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**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)
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Filing Date: November 6, 2013)
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Case No.: PSH-13-0120

Issued: February 18, 2014

Administrative Judge Decision

Steven L. Fine, Administrative Judge:

This Decision concerns the eligibility of XX X. XXX (hereinafter referred to as "the Individual") to maintain a security clearance under the regulations set forth at 10 C.F.R. Part 710, entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." For the reasons set forth below, I conclude that the Individual's security clearance should not be granted.

I. BACKGROUND

This administrative review proceeding began when a Local Security Office (LSO) issued a Notification Letter to the Individual. See 10 C.F.R. § 710.21. The letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning his eligibility for a security clearance. Specifically, the LSO stated that the Individual had been diagnosed by a psychiatrist with "a long history of physical altercations and dishonesty that make him unreliable and untrustworthy," and had also engaged in behavior (including a pattern of physical altercations and repeated failures to provide accurate and complete information to DOE Security Officials) which brought into question his honesty, reliability, and trustworthiness.

The Notification Letter further informed the Individual that he was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt regarding his eligibility for a security clearance. The Individual requested a hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter on November 12, 2013.

At the hearing I convened pursuant to 10 C.F.R. § 710.25(e) and (g), I took testimony from the Individual, his daughter, his union steward, his current supervisor, his former supervisor, three co-workers, a long-time friend, and a DOE Psychiatrist (the Psychiatrist). *See* Transcript of Hearing, Case No. PSH-13-0120 (hereinafter cited as “Tr.”). The LSO submitted 19 exhibits, marked as Exhibits 1 through 19. The Individual submitted no exhibits.

II. STANDARD OF REVIEW

The Administrative Judge's role in this proceeding is to evaluate the evidence presented by the agency and the Individual and to render a decision based on that evidence. *See* 10 C.F.R. § 710.27(a). The regulations state that “[t]he decision as to access authorization is a comprehensive, common-sense judgment, made after consideration of all relevant information, favorable and unfavorable, as to whether the granting or continuation of access authorization will not endanger the common defense and security and is clearly consistent with the national interest.” 10 C.F.R. § 710.7(a). I have considered the following factors in rendering this decision: the nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct, including knowledgeable participation; the frequency and recency of the conduct; the Individual's age and maturity at the time of the conduct; the voluntariness of the Individual's participation; the absence or presence of rehabilitation or reformation and other pertinent behavioral changes; the motivation for the conduct; the potential for pressure, coercion, exploitation, or duress; the likelihood of continuation or recurrence; and other relevant and material factors. *See* 10 C.F.R. §§ 710.7(c), 710.27(a). The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

III. FACTUAL BACKGROUND

The Individual was arrested, in 1981, for Driving While Intoxicated (DWI). Exhibit 14 at 9. On July 28, 2006, the Individual submitted a Questionnaire for National Security Positions (QNSP) with the LSO as part of his initial application for a DOE security clearance. QNSP Question 23.d asked the Individual: “Have you ever been charged with or convicted of any offense(s) related to alcohol or drugs?”¹ Exhibit 16 at 32-33. The Individual responded “no.” Exhibit 16 at 33.

On August 28, 2006, the Individual was evaluated by a DOE Psychologist (the Psychologist) pursuant to the DOE's Accelerated Access Authorization Program (AAAP), during which the Psychologist interviewed the Individual and administered the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) to the Individual. On August 30, 2006, the Psychologist issued a Psychological Evaluation Report in which he concluded: “The psychological evaluation data raise potential issues regarding the applicant's impulse control that may raise concerns regarding his judgment and reliability. It is also noteworthy that the applicant did not include on the [QNSP] a civil lawsuit alleging he used excessive use of force as a correctional officer as well as

¹ This was not the Individual's only significant omission from this QNSP. QNSP Question 27.c asked the Individual: “In the last 7 years, have you had a lien placed against your property for failing to pay taxes or other debts?” Exhibit 16 at 34-35. The Individual responded “no.” Exhibit 16 at 35. However, information in the record shows that the Individual had a tax lien against him released in 2005. Exhibit 19 at 106, 112. This further omission was not cited in the Summary of Security Concerns.

