



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



Appearances

For Government: Mark Lawton, Esq. Department Counsel
For Applicant: *Pro se*

05/15/2025

Decision

GOLDSTEIN, Jennifer I., Administrative Judge:

Applicant did not mitigate the security concerns under Guidelines D (Sexual Behavior), B (Foreign Influence), F (Financial Considerations), I (Psychological Conditions) or Guidelines E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

On May 14, 2024, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines D, B, F, I, and E. The action was taken under Executive Order (EO) 10865, Safeguarding Classified Information within Industry (February 20, 1960), as amended; DOD Directive 5220.6, Defense Industrial Personnel Security Clearance Review Program (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on June 8, 2017.

Applicant answered the SOR on June 19, 2024. He requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge.

On February 25, 2025, the case was assigned to me. On March 3, 2025, DOHA issued a notice scheduling a hearing for April 7, 2025. The hearing proceeded as scheduled. The Government proffered eight exhibits, which I admitted as Government Exhibits (GE) 1 through 6, and 8 without objection, and five hearing exhibits (HE) I-IV. Applicant objected to GE 7, an August 14, 2023 psychological report, on the grounds that it was cursory. I admitted GE 7 over Applicant's objection and granted him the ability to supplement the record with additional psychological evidence. Applicant testified and the record was left open until May 7, 2025, for him to submit exhibits. On May 5, 2025, he proffered one exhibit, which I admitted as Applicant Exhibit (AE) A, without objection. DOHA received the hearing transcript (Tr.) on April 17, 2025.

Administrative Notice

Department Counsel requested that I take administrative notice of certain facts about the Republic of Colombia and about the United States' relations with that country. This information is detailed in the Government's administrative notice filing with twelve attached source documents from U.S. Government agencies (HE III). Official pronouncements by the President, the Department of State, DOD, or other appropriate federal agencies on matters of national security are administrative facts for purposes of DOHA adjudications and must govern the judge's analysis. See ISCR Case No. 17-04208 at 3 (App. Bd. Aug. 7, 2019). Accordingly, I note that I have considered the information provided on Colombia in its entirety, including that Colombia has "endured a decades-long conflict among government forces, paramilitaries, and antigovernment insurgent groups heavily funded by the drug trade." Additionally, I noted that for Colombia generally, the Department of State has issued a Travel Advisory advising Americans to: reconsider travel to parts of Colombia due to crime and terrorism, exercise increased caution due to civil unrest and kidnapping, and warned of Violent crime, such as homicide, assault, and armed robbery, which was said to be widespread. Additionally, organized criminal activities, such as extortion, robbery, and kidnapping, are common in some areas. Further, the State Department issued a warning for Arauca, Cauca (excluding Popayan), and Norte de Santander departments due to crime and terrorism and the Colombia-Venezuela border region due to crime, kidnapping, and risk of detention when crossing into Venezuela from Colombia. (HE III)

With respect to the Guideline I allegations, Department Counsel requested that I take administrative notice of excerpts from the Diagnostic and Statistical Manual of Mental Disorders (DSM) version 5. I take notice of the information provided about major depressive disorder; persistent depressive disorder (dysthymia); oppositional defiant disorder; other specified disruptive, impulse-control, and conduct disorder; narcissistic

personality disorder; avoidant personality disorder; bipolar I disorder; and bipolar II disorder. (HE IV) I have taken notice of these DSM-5 excerpts.

Findings of Fact

In his SOR response, Applicant admitted SOR ¶¶ 1.a, 2.a, 2.b, 3.a, 4.a, and 5.a. Those paragraphs allege that Applicant interacted with internet-based sex models, spending up to \$3,000 to \$5,000 monthly from August 2018 to November 2022; that he met his fiancée, who is a citizen and resident of Colombia, when he was online in a sex-themed chat room; that he filed chapter 13 bankruptcy in January 2023; and that he was diagnosed with a mental health disorder. He denied SOR ¶ 5.b, which alleged that he intentionally concealed relevant facts from the DOD-procured psychologist during a July 24, 2023 interview. His admissions are incorporated into the findings of fact. Additional findings follow.

Applicant is 59 years old. He earned a doctorate in 1994. He has worked for a government contractor as a distinguished member of the technical staff and in various other capacities since 2010. His annual salary is approximately \$200,000 per year. He is twice divorced and has no biological children. He reported that he was sexually abused by an older sister when he was a child. He currently holds a secret clearance. (GE 1; Tr. 31-35)

From August 2018 to November 2022, Applicant paid to view and interact with online sex models, where he engaged in real-time videochats with women, in which they both masturbated. Applicant was charged by the minute and his fees ranged between \$1 and \$3 per minute. He paid by credit card. At first, he only visited online sex models about twice a month. As time went on, he visited them several times per week and would spend an hour or two with them. At the height of his use, he was spending anywhere from \$3,000 to \$5,000 per month on interactions with internet sex models. He accessed the webchats through several different adult content websites.

