



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



In the matter of:

ISCR Case No. 15-02693

Applicant for Security Clearance

Appearances

For Government: Aubrey De Angelis, Esq., Department Counsel
For Applicant: Jim Green, Esq.

August 22, 2016

Decision

GOLDSTEIN, Jennifer I., Administrative Judge:

Applicant has a history of financial delinquencies and excessive alcohol consumption. He presented sufficient evidence to mitigate both the financial consideration and alcohol consumption security concerns. Eligibility for access to classified information is granted.

Statement of the Case

On January 11, 2013, Applicant submitted an Electronic Questionnaires for Investigations Processing (e-QIP). On December 4, 2015, the Department of Defense issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, Financial Considerations and Guideline G, Alcohol Consumption. The action was taken under Executive Order (EO) 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) effective September 1, 2006.

Applicant answered the SOR on January 4, 2016 (Answer), and requested a hearing before an administrative judge. The case was assigned to me on March 28, 2016. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on April 1, 2016, scheduling the hearing for May 11, 2016. The hearing was held as scheduled.

The Government offered Hearing Exhibit (HE) I, and Exhibits (GE) 1 through 7, which were admitted without objection. Applicant offered Exhibits (AE) A through F, which were admitted without objection. Applicant testified on his own behalf and called two witnesses. The record was left open until May 16, 2016, for Applicant to submit additional exhibits. Applicant requested an extension until May 31, 2016, and it was granted. On May 31, 2016, Applicant presented three additional exhibits, marked AE G through AE I. Department Counsel had no objections, and AE G through AE I were admitted. DOHA received the transcript of the hearing (Tr.) on May 25, 2016.

Procedural and Evidentiary Ruling

Administrative Notice

On August 9, 2016, I forwarded both counsel a document from the National Institute of Health offering a comparison between different versions of the Diagnostic and Statistical Manual (DSM), and proposed to take Administrative Notice of the matters contained therein. Neither party had any objection to my taking administrative notice of the information in this document. The document and the emails stating there are no objections are marked collectively as Hearing Exhibit (HE) II. DSM-IV and DSM-V differ in the definitions of conditions involving alcohol disorders. Specifically, I am taking notice that: DSM-IV described two distinct disorders: "alcohol abuse" and "alcohol dependence," with specific criteria for each. DSM-V, the most recent version of the DSM, integrates the two DSM-IV disorders into a single disorder called "alcohol use disorder," as discussed below.

Findings of Fact

Applicant is 43 years old. He has been employed with a Government contractor since November 2011. He served in the Marine Corps from August 1991 to August 2011 and achieved the rank of major. He retired with an honorable discharge. He held a security clearance for 21 years, without violations. He has been married twice. The first marriage was from 1991 to 2011. He married his current wife in 2012. He has three adult children from his first marriage and two stepdaughters from his second marriage. (GE 1; Tr. 22, 27-29, 94.)

Applicant deployed multiple times during his Marine Corps service. From March 2002 to August 2002, he participated in "Operation Iraqi/Enduring Freedom." (AE I.) He also deployed to Iraq twice, from August 2005 to February 2006 and from October 2006 to September 2007. During his service, among his many decorations, he received: the Bronze Star Medal; the Navy and Marine Corps Commendation Medal (twice); the Navy and Marine Corps Achievement Medal; the Combat Action Ribbon (Iraq); two Marine

Corps Good Conduct Medals; the National Defense Service Medal; the Iraq Campaign Medal (with 2 stars); two Sea Service Deployment Ribbons; the Global War on Terrorism Medal; and the Global War on Terrorism Expeditionary Medal .(AE I; Tr. 22-26, 31.)

Financial Considerations

The Government alleged that Applicant is ineligible for a clearance, in part because he has made financial decisions that indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which raise questions about his reliability, trustworthiness and ability to protect classified information. The SOR alleged that Applicant was delinquent in payments to three creditors, totaling \$13,391. In his Answer, Applicant admitted SOR subparagraphs 2.a and 2.b. He denied SOR subparagraph 2.c, because he claimed to have paid it. Applicant's delinquencies were listed in credit reports dated January 18, 2013; March 3, 2015; and October 19, 2015. (GE 5; GE 6; GE 7.)