a DWI arrest when he was around 17 years of age.”² Exhibit 14 at 9. The Psychologist further noted that the MMPI-2’s validity scales suggested that the Individual “may have sacrificed frankness in responding to the MMPI-2 test items in an attempt to present an overly good self-impression.” Exhibit 14 at 8. The Individual was re-tested and the second test produced a marginally valid profile. *Id.* The Psychiatrist noted in his report that: “There were significant elevations on measure of disturbed thought processes, cynical attitudes, antisocial behavior, cynical/hostile behavior, social discomfort, and potential substance abuse problems.” Exhibit 14 at 8. The Psychologist also expressed concern about an April 2006 incident reported to him by the Individual. The Individual reported that his former supervisor, who the Individual alleged was having an affair with the Individual’s wife that began when the Individual was deployed in Iraq, allegedly made an obscene and insulting gesture to the Individual, who then followed the former supervisor to the former supervisor’s residence and “called him out” with the intent to “kick his ass.” Exhibit 14 at 9. However, the former supervisor refused to come out of his home and contacted the local police department (the Individual served as a reserve police officer with the local police force at the time of this incident). Exhibit 14 at 7-9. The Psychologist also noted that the Individual has been involved in fist-fights at a dance in the early 1990’s, and with a co-worker at his worksite in 1993 or 1994. Exhibit 14 at 2, 9. The Psychologist recommended that the LSO discontinue processing the Individual’s application for a security clearance under the AAAP. Exhibit 14 at 10.

On June 13, 2007, the LSO conducted a Personnel Security Interview (PSI) of the Individual. During this PSI, the Individual stated that he had attended a dance in the early 1990’s where a group of men, who had previously assaulted his brother, had “egged him on.” Exhibit 18 at 10. The Individual stated that a fight started when one of the men pushed him, although the Individual admitted throwing the first punch. Exhibit 18 at 13-15. When the Individual was asked about the workplace fist-fight, he stated that a young employee who “just didn’t like taking orders or whatever . . . just like rushed me and me and him got into it.”³ Exhibit 18 at 18. He claimed that he and the young employee had not talked at all on the day of the fight. Exhibit 18 at 19. The Individual reported that an inmate had filed a civil lawsuit against him alleging he used excessive force as a correctional officer. He claimed that this action was filed in Federal Court and was resolved when a Federal Judge had found him “not guilty.” Exhibit 18 at 25, 29. The Individual was granted a DOE security clearance on June 27, 2007. Exhibit 5 at 1.

On March 13, 2012, the Individual submitted a QNSP as part of a routine re-investigation of his eligibility for a security clearance. Section 22 of the QNSP asks: “Have you EVER been charged with an offense involving alcohol or drugs?” Exhibit 15 at 32 (emphasis in the original). The Individual responded in the negative despite his 1981 arrest for DWI. Exhibit 15 at 32. The Individual also failed to report the lawsuit filed against him by the inmate as a result of the incident that occurred in 1996 or 1997 despite the QNSP’s requirement that he report any civil actions filed against him in the previous ten years. Exhibit 15 at 38-39.

² When the Psychologist asked the Individual why he failed to report his DWI report in his July 28, 2006, QNSP, the Individual responded by stating that he thought the QNSP only required that he report those arrests that occurred during the past ten years. Exhibit 14 at 6.

³ The Individual further reported that as a result of this fight: “I ended up going to see the judge and I had explained to the judge what had happened and, uh, it was nothing that I remember, she just said, well just, I think it was like a reprimand.” Exhibit 18 at 22-23.

On April 29, 2012, the Individual allegedly grabbed a female co-worker's arm and caused her harm. An Individual Personnel Report, dated May 7, 2012, states that the Individual "admitted grabbing another employee's arm while she was operating a company vehicle. In doing so, [the Individual] caused injury to the other employee." Exhibit 12 at 1. As a result, the Individual's employer, a DOE contractor, terminated his employment for "Misconduct" on May 7, 2012. Exhibit 12 at 1. The Individual had held a DOE security clearance until his termination, and that clearance was terminated because he was no longer employed at a DOE facility. The Individual, who is represented by a union, challenged his termination pursuant to the provisions of a collective bargaining agreement. The Individual was apparently reinstated by order of a labor arbitrator who considered his case.

