinking was frequent and did not happen under unusual circumstances making it unlikely to recur. The focus in this case is on the first prong of this mitigating condition ("so much time has passed"), which requires a determination whether his excessive drinking was recent. There are no bright line rules for determining when conduct is recent. 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).

Eighteen months of total abstinence is a "significant period of time." This period of sobriety followed the "wake-up call" when Applicant was denied eligibility for SCI access. He acknowledged his problem, monitored his alcohol consumption for a few months, and decided stop drinking. He is controlling his depression with counseling and medication. He maintains a regular relationship with his psychiatrist, who has determined that his alcohol problems are "in full sustained remission." Applicant has discovered that abstinence has improved his health, his marriage, and his self-esteem. He is committed to maintaining sobriety. I conclude that AG ¶ 23(a) is established.

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). For the reasons in the above discussion of AG ¶ 23(a), I conclude that this mitigating condition is established.

Security concerns 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). This mitigating condition is not fully established because Applicant is not currently participating in a "program." However, he is a "current employee" and has completed a counseling program. He is under the continuing care of a psychiatrist, who describes him as "remarkably stable."

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

> [T]he 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 completed his substance abuse counseling in July 2010. No aftercare was prescribed or recommended. He does not participate in Alcoholics Anonymous or a similar organization, but he consults regularly with his psychiatrist. His psychiatrist did not provide a formal prognosis, but he provided a favorable diagnosis.

Guideline E, Personal Conduct

SOR ¶ 2.a alleges that Applicant downloaded pornography onto university computers from 1998 to "at least" 1999. SOR ¶ 2.a alleges that he utilized the services of prostitutes in a foreign country on two occasions in 2004 and concealed it from his wife. SOR ¶ 2.c alleges that he prepared for a polygraph examination by purchasing an instrument to measure electrodermal and cardio responses and practiced taking the examination on ten occasions until he could answer the questions with no physiological response.

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

> 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 conditions under this guideline are:

> AG ¶ 16(b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative;
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> AG ¶ 16(c): credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information;
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> AG ¶ 16(d): credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of . . . a pattern of dishonesty or rule violations; and
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> AG ¶ 16(e): personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group.

Applicant admitted the allegations under SOR ¶¶ 2.a and 2.b, but he presented proof that he had informed his wife of his activities with prostitutes. Even with his disclosures to his wife, however, the conduct under those two subparagraphs is sufficient to establish AG ¶¶ 16(c), (d), and (e).

Applicant partially denied the allegation in SOR ¶ 2.c. The gist of this allegation is that Applicant attempted to use countermeasures to conceal deceptive answers during a polygraph examination. He admitted purchasing the equipment and using it to practice for his polygraph examination, but he denied using previously asked questions and denied practicing his answers until he showed no psychological response. If true, the

alleged conduct would fall under the language in AG ¶ 15 regarding "any other failure to cooperate with the security clearance process," and would be sufficient to raise the disqualifying condition in AG ¶ 16(b).

The unfavorable decision by another governmental agency on Applicant's SCI eligibility relied on the same evidence as was presented by Department Counsel regarding Applicant's alleged attempt to use polygraph countermeasures. However, the other agency's decision to deny SCI eligibility did not mention any failure to cooperate with or obstruct the security clearance process. Instead, the denial decision was based solely on concerns about alcohol consumption. While the other agency's factual determinations are not binding on me, I have considered them in making my independent findings of fact.

I found Applicant's explanation for his purchase and use of the biofeedback equipment plausible and credible. If he intended to prevent the polygraph from indicating deception, he would not have disclosed his purchase and use of the equipment to the polygraph examiner. His disclosure of his purchase and use of the equipment and the volume of derogatory information he voluntarily disclosed during five polygraph examinations and related interviews suggests candor, not deception. I conclude that the potentially disqualifying condition on which SOR ¶ 2.c is predicated is not established by substantial evidence, and I resolve SOR ¶ 2.c in favor of Applicant.

However, I conclude that the allegations in SOR ¶¶ 2.a and 2.b are supported by substantial evidence sufficient to establish the disqualifying conditions in AG ¶ 16(c), (d), and (e). Thus, the burden shifted to Applicant to refute, explain, extenuate, or mitigate the facts.

The following mitigating conditions are relevant:

> AG ¶ 17(c): 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;
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> AG ¶ 17(d): the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and
>
> AG ¶ 17(e): the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

I conclude that all three mitigating conditions are established. The conduct in SOR ¶¶ 2.a and 2.b happened long ago. The activities with prostitutes occurred during a single overseas trip and have not recurred. Applicant has received counseling for his

anxiety, depression, and alcohol use, and he has disclosed his activities with prostitutes to his wife.

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 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 and E 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 intelligent, well-educated, and articulate. He held a security clearance and worked with classified material from March 2006 until February 2011, apparently without incident. He was sincere, contrite, candid, and credible at the hearing. He volunteered all of the derogatory information in his background investigation. He has struggled with anxiety and depression for most of his adult life, and for many years he misused alcohol to self-medicate. He appears to have turned the corner shortly after his SCI eligibility was denied. He is committed to maintaining an alcohol-free lifestyle, and he has reinforced his commitment with psychiatric counseling and prescription medications.

After weighing the disqualifying and mitigating conditions under Guidelines G and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns based on alcohol consumption and personal conduct. Accordingly, I conclude has carried his burden of showing that it is clearly consistent with the national interest to continue his 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):	FOR APPLICANT
Subparagraphs 1.a-1.c:	For Applicant
Paragraph 2, Guideline E (Personal Conduct):	FOR APPLICANT
Subparagraphs 2.a-2.c:	For Applicant

Conclusion

I conclude that it is clearly consistent with the national interest to continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is granted.

LeRoy F. Foreman
Administrative Judge