Applicant attributes his financial problems to his ex-wife opening up accounts in his name while he was deployed. He explained that she had a special power-of-attorney and misused it to open up accounts in his name. He believes the delinquency notices were sent directly to his ex-wife's address. He was not aware of these debts until approximately 2013, when he was told of them by an investigator who interviewed him for his security clearance renewal. (GE 2; Tr. 38-39, 72-79.)

Applicant presented a letter from a credit repair service, dated May 10, 2016, which indicated that Applicant had retained the repair service to resolve erroneous and inaccurate information in his credit files. The letter noted Applicant "has been working very hard over the last 8 months following a budget and also paying down debt." (AE E.)

Applicant admitted that he was indebted on a delinquent credit card in the amount of \$9,802, as alleged in SOR ¶ 2.a. (Answer; Tr. 72-74.) This debt has been delinquent since 2011. (GE 5.) He testified that his ex-wife opened this joint account prior to their divorce. He credibly claimed he contacted the original creditor to repay the debt, but was told it had been sold to a collection company. He could not locate the collection company. He hired the credit repair company to handle this and other debts. He is willing to repay this debt and has the funds to do so, once the credit repair service locates the creditor. (AE H; Tr. 39-40, 72-74.)

Applicant admitted that he was indebted on a delinquent credit card in the amount of \$3,296, as alleged in SOR ¶ 2.b. (Answer.) This debt had been delinquent since 2011. (GE 5.) He testified that he did not open this account. (Tr. 41, 74-75.) He credibly testified that the credit repair company was managing this debt and that it subsequently had been removed from his current credit report. (Tr. 41; AE H.)

Applicant denied that he was indebted on a delinquent cable bill in the amount of \$293, as alleged in SOR ¶ 2.c. (Answer.) This debt has been delinquent since at least 2012. (GE 5.) He claimed to have paid this debt. (Tr. 41.) He presented a letter from a

collection agent for this creditor indicating that account had a \$0 balance due and the entry would be deleted from his credit report. (AE F.) It is resolved.

Applicant's budget reflects that he and his wife have monthly expenses of \$5,501 and a gross monthly income of \$20,100.75. He calculated they have a monthly excess of \$14,349.30. (AE D; Tr. 42-43.) He testified that he now has the ability to resolve his debts, and has settled numerous accounts that became delinquent during the course of his prior marriage. His May 2016 credit report reflects nine debts that were previously delinquent and have since been resolved including: a \$409 debt settled for less than the amount due; a \$400 debt paid after charge off; a \$8,305 debt, which he brought current; a \$3,191 debt now resolved with a \$0 balance; and five student loans that has been resolved. He has no new delinquencies. (AE H; Tr. 42-42, 79-80.)

Alcohol Consumption

The Government alleged that Applicant is ineligible for a clearance due to his alcohol consumption, treatment for alcohol dependency, and alcohol consumption after treatment. Applicant admitted SOR allegations 1.a, 1.b, and 1.c. (Answer.)

Applicant has consumed alcohol from age 16 to present. His alcohol use caused his 1997 arrest and conviction for driving while having a blood alcohol level of 0.10 or more. (DUI) He later had this record expunged. (GE 2; Tr. 43-46.) Applicant had no other alcohol related incidents until approximately 2006 or 2007. (Tr. 43-46.)

Applicant's medical records reflect that his sister held an intervention on 2006 as a result of Applicant's alcohol use. It also reflects, "the patient reports previous psychiatric treatments and counseling for depression, anxiety, PTSD, and alcohol abuse since 2006 when his medical officer referred him for an evaluation of his alcohol abuse." In 2006 Applicant was diagnosed with Depressive Disorder (NOS). In testimony, Applicant denied alcohol treatment or an intervention in 2006, and asserted the date was a typographical error. (GE 3; GE 4; Tr. 61-62.)

Applicant testified that after his final deployment to Iraq in 2007, he began to suffer from post-traumatic stress disorder (PTSD). (Tr. 31-32.) He attended a four-day PTSD clinic in 2007. (GE 3.) However, his condition worsened. The only way Applicant was able to sleep was to self-medicate with alcohol. He admitted he consumed up to a fifth of liquor five to six times per week. He reported that alcohol caused problems in his former marriage. (Tr. 31-32, 46-49.)

