



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 14-03109

Appearances

For Government: Pamela Benson, Esq., Department Counsel
For Applicant: *Pro se*

09/29/2015

Decision

HARVEY, Mark, Administrative Judge:

Applicant’s alcohol-related conduct from 1982 to April 2013 resulted in police involvement five times. In 2008, he was diagnosed as alcohol dependent. He continued to consume alcohol as recently as two weeks before his hearing. Criminal conduct security concerns are mitigated; however, alcohol consumption security concerns are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On January 9, 2013, Applicant submitted an Electronic Questionnaires for Investigations Processing (e-QIP) version of a security clearance application (SF 86). (GE 1) On March 5, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant, pursuant to Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended; and the adjudicative guidelines (AG), which became effective on September 1, 2006.

The SOR and amended SOR alleged security concerns under Guidelines G (alcohol consumption) and J (criminal conduct). (HE 2) The SOR and amended SOR

detailed reasons why DOD could not make the affirmative finding under the Directive that it is clearly consistent with national security to continue a security clearance for Applicant and recommended referral to an administrative judge to determine whether Applicant's clearance should be continued or revoked. (HE 2)

On April 2, 2014, Applicant responded to the SOR, and on July 6, 2015, he responded to the amended SOR. (HE 3) On July 27, 2015, Department Counsel was prepared to proceed. On July 30, 2015, the Defense Office of Hearings and Appeals (DOHA) assigned the case to me. On August 28, 2015, DOHA issued a notice of the hearing, setting the hearing for September 14, 2015. (HE 1) Applicant waived his right to 15 days of notice of the date, time, and location of his hearing. (Transcript (Tr.) 15-16) The hearing was held as scheduled. During Applicant's video teleconference hearing, the video portion stopped working. (Tr. 35) Applicant elected to continue the proceeding as a teleconference without video. (Tr. 35-36) Department Counsel offered three exhibits into evidence, and Applicant offered seven exhibits into evidence. (Tr. 18-20, 33-34; GE 1-3; AE A-G) There were no objections, and I admitted all proffered exhibits into evidence. (Tr. 20, 33-34; GE 1-3; AE A-G) On September 22, 2015, I received the transcript of the hearing.

Findings of Fact¹

In Applicant's SOR responses, he admitted the allegations in amended SOR ¶ 1.e and SOR ¶ 1.h. Applicant made some other admissions about some of the other SOR allegations, and he provided clarifying comments and extenuating and mitigating information. Applicant's admissions are accepted as findings of fact.

Applicant is a 60-year-old employee of a large DOD contractor, who has provided program manager services for his employer since 2007. (Tr. 6, 9, 36-37; GE 1) His current annual salary is \$185,000. (Tr. 37) He does not believe his job responsibilities will change if his security clearance is revoked. (Tr. 37-38) He has worked for the same DOD contractor since 1990. (Tr. 9, 35, 39)

In 1972, Applicant graduated from high school, and in 1987, he received a bachelor's of science degree in electrical engineering. (Tr. 8) He served in the Navy from 1975 to 1981. (Tr. 9, 39) He left active duty as a petty officer first class, and he received an honorable discharge. (Tr. 9) He served in the Navy Active Reserve from 1984 to 1987. (Tr. 39; GE 1) In 1976, he married, and in 1986, he divorced. (Tr. 40) In 1991, he married his spouse. (Tr. 39-40) His children are ages 12, 14, and 30. (Tr. 40) He has held a security clearance for more than 35 years. There is no evidence of security violations, use of illegal drugs, or criminal offenses aside from his arrests for driving under the influence of alcohol (DUI).