Because his security clearance had been terminated when he was terminated, the LSO required the Individual to reapply for his security clearance when he returned to work. As part of his re-investigation for a security clearance, the Individual was required to complete and submit a form entitled Standard Form 86 Certification (SF 86C), which is, in essence, a short-form QNSP. The Individual completed and submitted a SF 86C on February 14, 2013.⁴ Exhibit 13 at 2. The SF 86C required that the Individual update his most recent QNSP by reporting any changes in the information that the Individual had supplied. Accordingly, if the answers to any of the Questions in the Individual's March 13, 2012, QNSP had changed by February 13, 2013, the Individual was required to report that information in his February 14, 2013, SF 86C. Question 13 of the QNSP asked in pertinent part: "In the last seven (7) years have you received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the work place, such as a violation of security policy?" After the events of April and May of 2013, the appropriate answer to this question was "yes." However, the Individual answered "no."⁵ Exhibit 13 at 1.

On April 9, 2013, the LSO conducted a PSI of the Individual. During this PSI, the Individual was again questioned about the workplace fist-fight. The Individual stated that the other combatant had thrown rocks on the Individual's car on the day before the fight. Exhibit 17 at 9. The Individual further claimed that he had initially tried to discuss the matter with the other combatant and that their discussion had degenerated into a shoving match.⁶ Exhibit 17 at 10-17.

⁴ SF 86C provides the following instructions: "The following Questions correlate with your [QNSP]. If you report no change to a Question, place an 'X' in the No box. If there is a change, place an 'X' in the Yes box. All yes answers must be explained under . . . Explanations/Remarks." Exhibit 13 at 1. The Individual checked every box "no," including the box corresponding to Question 13, Employment activities. Exhibit 13 at 1.

⁵ This was not the Individual's only omission from the SF 86C form. During the April 9, 2013, PSI, the Individual also admitted that he owed approximately \$18,000 in back taxes to the Internal Revenue Service for the tax years 2008 and 2009, even though Question 26 of his March 13, 2012, QNSP asked: "In the past seven years have you failed to file or pay Federal . . . taxes when required by law or ordinance?" Exhibit 15 at 35; Exhibit 17 at 116-117. The interviewer asked the Individual why he did not report his May 7, 2012, termination in the SF 86C he submitted. The Individual responded by stating: "I guess I just didn't understand what it was asking for . . . I guess I was terminated, but at the same time I was, going through the process of getting my job back . . . I guess I just didn't think about it . . . I knew I was coming back, so I guess I just didn't really think about it as being a, a change." Exhibit 17 at 147-149. These further omissions were not cited in the Summary of Security Concerns, so I make no findings with regard to them.

⁶ During his June 13, 2007, PSI, the Individual had claimed that he and the other combatant had not talked before

The Individual stated that he did not believe that his involvement in this altercation exhibited a lack of judgment or reliability. Exhibit 17 at 21. When the Individual was asked about the altercation with his former supervisor during this PSI, he stated: "It got to the point where he would flip me off and . . . just do whatever to try to agitate me. And one day I just had enough . . . I actually called him up on the phone and . . . we both agreed [to] go to a country road and duke it out." Exhibit 17 at 42. The Individual then admitted that he and the former supervisor had met by consent on a dirt road, and that he beat the other man up until law enforcement arrived. Exhibit 17 at 44. The Individual initially denied having any other altercations with the former supervisor. Exhibit 17 at 46. However, when the Individual was asked about the incident in which he followed his former supervisor home and sought to fight with him, the Individual admitted that incident had occurred. Exhibit 17 at 52. He claimed that he was trying to get the former supervisor to talk with him rather than to fight him. Exhibit 17 at 55-56. When the Individual was asked about the April 29, 2012, incident, the Individual claimed that an arbitrator had determined that "it was not a physical altercation." Exhibit 17 at 60. He claimed instead, that he had grabbed the shirt-sleeve of a highly agitated co-worker in order to calm her. Exhibit 17 at 64. He claimed that he was terminated, even though the co-worker had initially told management that there had not been a physical altercation between them. Exhibit 17 at 65. The Individual then speculated that the co-worker changed her story later. Exhibit 17 at 70. However, the Individual then claimed that the co-worker had accused him of pinching her inner arm. Exhibit 17 at 71.