Applicant met two models online with whom he pursued a relationship outside of their internet webchats. He met woman 1 (W1) in 2019 , while she was working as an online sex model. W1 is a resident citizen of Colombia. She is 36 years old. She lives with her parents, brother, sister, and son. None of them have government or military affiliations. Applicant travelled to Colombia to meet W1 in person twice. He first visited W1 from September 14 through 24, 2022. They became engaged during that visit. He visited again from June 13 through 24, 2023. Both visits involved travel to Cartagena, Colombia, because her native city located near the border with Venezuela was too dangerous for tourists to visit. They communicate daily by text. They do not have a marriage date set because the VISA process is slow. She no longer works as an online sex model. She is now unemployed. Applicant sends her money for medical expenses including Demerol injections every three weeks. He estimated that he has sent her “many,

many thousands of dollars . . . somewhere in the 10-ish." He sent her \$500 the day before the hearing. (GE 3.a, Tr. 29-57, 89)

Applicant met woman 2 (W2) in July 2020 while she was also working as a sex model. She resides in and is a citizen of Colombia. She also has parents, siblings, and children in Colombia. Applicant does not know if any of her family members are affiliated with the Colombian government. He has never met her in person. She is no longer employed as a sex model. She works as a database backend developer. Applicant contacts her once or twice a week by text and their communications are sometimes playfully sexual. Their last communication was within a few days before the hearing. He sends her money but could not estimate how much he has sent W2, except to say it was less than he sent W1. He acknowledged sending her money within the month preceding the hearing. He said that W1 and W2 know of each other. (Tr. 58-63, 88)

Applicant admitted that he had a "catastrophic financial downfall" largely due to his addiction to online sexual websites. However, he claimed that he last spent money for online sex in November 2022. (Tr. 45) He asserted that his online sexual behavior was private, consensual, and discreet and that he has "stopped [his] addiction to online websites and online pornography. I do not engage in either anymore." He also believes he was prompt in disclosing his foreign contacts and has obeyed the regulations. (Answer; Tr. 27-28)

By late 2019, Applicant was spending the majority of his paycheck on the sexual interactions online. In early 2020, his water service was disconnected for nonpayment. His mortgage company threatened foreclosure on his home. His car was repossessed. He filed a chapter 13 bankruptcy petition in January 2023 and started chapter 13 bankruptcy payments in February 2023. He completed credit counseling as required by the bankruptcy court. In his chapter 13 petition, he listed assets totaling \$1,119,139 and liabilities totaling \$675,761. His liabilities included \$78,661 owed to the Internal Revenue Service as a result of a revised 2020 tax return and \$150,339 in consumer debt. The plan calls for him to pay approximately \$7,000 monthly for 60 months. He has made payments for two years but has three years left on his payment plan. To date, he paid \$94,788 and still has \$335,768 to pay. He indicated he is fully committed to completing his bankruptcy plan and hopes to secure a strong financial future. (GE 4.a, GE 4.c, Tr. 28, 42-45, 72-73)

On Applicant's October 20, 2021 security clearance application (SCA) he identified himself as having been diagnosed with bipolar mood disorder between January 1998 and October 2011. (GE 1) He estimated that he had a "form of rapid cycling bipolar disorder in which his mood would cycle from manic to depressed tens of times a day." (Tr. 81) He testified that he learned to slow his brain down or speed it up as needed to the point that he no longer exhibits symptoms of bipolar disorder. That diagnosis was discrepant with the diagnosis he previously disclosed on his September 2012 SCA, on which he claimed he had been diagnosed with depression and attention deficit disorder (ADD). (GE 2) In

May 2023, DOD requested Applicant be evaluated by a licensed clinical psychologist, Dr. B. (GE 6, GE 7; Tr. 75-82)

On July 23, 2023, Applicant met online with Dr. B for the evaluation. The Personality Assessment Inventory (PAI) he took indicated that he "was not forthright in his responses." (GE 7) She explained, in pertinent parts:

On direct questioning, [Applicant] explicitly denied any history of inappropriate use/misuse, abuse, or addiction to shopping/spending, pornography, gambling, video games, sexual activity or sexual material of any sort. To the contrary, within the applicant's ESI he admitted to spending as much as \$5000 per month on internet sexual material and that this led to financial difficulties. [Applicant] did not express any potential misuse of finances for sexual activity on the internet or otherwise, despite multiple inquiries about this possibility. He consistently related his monetary strain to a cardiac condition.