¹Some details have not been included in order to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

Alcohol Consumption

Applicant was counseled about alcohol consumption while he was in the Navy. (Tr. 42) He attended a brief Navy alcohol-awareness class. (Tr. 43)

In February 1982, Applicant was arrested for DUI. (SOR response ¶¶ 1.g and 2.a) His breathalyzer result was .10 percent. (Tr. 44) The charge was reduced to reckless driving, and he received a \$75 fine and court costs of \$20. (Tr. 43-45; SOR ¶¶ 1.g and 2.a) He attended an alcohol education class. (Tr. 44)

In April 1984, Applicant was arrested for drunk in public. (Tr. 45-46; SOR response ¶¶ 1.f and 2.a) He was fined \$30. (SOR response ¶ 1.f and 2.a)

In August 1987, Applicant was arrested and charged with DUI. (Amended SOR ¶ 1.e) Applicant said he was not aware of the breathalyzer test results. (Tr. 79) He pleaded guilty to DUI; the court imposed a fine; and his driver's license was suspended for one year. (Tr. 47; Amended SOR ¶ 1.e)

In November 2008, Applicant received treatment from an alcohol-treatment center. (SOR ¶ 1.b) SOR ¶ 1.b alleges Applicant was diagnosed as alcohol dependent. Applicant said he did not recall seeing that diagnosis on any documentation from the alcohol-treatment center. (Tr. 77) The alcohol-treatment center's records indicated he was diagnosed as alcohol dependent; however, the record did not include the qualifications of the person who made the diagnosis. (Tr. 77, 79)² He consumed sufficient alcohol to pass out. (Tr. 52) His spouse urged him to seek help with his alcohol consumption, and Applicant elected to seek inpatient alcohol treatment in November 2008. (Tr. 52, 55, 58) He received 20 days of treatment. (Tr. 53) Applicant said he did not understand what it meant to be labeled as "alcohol dependent." (Tr. 53) He did not believe he was addicted to alcohol. (Tr. 54) He acknowledged he is a "binge" drinker; however, he is able to refrain from alcohol consumption for several days or much longer. (Tr. 54) He conceded he was an alcoholic. (Tr. 55-56) About half the time when he drank alcohol, he consumed alcohol until he was legally intoxicated; however, he was rarely sufficiently intoxicated to be incoherent. (Tr. 60)

In April 2011, Applicant was arrested and charged with DUI. (Tr. 61-63, 69; SOR ¶¶ 1.d and 2.a) He had been drinking alcohol earlier in the day. (Tr. 61) His breathalyzer result was .10 percent "or something like that." (Tr. 62) He was found guilty of reckless driving, fined \$450, assessed court costs of \$105, sentenced to 180 days in jail, and his driver's license was suspended for 90 days. (Tr. 62-63; SOR response ¶¶ 1.d and 2.a) He attended an "alcoholic intervention program." (Tr. 63)

²In Applicant's SOR response he said, "The diagnosis of Alcohol Dependent was a clinical label that was not arguable as it was based on the evaluator's subjective assessment of wide ranging criteria that could easily [have] been assigned to a person in the program." He concluded his SOR response with a description of his efforts to "control my alcohol dependence," and he emphasized his "stellar, trustworthy performance" on duty.

Applicant has been attending Alcoholics Anonymous (AA) meetings sporadically for 14 years. In about 2012, he increased his attendance at AA meetings to six times a week. (Tr. 64-70) He was able to get to “probably [step] three” in the AA 12-step program. (Tr. 66) Over the last six months, he has attended AA meetings “a couple of times a week, something like that.” (Tr. 70)

Applicant’s January 9, 2013 SF 86 asked whether in the previous seven years he had been charged, convicted, or sentenced for a crime in any court? Applicant responded that he was involved in a reckless driving offense in April 2010, which resulted in his arrest and conviction. In June 2010, he was involved in another reckless driving offense. He was found guilty of a misdemeanor; his driver’s license was limited for 90 days; and he went to a weekend alcohol-awareness program. Applicant answered “No” to the question asking, “Have you EVER been charged with an offense involving alcohol or drugs?”. Applicant disclosed his alcohol-related treatment in 2008, noting he was “[d]rinking too much that it was [a]ffecting my health” and his “[w]ife was concerned.” Applicant explained that he did not list his other alcohol-related arrests because he thought the information sought was limited to the previous seven years, and he meant to indicate the reckless driving offense was in 2011 and not in 2010. (Tr. 47-49) Applicant’s 2006 SF 86 contained the same failure to disclose his alcohol-related arrests in the 1980s. (Tr. 49)³