On June 14, 2013, the Psychiatrist conducted a psychiatric evaluation of the Individual. Exhibit 10 at 1. On June 19, 2013, the Psychiatrist issued a report in which he opined that the Individual has a history of poor judgment, getting into physical fights, and exhibiting a lack of candor. Exhibit 10 at 1, 9. The Psychiatrist further opined that the Individual's "past behavior has shown questionable judgment and a failure to adequately control his impulses." Exhibit 10 at 1. The Psychiatrist reported that he asked the Individual if he had ever had any legal problems related to alcohol. The Individual said "no" despite his 1981 DWI arrest. Exhibit 10 at 3. The Psychiatrist noted that the Individual seems to downplay their significance and has an excuse for every altercation. Exhibit 10 at 4. Noting that the Individual's judgment is "poor and unreliable" and that the Individual downplays his problems and blames others for his poor choices, the Psychiatrist opined that the Individual does not fit the criteria for any specific diagnosis under the Diagnostic and Statistical Manual, Fifth Edition. Exhibit 10 at 7-8. However, the Psychiatrist opined that the Individual has some characteristics of "Intermittent Explosive Disorder" and "Antisocial Personality Disorder," specifically: deceitfulness, callousness, and hostility. Exhibit 10 at 8. Accordingly, the Psychiatrist concluded that the Individual's "long history of physical altercations," dishonesty, and poor impulse control constitute an illness or mental condition which causes, or may cause a significant defect in his judgment or reliability. Exhibit 10 at 8. The Psychiatrist opined that the Individual's "mental condition and behavior could benefit from treatment." Exhibit 10 at 9. To this end, he recommended that the Individual receive individual counseling or therapy on a weekly basis for at least six months, attend an anger management group, and undergo an evaluation from a psychiatrist to see if medication could help him. Exhibit 10 at 9.

their fist-fight, but rather, began when the other combatant had "rushed" him. Exhibit 18 at 19.

IV. DEROGATORY INFORMATION AND SECURITY CONCERNS

Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. “A formal diagnosis of a disorder is not required for there to be a concern.” Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, issued on December 29, 2005, by the Assistant to the President for National Security Affairs, The White House (Adjudicative Guidelines) Guideline ¶ 27. The record shows that a psychiatrist has diagnosed the Individual with “a condition . . . that may impair judgment, reliability, or trustworthiness.” Such a diagnosis may raise a security concern and be disqualifying. Guideline I at ¶ 28.

“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.” Guideline E at ¶ 15. In the present case, the Individual has repeatedly omitted information that could negatively reflect on his eligibility for a security clearance from security forms that he has submitted to the LSO. Moreover, the Individual has provided conflicting accounts of his actions during various PSIs and mental health evaluations conducted by, or on behalf of, the LSO.

V. ANALYSIS

A DOE administrative proceeding under 10 C.F.R. Part 710 is “for the purpose of affording the individual an opportunity of supporting his eligibility for access authorization.” 10 C.F.R. § 710.21(b)(6). Once the DOE has made a showing of derogatory information raising security concerns, an individual must produce evidence sufficient to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d); *see also Department of Navy v. Egan*, 484 U.S. 518, 532 (1988) (*Egan*) (security clearances will be granted only when “clearly consistent with the national interest”); *Personnel Security Hearing, Case No. PSH-12-0100* (2012), and cases cited therein.⁷ The regulations and the case law further instruct me to resolve any doubts concerning the Individual’s eligibility for access authorization in favor of the national security. *Egan*, 484 U.S., at 532 (“the clearly consistent standard indicates that security-clearance determinations should err, if they must, on the side of denials”); 10 C.F.R. § 710.7(a). Accordingly, unlike a criminal matter, where the government has the burden of proving the defendant guilty beyond a reasonable doubt, the standard in this proceeding places the onus on the individual because it is designed to protect national security interests. An individual, however, is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R. § 710.26(h).