In 2009 Applicant sought help for his excessive alcohol consumption from his command. He was referred to the Substance Abuse Rehabilitation Program (SARP). He was admitted into an inpatient psychiatry ward from June 1, 2009, to June 12, 2009, for "depression, possible PTSD symptoms and alcohol abuse." (GE 3; Tr. 48.) While in inpatient care, he was transferred to the internal medicine ward for two days for treatment of his withdrawal symptoms from alcohol. His June 2009 Medical records indicate:

The patient met 5 of 7 DSM-IV criteria for Alcohol Dependence as evidenced by:

Tolerance: The patient reported that he has gone from ½ 5th of liquor every weekend to ¾ 5th to a full 5th daily for the same effect.

Withdrawal: The patient reported that he has had sleep problems, increased anxiety, loss of appetite and irritation after not drinking for a few days.

Unsuccessful Efforts to Control Use: The patient reported that he has attempted to cut back and control use several time[s] even relapsed after inpatient treatment.

Loss of Control Uses More Than Intended: The patient reported that he has consumed more alcohol th[a]n he intended every time he drinks.

Uses Knowing It Causes or Exacerbates Other Problems: The patient reported that he has long history of problems with alcohol and continues to drink including marital, health and with his family. (GE 4.)

Applicant completed a five-week residential treatment program from June 17, 2009, to July 14, 2009. His final diagnosis was: Alcohol Dependence; Depressive Disorder; PTSD; and Nicotine Dependence. (GE 3; GE 4.) His prognosis at that time was considered fair. (GE 3; GE 4.) He was placed in a continuing care program.

Applicant relapsed on four separate occasions from October through November 2009, while attending the continuing care program. He was subsequently referred to an intensive outpatient program from January 11, 2010, through January 29, 2010, and continued care through August 2010. Applicant continued to receive treatment for PTSD through August 2011. (GE 4; Tr. 58-66.)

Applicant admitted that he only abstained from the use of alcohol for approximately six months during his alcohol related treatment. He testified that he was never advised he should permanently abstain from alcohol use. He believed his excessive alcohol consumption was directly related to his PTSD. Once he entered counseling, and broke his dependence on alcohol as a tool to self-medicate his PTSD, he felt no need to consume alcohol to excess. (Tr. 67-69.)

Applicant continues to consume alcohol, infrequently. His alcohol consumption is typically limited to a beer or two at social events two to three times per month. He does not drink to the point of impairment. The most alcohol he has consumed since treatment was four beers over a three hour period in October 2015. While he believes he was intoxicated on that occasion in the legal sense, he did not feel impaired. After the death of his mother, he resumed treatment for PTSD in early 2015 with a psychologist on a weekly basis, and a psychiatrist once per month. (GE 2; AE A; AE G; Tr. 36-38, 85-93.)

Applicant's current treating psychologist for PTSD is not a specialist in addiction, and as a result referred Applicant to an outside clinic for a substance abuse evaluation when Applicant asked for a diagnosis regarding his current use of alcohol. On April 29, 2016, Applicant underwent several psychological tests, administered by a state licensed psychologist working at a substance abuse treatment center. The psychologist prepared a report, dated May 3, 2016, which was submitted to Applicant. (AE A.) At hearing, Applicant disclosed that the psychologist who wrote the report in AE A did not have access to Applicant's medical records in GE 3 and GE 4. As a result, Applicant submitted AE G as a post-hearing exhibit. AE G is a second report from the psychologist dated May 25, 2016, which revised the findings in AE A after reviewing GE 3 and GE 4. The additional material added after review of GE 3 and GE 4 was italicized. AE G concludes:

On the basis of a clinical interview and psychological tests [Applicant] does not merit a current diagnosis of Alcohol Use Disorder. He transitioned from previous substantial alcohol problems (from about 2007 to 2009) to no current problems since then, even though he currently engages in moderate drinking. This transition is entirely plausible because he has substantially addressed the underlying cause of his drinking problems, PTSD.

The collateral information described above was received after the original report was sent out on May 4, 2016. Upon reviewing the collateral information, our conclusion remains the same. Alcohol Use Disorder is merited when one meets specific criteria to a specific degree. We have no significant evidence to suggest that he currently meets these criteria.