In March 2013, Applicant was intoxicated, and there was a firearm he purchased in his residence. (SOR ¶ 1.h) Applicant gave the firearm to his spouse, and she took it outside and placed it in their vehicle. (Tr. 84-86) Applicant’s spouse called the police because she was concerned about safety issues, and Applicant was taken to a mental health facility, where he was an inpatient for two weeks. (Tr. 84-86; SOR ¶ 1.h) When the police arrived, Applicant’s spouse provided the firearm to the police. (Tr. 78, 84-85) Applicant did not believe he was arrested in 2013. (Tr. 78)

Applicant said he was not aware of any other alcohol-related arrests in addition to those listed on his SOR. (Tr. 72) Applicant drank four beers two weeks before his hearing while he was on a golf outing. (Tr. 71, 87)

³Applicant’s SOR does not allege that he intentionally failed to provide accurate information about his history of alcohol-related arrests and charges on his SF 86. In ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006), the Appeal Board listed five circumstances in which conduct not alleged in an SOR may be considered stating:

- (a) to assess an applicant’s credibility; (b) to evaluate an applicant’s evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole person analysis under Directive Section 6.3.

Id. (citing ISCR Case No. 02-07218 at 3 (App. Bd. Mar. 15, 2004); ISCR Case No. 00-0633 at 3 (App. Bd. Oct. 24, 2003)). Applicant’s statements on his 2006 and 2013 SF 86s denying alcohol-related charges will not be considered for any purpose because of the absence of sufficient notice and opportunity to explain his responses on his 2006 and 2013 SF 86s.

Character evidence

Applicant has supported cub scouts and a boy scout troop for several years. (Tr. 26; AE E, G) He actively volunteers in his church, and he has made important contributions to several church entities. (Tr. 27-28; SOR response) Since 2012, he has been involved in youth sports. In 2014, he was an assistant coach, and 2015, he coached two teams. (Tr. 28; AE F)

Applicant has received exceptional evaluations from his employer for at least eight years. (AE A-D; SOR response) He has made important contributions to mission accomplishment. (AE A-D)

Applicant's spouse has been an active duty commissioned officer for more than 20 years. (Tr. 80) She is a senior officer with important responsibilities. (Tr. 80) She considers her husband to be trustworthy and responsible. (Tr. 81)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no 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 applicant's 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 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. 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 "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, nothing in this Decision should be construed to suggest that I have based this decision, in whole or in part, on any determination about applicant's allegiance, loyalty,

or patriotism. 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. 95-0611 at 2 (App. Bd. May 2, 1996).

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 [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[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

Alcohol Consumption

AG ¶ 21 articulates the Government’s concern about alcohol consumption, “[e]xcessive 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.”

Seven Alcohol Consumption disqualifying conditions could raise a security concern and may be disqualifying in this case. AG ¶¶ 22(a) - 22(g) provide:

- (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;

- (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;

- (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;

(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;

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

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

AG ¶¶ 22(b), 22(c), and 22(f) apply. Applicant had five alcohol-related incidents involving either the police or courts or both. Applicant engaged in binge-alcohol consumption to the extent of impaired judgment.⁴ In 2008, he received inpatient alcohol-related treatment, was diagnosed as alcohol dependent,⁵ he had a DUI/reckless driving arrest in 2011, and an alcohol-related incident involving the police in 2013.