⁷ Decisions issued by the Office of Hearings and Appeals (OHA) are available on the OHA website located at <http://www.energy.gov/oha>.

Criterion H

The Individual has been evaluated by at least two DOE consultant mental health professionals, one in 2006 (the Psychologist) the other in 2013, the Psychiatrist. Both raised concerns about the Individual's mental condition. While neither of the DOE mental health professionals formally diagnosed the Individual with a specific mental disorder under the applicable DSM criteria, both concluded that the information concerning the Individual that was available to them raised significant concerns about the Individual's mental health which they both believed had adverse effects upon his judgment, reliability and trustworthiness. The Psychologist expressed concerns in 2006 about the Individual's candor and impulse control. The Psychiatrist concluded in 2013 that the Individual's long history of physical altercations, dishonesty, and poor impulse control constitute an illness or mental condition which causes, or may cause a significant defect in his judgment or reliability.

I find that the Individual has not mitigated the security concerns raised under Criterion H by the Psychiatrist's conclusions.⁸ The Individual did not present any expert testimony challenging the Psychiatrist's conclusions. Instead, the Individual attempted to provide mitigating information placing each of the Individual's physical altercations into a more favorable context. The Individual claimed that his early 1990s fist-fight with another man at a dance occurred in self-defense. Tr. at 133-134, 153. The Individual contended that his actions concerning his former supervisor were justified given that his former supervisor began having an affair with the Individual's wife during the Individual's military service in Iraq, and continued to taunt the Individual by making obscene and insulting gestures towards the Individual in public.⁹ Tr. at 128-130, 137-138. The Individual testified that the civil suit alleging that he used excessive force as a corrections officer had been resolved in his favor by a Federal Court.¹⁰ Tr. at 130-132, 152. The Individual claimed that the fist-fight at his workplace started when his co-worker had attacked him. Tr. at 132. The Individual attempted to show that his present employer's accusation that he had been engaged in a physical altercation was erroneous. To this end, he testified that in an attempt to calm an irate co-worker, he had merely "grabbed her shirt" as she operated the motor vehicle they were traveling in. Tr. at 124, 127-128. The Individual did admit that he could have handled the incident with this co-worker better than he did. Tr. at 138-139. The Individual testified that an arbitrator reversed his termination and reinstated him.¹¹ Tr. at

⁸ While the Psychologist's conclusions in 2006 are not cited in the Statement of Security Concerns, they were discussed and relied upon by the Psychiatrist in his 2013 report.

⁹ At the hearing, the Individual initially denied having any altercations with the former supervisor in 2006. Tr. at 128. He then testified that he had been in a fist-fight with his ex-wife's boyfriend, but then denied that the ex-wife's boyfriend worked at the Individual's former employer. Tr. at 129. (The Individual, under cross examination by the DOE Counsel, subsequently admitted that the Individual had supervised him at his former employer. Tr. at 137). He admitted that he and his ex-wife's boyfriend had engaged in a fist-fight by mutual agreement. Tr. at 129-130. The Individual's testimony did not include any mention of the incident in which the Individual had followed his former supervisor home and challenged him to a fight. The Individual specifically testified that he had not been in any other incidents with his ex-wife's boyfriend. Tr. at 130.

¹⁰ The Individual did not, however, submit any of the court records which would have documented this assertion and shown that the court's decision was based upon the merits rather than by a procedural technicality.

150-151, 156. The Individual also presented the testimony of a co-worker and his union steward in an attempt to impeach the credibility of the female co-worker whom he was accused of harming in the incident which led to his termination. Tr. at 12-35, 38-46. The Individual characterized his involvement in the incidents described above as “self-defense.” Tr. at 153.