...

His pattern of responses [on the PAI] suggested considerable defensiveness, an attempt to portray himself as being exceptionally free of common shortcomings to which most individuals will admit, and reluctant to admit to minor faults. Accompanying this reluctance may be a tendency to minimize any negative impact that his actions may have on other people, and also on himself. (GE 7)

Based on Dr. B's interview of Applicant, the PAI, and a review of the available records in this case, she opined that Applicant had the following diagnoses:

F32.9 Major depressive disorder (*R/O* bipolar disorder)
F91.8 Other specified disruptive impulse-control and conduct disorder
(regarding sexual conduct)
R/O Narcissistic personality disorder (GE 7)

After the hearing, Applicant visited a second psychologist, Dr. P. Applicant was administered the Adult Symptom Screener, which indicated that "the patient was found to have significant symptoms in the following categories: PTSD and bipolar disorder." In his assessment, he diagnosed Applicant with adjustment disorder, with anxiety and suggested that a past sexual addiction is now under control. (AE A)

Dr. P also reviewed Dr. B's evaluation. He questioned Dr. B's qualifications and experience with victims of sexual abuse. He noted that "given his history of problems with women including his physically abusive mother, his sexually abusive sister, and at least his second wife who was very controlling of him, I could see how he would be very

defensive in the presence of a well[-]educated and independent woman such as Dr. [B].” He further noted that:

I agreed that [Applicant’s] likely bipolar disorder and past manic behavior and sexual addiction behaviors appeared to be under control but I still had questions regarding his staying involved with the woman from Col[o]mbia. I also suspect his sexual addiction behaviors likely stemmed more from his depression and sense of loneliness rather than the more typical sex addict. There may still be some unresolved sexual issues related to his sexual abuse that need to be explored as well as the fact that he likely has a bipolar or Major depressive disorder that requires more treatment and not just medication as these types of problems can re[-]emerge. (AE A)

Dr. P found that Applicant’s insight and judgment were intact, but noted “perhaps some judgment problems about the validity of the relationship with the Col[o]mbian woman.” Applicant agreed to meet with Dr. P two times per month for hour-long therapy sessions beginning April 21, 2025. (AE A) Applicant also testified that he takes a daily antidepressant and has done so since his 2008-2011 treatment. (Tr. 91-92)

In Applicant’s 2021 SCA, he also claimed his financial problems were due to his medical problems. (GE 3.a) He testified that he partially attributed his financial problems to his heart condition that resulted in multiple surgeries between January to March 2020. Although he was on paid sick leave and his health insurance covered all but a few hundred dollars of his heart surgeries, he claimed he was unable to do anything including pay his bills during that timeframe. The stress associated with dealing with the finances would cause him to go into atrial fibrillation. (Tr. 66-68)

Policies

It is well established that no one has a right to a security clearance. As the Supreme Court has held, “the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials.” *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988).

When evaluating an applicant’s eligibility for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are 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, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge’s overarching

adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), 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 national security eligibility 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 not drawn 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, an “applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel and has the ultimate burden of persuasion to obtain a favorable security 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 of potential, rather than actual, risk of compromise of classified information.

Analysis

Guideline D, Sexual Behavior

AG ¶ 12 expresses the security concern pertaining to sexual behavior:

Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

AG ¶ 13 describes conditions that could raise a security concern and may be disqualifying. Two are potentially applicable in this case:

- (b) pattern of compulsive, self-destructive, or high-risk sexual behavior that the individual is unable to stop; and
- (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress.

There is sufficient evidence in the record to support the sexual behavior allegations against Applicant. He admits his compulsion for online sex chatrooms led his self-destructive financial practices. His expenditures on online sex models led to his "catastrophic financial downfall" discussed below. It could also potentially place Applicant in a position where he would be subject to coercion because of his choice to overextend himself to support his compulsion. AG ¶¶ 13(b) and 13(c) apply.

AG ¶ 14 provides conditions that could mitigate security concerns. The following are potentially applicable in this case:

- (b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- (c) the behavior no longer serves as a basis for coercion, exploitation, or duress;
- (d) the behavior is strictly private, consensual, and discreet; and
- (e) the individual has successfully completed an appropriate program of treatment, or is currently enrolled in one, has demonstrated ongoing and consistent compliance with the treatment plan, and/or has received a favorable prognosis from a qualified mental health professional indicating the behavior is readily controllable with treatment.