⁴Although the term “binge” drinking is not defined in the Directive, the generally accepted definition of binge drinking for males is the consumption of five or more drinks in about two hours. The definition of binge drinking was approved by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) National Advisory Council in February 2004. See U.S. Dept. of Health and Human Services, NIAAA Newsletter 3 (Winter 2004 No. 3), <http://www.pubs.niaaa.nih.gov/publications/Newsletter/winter2004/NewsletterNumber3.pdf>.

⁵The well-respected psychiatric reference, *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Text Revision (DSM-IV-TR). Washington, DC, American Psychiatric Association, 2000, which was in effect at the time of Applicant’s diagnosis, has defined “alcohol dependence” to be a psychiatric condition that meets the following diagnostic criteria:

A maladaptive pattern of alcohol use, leading to clinically significant impairment or distress, as manifested by three (or more) of the following, occurring at any time in the same 12-month period:

(1) Tolerance, as defined by either of the following: (a) a need for markedly increased amounts of the alcohol to achieve intoxication or desired effect; or (b) markedly diminished effect with continued use of the same amount of the alcohol.

(2) Withdrawal, as manifested by either of the following: (a) the characteristic withdrawal syndrome from the alcohol; or (b) the same (or a closely related) alcohol is taken to relieve or avoid withdrawal symptoms.

(3) The alcohol is often taken in larger amounts or over a longer period than was intended.

(4) There is a persistent desire or unsuccessful efforts to cut down or control alcohol use.

Four Alcohol Consumption Mitigating Conditions under AG ¶¶ 23(a)-23(d) are potentially applicable:

(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;

(b) the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser);

(c) 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; and

(d) 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.

The Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), cert. denied, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for

(5) A great deal of time is spent in activities necessary to obtain the alcohol (e.g., visiting multiple doctors or driving long distances), using the alcohol, or recovering from its effects.

(6) Important social, occupational, or recreational activities are given up or reduced because of alcohol use.

(7) The 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 the alcohol (e.g., continued drinking despite recognition that an ulcer was made worse by alcohol consumption).

access to classified information will be resolved in favor of the national security.” Directive, Enclosure 2 ¶ 2(b).

ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

None of the mitigating conditions fully apply. Applicant has attended an alcohol rehabilitation or counseling program, and he is currently attending AA meetings. He continued to consume alcohol, and he drank four beers as recently as two weeks before his hearing. He has not provided “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.”

Security clearance cases are difficult to compare, especially under Guideline G, because the facts, degree, and timing of the alcohol abuse and rehabilitation show many different permutations. The DOHA Appeal Board has determined in cases of substantial alcohol abuse that AG ¶ 23(b) did not mitigate security concerns unless there was a fairly lengthy period of abstaining from alcohol consumption. See ISCR Case No. 06-17541 at 3-5 (App. Bd. Jan. 14, 2008); ISCR Case No. 06-08708 at 5-7 (App. Bd. Dec. 17, 2007); ISCR Case No. 04-10799 at 2-4 (App. Bd. Nov. 9, 2007). For example, in ISCR Case No. 05-16753 at 2-3 (App. Bd. Aug. 2, 2007) the Appeal Board reversed the administrative judge’s grant of a clearance and noted, “That Applicant continued to drink even after his second alcohol related arrest vitiates the Judge’s application of MC 3.”

In ISCR Case No. 05-10019 at 3-4 (App. Bd. Jun. 21, 2007), the Appeal Board reversed an administrative judge’s grant of a clearance to an applicant (AB) where AB had several alcohol-related legal problems. However, AB’s most recent DUI was in 2000, six years before an administrative judge decided AB’s case. AB had reduced his alcohol consumption, but still drank alcohol to intoxication, and sometimes drank alcohol (not to intoxication) before driving. The Appeal Board determined that AB’s continued alcohol consumption was not responsible, and the grant of AB’s clearance was arbitrary and capricious. See *also* ISCR Case No. 04-12916 at 2-6 (App. Bd. Mar. 21, 2007) (involving case with most recent alcohol-related incident three years before hearing, and reversing administrative judge’s grant of a clearance).