[Applicant] does not view addiction as a disease but rather as a choice. In his case, as he understood it, drinking was chosen as a method for coping with psychological problems. Individuals can overcome problematic addictive behavior starting from either the disease or the choice perspective. No scientifically established approach to treatment requires either perspective. Although the disease perspective is commonly adopted along with the 12-step perspective, they do not necessarily need to go together. (AE G.)

The report further indicated Applicant has a favorable prognosis, given that his approach appears to have been working for the past five years. (GE G.)

The American Psychiatric Association Committee on Nomenclature and Statistics have published five editions which have "aimed to improve clinician's ability to understand and diagnose a wide range of conditions." (HE II.) One condition included in the DSM relates to alcohol use. In May 2013 DSM-V was published, which changed the way alcohol disorders were previously diagnosed. The previous version, DSM-IV, described two distinct disorders: alcohol abuse and alcohol dependence. DSM-V integrates alcohol abuse and alcohol dependence into a single disorder called alcohol use disorder (AUD) with mild, moderate, and severe sub-classifications. Under DSM-V,

the presence of at least two symptoms, itemized as eleven separate elements, would indicate AUD. (HE II.) The DSM-V states that in order for a person to be diagnosed with a disorder due to a substance, they must display two of the following eleven symptoms within 12-months, as summarized below:

- Alcohol is often taken in larger amounts or over a longer period than was intended.
- There is a persistent desire or unsuccessful efforts to cut down or control alcohol use.
- A great deal of time is spent in activities necessary to obtain alcohol, use alcohol, or recover from its effects.
- Craving or strong desire or urge to use alcohol.
- Recurrent alcohol use results in a failure to fulfill major role obligations at home, work, or school.
- Continued alcohol use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol
- Important social, occupational, or recreational activities are given up or reduced because of alcohol use.
- Recurrent alcohol use in situations in which it is physically hazardous.
- Alcohol use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by alcohol.
- Tolerance.
- Withdrawal. (HE II.)

Applicant was found to have not met any of these enumerated criteria during the preceding 12 months in 2016. (AE G.)

Mitigation

Applicant had two witnesses testify on his behalf: a co-worker and Applicant's wife. Applicant's co-worker testified that Applicant is a "pure leader" and "maxes the scale" when it comes to integrity and honesty. (Tr. 100-109.) Applicant's wife testified that Applicant has worked hard to repair his credit. She noted that they are social drinkers and there is never hard alcohol in their home. She also noted that at some social occasions, Applicant elects not to consume any alcohol. (Tr. 110-121.) Applicant also presented two letters of recommendation. The first, authored by a subordinate, noted Applicant's "character, resolve and steady professional demeanor sets standards worthy of emulation by his peers, supervisors and subordinates alike." (AE B.) The second, authored by Applicant's former commanding officer during a deployment, indicated: "It quickly became clear that [Applicant's] professionalism and moral convictions were what drove his actions and this was so whether we were in the middle of combat operations or we were back at base conducting garrison activities. [Applicant] is steadfast and his judgment is sound." (AE C.)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2(a) describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel." The applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. 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 as to potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See also EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F, Financial Considerations

The security concern for Financial Considerations is set out in AG ¶ 18:

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.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. Two are potentially applicable in this case:

- (a) inability or unwillingness to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant's financial problems, identified in SOR ¶¶ 2.a through 2.c, demonstrate that Applicant failed to address his financial obligations in a responsible manner since 2011. The above disqualifying conditions apply.

Three Financial Considerations mitigating conditions under AG ¶ 20 are applicable:

- (a) 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;
- (b) 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; and
- (c) 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.

The Appeals Board has noted:

. . . an applicant is not required to be debt-free nor to develop a plan for paying off all debts immediately or simultaneously. All that is required is

that an applicant act responsibly given his circumstances and develop a reasonable plan for repayment, accompanied by “concomitant conduct,” that is, actions which evidence a serious intent to effectuate the plan.¹