Applicant testified that the sexual behavior was private, consensual, and discrete. He believes his compulsion is now under control and that he does not spend money on such websites anymore. He also claimed that he could not be subject to coercion, exploitation, or duress. However, he has repeatedly minimized the extent to which his sexual behavior online contributed to his financial problems, stating in both his October 20, 2021 SCA and in his interview with Dr. B that it was due to his heart problems, despite having the medical procedures covered by insurance and receiving full pay while he was out of the office. His explanation that his financial problems were caused by his heart

condition shows that he was embarrassed to admit the real cause of his financial problems – overspending on online sex models. His less than candid replies indicate his sexual behavior continues to be an area of potential coercion, exploitation, or duress and continues to cast doubt on his current reliability, trustworthiness, or judgment. While he has recently started therapy, there is no favorable prognosis at this time. Nor has Applicant met his burden to establish that similar behavior is unlikely to recur and that his past sexual behavior does not cast doubt on his current reliability, trustworthiness, or judgment. None of the mitigating conditions set out in AG ¶ 14 fully mitigate the concerns under AG ¶ 13.

Guideline B, Foreign Influence

The security concern for foreign influence is set out in AG ¶ 6:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The guideline notes several conditions that could raise security concerns under AG ¶ 7. The following are potentially applicable in this case:

- (a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;
- (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

W1 and W2 both are citizen residents of Colombia. W1 lives in an area near the Venezuelan border that is too dangerous for Applicant to visit according to the State Department and W1. Additionally, there is a heightened risk of crime, terrorism, unrest,

and kidnapping in all of Colombia, as identified by the State Department. This creates a heightened risk of pressure or coercion, because he cares for both women as evidenced by his monetary gifts to both, and his engagement to W1. AG ¶¶ 7(a) and 7(b) are applicable.

Conditions that could mitigate foreign influence security concerns are provided under AG ¶ 8. The following are potentially applicable:

- (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States.
- (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;
- (c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and
- (e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country.

Given the risks of terrorism, kidnapping, and the level of danger present in the area that W1 – Applicant's fiancée – lives, I cannot find it unlikely that he will be placed in a position of having to choose between the interests of W1 or W2 and the United States. Applicant intends to marry W1 and communicates with her daily. He communicates with W2, though not quite as frequently. He sends them both money, although he is in bankruptcy. He seems to have a strong sense of connection and loyalty to both women. Similarly, while he may have reported his contacts in his 2021 SCA, he did not meet his burden to establish that he reported either woman "promptly." None of the mitigating conditions under AG ¶ 8 fully apply.

Guideline F, Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

Failure 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 or sensitive information. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

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

- (a) inability to satisfy debts;
- (e) consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators.

Applicant funded his chatroom habit with credit cards. He was unable to repay those debts, despite having an annual income of approximately \$200,000 per year. The debts resulted in Applicant's chapter 13 bankruptcy filing, which he is still repaying. The evidence supports that he consistently overspent on internet sex chatrooms. His inability to satisfy his debts led to his chapter 13 repayment plan. AG ¶¶ 19(a) and (e) are disqualifying.

Conditions that could mitigate financial considerations security concerns are provided under AG ¶ 20. The following are potentially 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, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; and

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

Applicant is credited with his two-year track record of payments on his five-year chapter 13 bankruptcy repayment plan. He received financial counseling as required to file a bankruptcy petition. He is making a good faith effort to repay those creditors. AG ¶¶ 20(c) and 20(d) have some application.

However, Applicant's financial behavior continues to cast doubt on his current reliability, trustworthiness, and judgment. He continues to send money to two of the models he met online, despite his excessive indebtedness. As a result, it is not clear that Applicant's financial problems are under control or that he has the requisite self-discipline and judgment required to possess security eligibility.

Guideline I: Psychological Conditions

The security concern for psychological conditions is set out in AG ¶ 27:

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 under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.

AG ¶ 28 provides conditions that could raise psychological conditions security concerns. The following is potentially applicable:

(b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness.

Some specified personality disorders clearly impair judgment, stability, reliability, and trustworthiness, and by their very nature raise security concerns and can be accepted as such without further elaboration by the mental health professional. These conditions include, for example, bipolar disorder, schizophrenia, and delusional disorder. See ISCR Case No. 22-00396 at 7, n.2 (App. Bd. Oct. 22, 2024). Other of Applicant's conditions, like major depressive disorder, other specified disruptive impulse-control and conduct disorder, and adjustment disorder, with anxiety can raise security concerns *if* they are

shown to impair judgment, stability, reliability, or trustworthiness. In such cases, the mental health professional should explain how the condition results in an impairment.