The Psychiatrist was present for the testimony of each of the other witnesses at the hearing. After the other witnesses had completed their testimony, the Psychiatrist testified that the Individual has “a long history of physical altercations and dishonesty that make him unreliable and untrustworthy.” Tr. at 184. He further testified that the Individual has “shown over time that he is unreliable due to recurrent and similar problems with controlling his impulses,” and that the Individual has exhibited poor judgment by getting into physical altercations in multiple situations. Tr. at 184. He testified that the Individual’s behavior could benefit from treatment, and had recommended that the Individual consider individual counseling, anger management, and further evaluation by a psychiatrist. Tr. at 186. The Psychiatrist testified that he provided a copy of his report to the mental health professional chosen by the Individual. Tr. at 186. The Psychiatrist also testified that he was disappointed that the Individual did not pick up a copy of the report from the mental health professional that the Individual had chosen, and had not consulted with the mental health professional about the report. Tr. at 187. The Psychiatrist also testified that the Individual’s failure to obtain and review the Psychiatric Report reveals that the Individual is not interested in addressing his issues. Tr. at 187-188. The Psychiatrist further testified that the Individual downplays the significance of his fights and blames others for his altercations. Tr. at 187. The Psychiatrist noted that the sheer number of incidents involving the Individual suggests that he needs to look at his behavior and that future incidents are likely to occur if the Individual does not address his mental health issues. Tr. at 189-191. The Psychiatrist testified that the Individual has “a high risk of violence,” and “a high risk of dishonesty.” Tr. at 191, 226. The Psychiatrist testified that none of the testimony he had heard at the hearing would cause him to revise, update or otherwise change his report. Tr. at 186-187.

The record shows that the Individual has a long history of involvement in violent or potentially violent incidents. The Individual’s own description of some of the incidents indicate that he has exhibited significantly poor judgment in becoming involved in most of these incidents. The Individual’s testimony at the hearing and the Individual’s statements in PSIs and mental health evaluations indicates that he has taken no responsibility for his actions and shows no insight into his own behavior. Moreover, because of the sheer volume of the Individual’s omissions and contradictory statements that he has provided to the LSO’s officials and during his hearing testimony, I cannot rely upon the explanations he has provided for his past actions. Moreover, I find the DOE Psychiatrist’s testimony compelling that the Individual presents a high risk of future deceitful behavior and violence without proper treatment. Accordingly, I find that the Criterion H allegations before me remain unresolved.

Criterion L

The Individual has a history of repeatedly omitting, from DOE security forms that he has

¹¹ The Individual’s union steward testified that: “The arbitrator ruled that he didn’t consider it a confrontation, he ruled that this was considered horseplay, and he converted the termination to a suspension.” Tr. at 23. It would have been useful to have a copy of the arbitrator’s decision in the record.

submitted to the LSO, information that could negatively reflect on his eligibility for a security clearance. By doing so, he has exhibited poor judgment, unreliability, and a lack of trustworthiness. At the hearing, the Individual testified that he had not deliberately tried to hide the 1981 DWI arrest from the DOE. Tr. at 136. The Individual also testified that the omission of his May 7, 2012, termination from his SF 86C form had occurred because the form had asked if there had been any change in his employment activities since he had been returned to his former position. Tr. at 135. If I had found the Individual's testimony to be credible, I would have found that the Individual had mitigated the concern. However, as discussed above, the record shows that: the Individual has omitted a great deal of information from DOE security forms he has submitted; his testimony at the hearing was both internally contradictory, and conflicted with past statements he had made in PSIs and during DOE mental health evaluations; and that two mental health professionals raised concerns about the Individual's credibility based upon their examinations of him and his responses to two MMPI-2 tests administered to him by the Psychologist. For these reasons, I have grave doubts about his credibility.

After careful consideration of these factors, I find that the Individual has not resolved the security concerns raised under Criterion L.

V. CONCLUSION

For the reasons set forth above, after carefully considering the evidence before me, I find that the Individual has not resolved the security concerns raised under Criteria H and L. Therefore, the Individual has not demonstrated that granting his security clearance would not endanger the common defense and would be clearly consistent with the national interest. Accordingly, I find that the Individual's security clearance should not be granted. The Individual may seek review of this Decision by an Appeal Panel under the procedures set forth at 10 C.F.R. Part 710.28.

Steven L. Fine
Administrative Judge
Office of Hearings and Appeals

Date: February 18, 2014