SOR ¶ 2.c was resolved in good faith, to the satisfaction of the creditor, who removed the negative entry from Applicant’s credit report and reported a \$0 balance. Applicant’s financial delinquencies in SOR ¶¶ 2.a and 2.b, extend from 2011 and remain unresolved, but are being addressed in good faith, as part of a lengthy process to clean up Applicant’s credit. He took reasonable and responsible action by hiring a credit repair service, prior to receiving the SOR, which has engaged all of his creditors after Applicant could not ascertain who held the accounts for repayment. His recent credit report reflects a track record of repaying delinquent accounts with the help of his credit repair service. Additionally, he has sufficient funds to resolve these two remaining debts. Since hiring the credit repair service in 2015, he has demonstrated good judgment in addressing his debts. There are clear indications that he is addressing his delinquencies and will continue to do so until they are fully resolved. Future delinquencies are unlikely to occur. Applicant’s financial history does not cast doubt on his current reliability, trustworthiness, or good judgment. AG ¶¶ 20(a), 20(b), 20(c) provide mitigation.

Guideline G, Alcohol Consumption

AG ¶ 21 expresses the security concern pertaining to alcohol consumption:

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.

AG ¶ 22 describes conditions that could raise a security concern and may be disqualifying. The disqualifying conditions raised by the evidence are:

- (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;
- (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;
- (d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence; and

¹ ISCR Case No. 08-06567 at 3 (App. Bd. Dec. October 29, 2009.)

(f) relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program.

Applicant was convicted of a DUI in 1997, after he consumed alcohol to the point of impaired judgment and drove his vehicle. His alcohol consumption reached a dangerous level in 2007, after returning from a combat zone. He suffered from PTSD and consumed alcohol to self-medicate his psychological issues. His marriage suffered due to his excessive alcohol use. Eventually, Applicant sought treatment and was diagnosed as alcohol dependent, under the DSM-IV criteria that were valid at that time. While in treatment he relapsed four times. Sufficient evidence was presented to raise security concerns under AG ¶¶ 22(a), 22(c), 22(d) and 22(f).

AG ¶ 23 provides conditions that could mitigate alcohol consumption security concerns. The following mitigating condition fully applies:

(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;

In the instant case, Applicant was found, on the basis of a clinical interview and psychological tests, to not merit a current diagnosis of Alcohol Use Disorder, despite his previous diagnosis of alcohol dependence under DSM-IV.² As the psychologist who drafted the psychological report pointed out, it has been five years since Applicant experienced any of the criteria used to identify AUD. His excessive alcohol use occurred as a result of his self-medicating for PTSD. Once he addressed the underlying PTSD, Applicant has been able to consume alcohol in moderation, without incident. His current level of alcohol consumption not does cast doubt on his current reliability, trustworthiness, or good judgment.

Whole-Person Concept

Under the whole-person concept, the 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. The 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

² The diagnosis and treatment of psychological conditions is an evolving science, as is further evidenced by the analysis of sexual preference and sexual identity issues in succeeding editions of the DSM. This decision is based on the most current science as it relates to AUD.

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 considered the potentially disqualifying and mitigating conditions in light of all relevant facts and circumstances surrounding this case. I have incorporated my comments under Guidelines F and G in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

According to the substance abuse evaluation in evidence, two schools of thought exist with respect to AUD. The traditional 12-step perspective approaches AUD as a disease that can only be overcome by total abstinence, as do the mitigating conditions requiring abstinence from those diagnosed as alcohol dependent. However, the science with respect to alcohol disorders has changed since the Directive was last updated. The other school of thought involves addiction as a choice. The new DSM-V takes into account only the preceding 12-month history in its criteria to determine AUD. In this case, excessive alcohol consumption was the chosen method for Applicant to cope with his PTSD from about 2007 to 2009. According to the psychological report, he has overcome his problematic addictive behavior. Applicant no longer engages in excessive alcohol consumption that could lead him to exercise questionable judgment, which is the true concern under the Directive.

Applicant honorably served in the Marines and successfully held a security clearance for many years. He has developed a plan to resolve his delinquent debts through the debt resolution company, and has established a track record of repayment. He is of unquestionable integrity and loyalty to the United States, having served in combat zones on multiple deployments. As a result, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude Applicant has mitigated the Financial Considerations and Alcohol Consumption security concerns.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline G:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant

Paragraph 2, Guideline F:

FOR APPLICANT

Subparagraph 2.a:

For Applicant

Subparagraph 2.b:

For Applicant

Subparagraph 2.c:

For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is granted.

Jennifer I. Goldstein
Administrative Judge