Applicant admitted that he was diagnosed with and treated for bipolar mood disorder from 1998-2011 on his 2021 SCA. He explained that he vacillated between depression and mania and was treated by a psychologist until that doctor passed away in 2011. His current treating psychologist believes there is evidence to support a diagnosis of bipolar disorder too, although he has yet to make that official diagnosis in the paperwork provided. Applicant's admission of the bipolar diagnosis supports a finding that he has a condition that by its very nature raises security concerns. There is sufficient evidence to support application of AG ¶ 28(b). Additionally, Applicant's major depressive disorder, other specified disruptive impulse-control and conduct disorder, and/or adjustment disorder, still cause questions with respect to Applicant's judgment because of his continued involvement with and support of the women in Colombia.

AG ¶ 29 provides conditions that could mitigate psychological conditions security concerns. The following are potentially applicable:

- (a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;
- (b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;
- (c) recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;
- (d) the past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability; and
- (e) there is no indication of a current problem.

Applicant is credited with being medicine compliant with his depression medication. However, his diagnoses, though varied, along with his concomitant actions, indicate his conditions are not resolved. His decision to conceal facts from Dr. B made it difficult to evaluate where he is on his mental health journey. He had the burden to show that he has a treatment plan, that he is in remission, or that he has a low probability of

recurrence or exacerbation of his conditions. He has not done so. Applicant was evaluated at his own initiative by Dr. P after the hearing. They have had three psychotherapy sessions together. The documentation from Dr. P does not give Applicant any type of prognosis. Their work together has just begun. It would be premature to hold that Applicant presented sufficient evidence to mitigate the Guideline I security concerns. AG ¶¶ 29(a), 29(b), 29(c), 29(d), and 29(e) do not provide full mitigation.

Guideline E, Personal Conduct

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

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

The guideline notes several conditions that could raise security concerns under AG ¶ 16. The conditions that could raise a security concern and may be disqualifying include:

(b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:

- (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

Applicant did not disclose that his "catastrophic financial downfall" was largely due to his addiction to online sexual websites when Dr. B conducted her examination on behalf of the DOD. Instead, he attributed his financial problems to his heart surgeries. He deliberately provided incomplete information to Dr. B. Additionally, his embarrassment over his past sexual compulsion and related financial problems creates a vulnerability to

exploitation, manipulation, or duress. His interactions with sex models could affect his personal, professional, or community standing. The above disqualifying conditions apply.

The guideline notes several conditions that could raise security concerns under AG ¶ 17. After considering all of the mitigating conditions, I find that the following are potentially applicable in this case:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and
- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

None of the mitigating conditions apply in this case. Applicant's concealment of his online sexual activities prevented Dr. B from providing a full analysis of his psychological condition. She attempted to prompt his answer with a question directed toward his money strain and sexual activity, but he continued to insist his financial problems were related to his heart problems. He made no prompt, good-faith efforts to correct that omission. Additionally, his poor judgment led him to overextend himself financially to the point where he lost his car to repossession and almost lost his house so that he could continue his sexual addiction. He spent so much for the online sex webchats that he had to file for chapter 13 bankruptcy. While he has recently started counseling for his mental health, there is not sufficient evidence that would alleviate the risk of recurrence or reduce his vulnerability to duress.

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(d):

- (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 considered the potentially disqualifying and mitigating conditions under all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines D (Sexual Behavior), B (Foreign Influence), F (Financial Considerations), I (Psychological Conditions), and Guidelines E (Personal Conduct) in my whole-person analysis.

Applicant's online sexual videochats left him in a dire financial situation and caused him to file chapter 13 bankruptcy. He is still repaying those debts. Despite that, he continues to send money to two different women in Colombia, even after learning the government considered his contacts with W1 and W2 to present a risk under Guideline B. He lied about the cause of his financial problems to Dr. B. It is likely that his alleged conduct on the SOR is related to his psychological conditions. Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility for access to classified information. Applicant did not mitigate security concerns under any guideline alleged.

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 D:

AGAINST APPLICANT

Subparagraph 1.a:

Against Applicant

Paragraph 2, Guideline B:	AGAINST APPLICANT
Subparagraphs 2.a-2.b:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Paragraph 4, Guideline I:	AGAINST APPLICANT
Subparagraph 4.a:	Against Applicant
Paragraph 5, Guideline E:	AGAINST APPLICANT
Subparagraphs 5.a-5.b:	Against Applicant

Conclusion

Considering all the circumstances presented by the record, it is not clearly consistent with the interests of national security to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is denied.

Jennifer I. Goldstein
Administrative Judge