After careful consideration of the Appeal Board’s jurisprudence on alcohol consumption, I have doubts about Applicant’s continued alcohol consumption because alcohol-related incidents involving the police and courts are likely to recur. His continued alcohol consumption, as shown by his consumption of four beers two weeks before his hearing, casts doubt Applicant’s current reliability, trustworthiness, and good judgment. Alcohol consumption concerns are not mitigated.

Criminal Conduct

AG ¶ 30 expresses the security concern pertaining to criminal conduct, “Criminal activity creates doubt about a person’s judgment, reliability, and trustworthiness. By its

very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.”

AG ¶ 31 describes two conditions that could raise a security concern and may be disqualifying in this case, “(a) a single serious crime or multiple lesser offenses,” and “(c) allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted.”

AG ¶¶ 31(a) and 31(c) apply. Applicant was arrested, charged, and convicted of DUI in 1987. His other two DUI arrests resulted in convictions for reckless driving which may be criminal offenses. His drunk in public offense may also constitute a crime under state law. In any event, these four alcohol-related offenses are not felonies.

AG ¶ 32 provides four conditions that could potentially mitigate security concerns:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(b) the person was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) evidence that the person did not commit the offense; and

(d) there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.

AG ¶ 32(a) applies. Applicant has stopped driving after becoming intoxicated. His most recent DUI resulting in a conviction was in 1987, and his most recent DUI arrest was in 2011. He is not likely to commit another DUI. Moreover, all of his involvement with law enforcement has been directly related to his alcohol consumption, and security concerns are best addressed in this instance under the alcohol consumption guideline. The absence of any criminal conduct over the last four years is sufficient to mitigate criminal conduct security concerns.

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 the 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 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 J in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

There is some evidence supporting continuation of Applicant's access to classified information. Applicant is 60-year-old employee of a large DOD contractor, who has provided program manager services for his employer since 2007. He has worked for the same DOD contractor since 1990. In 1987, he received a bachelor's of science degree in electrical engineering. He honorably served in the Navy from 1975 to 1981, and he left active duty as a petty officer first class. Applicant has supported cub scouts, a boy scout troop, and youth sports for several years. He actively volunteers in his church, and he has made important contributions to several church entities. Applicant is an intelligent person, who has an outstanding record working for a DOD contractor. He has received exceptional evaluations from his employer for at least eight years, and he has made important contributions to accomplishment of his employer's mission. His spouse, an active duty commissioned officer for more than 20 years, considers Applicant to be trustworthy and responsible. He has held a security clearance for more than 35 years. There is no evidence of security violations, use of illegal drugs, or criminal offenses aside from his alcohol-related arrests.

The evidence supporting denial of Applicant's clearance is more substantial than the evidence supporting approval of his security clearance. Applicant's alcohol-related conduct from 1982 to April 2013 resulted in police involvement five times. He was diagnosed as alcohol dependent in 2008. He relapsed after receiving alcohol-related inpatient treatment. He continued to consume alcohol as recently as two weeks before his hearing. Excessive alcohol consumption followed by driving a motor vehicle shows a lack of judgment, rehabilitation, and impulse control and may result in a reckless driving or DUI conviction. There is no favorable medical diagnosis, evaluation, or prognosis of his 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 ¶ 21) Applicant's conduct leaves me with unresolved questions and doubts about his sincerity and determination to end his alcohol consumption.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and

circumstances in the context of the whole person. Criminal conduct security concerns are mitigated; however, alcohol consumption security concerns are not mitigated.

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 F:	AGAINST APPLICANT
Subparagraphs 1.a through 1.h:	Against Applicant
Paragraph 2, Guideline J:	FOR APPLICANT
Subparagraphs 2.a:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with national security to grant or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

Mark Harvey
Administrative Judge