APPENDIX G

ADJUDICATION GUIDELINES

1. The following adjudication guidelines were established for all U.S. government civilian and military personnel, consultants, contractors, employees of contractors, and other individuals who require initial or continued access to classified information, access to SCI and/or employment or retention in sensitive duties.

2. While reasonable consistency in reaching adjudicative determinations is desirable, the nature and complexities of human behavior preclude the development of a single set of guidelines or policies that is equally applicable in every personnel security case. Accordingly, the following adjudication policy is not intended to be interpreted as inflexible rules of procedure. The following policy requires dependence on the adjudicator's sound judgment, mature thinking, and careful analysis. Each case must be weighed on its own merits, taking into consideration all relevant circumstances, and prior experience in similar cases as well as the guidelines contained in the adjudication policy, which have been compiled from common experience in personnel security determinations.

3. Each adjudication is to be an overall common sense determination based upon consideration and assessment of all available information, both favorable and unfavorable, with particular emphasis being placed on the nature, extent, and seriousness of the conduct, the circumstances surrounding the conduct, the frequency and recency of the conduct, the individual's age and maturity at the time of the conduct, voluntariness of participation, the presence or absence of rehabilitation, the motivation for the conduct, the potential for pressure, coercion, exploitation or duress and the likelihood of continuation or recurrence of the conduct.

4. The information to be assessed must be fitting to the determination process. Adjudicators will ensure the information's adequacy in terms of E.O. 12968 requirements and that incomplete (missing adjudicatively critical data) and unsubstantiated (uncorroborated "hearsay") information is sufficiently developed before the determination process proceeds.

5. The criteria under which personnel security determinations are made include, but are not limited to the following:

a. Involvement in any act of sabotage, espionage, treason, terrorism, sedition, or other acts whose aim is to overthrow the

Government of the United States or alter the form of government by unconstitutional means.

b. Association or sympathy with persons who are attempting to commit, or who are committing sabotage, espionage, treason, terrorism or sedition.

c. Association or sympathy with persons or organizations that advocate the overthrow of the United States Government, or any state or subdivision, by force or violence or by other unconstitutional means.

d. Involvement in activities which unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

e. An individual's immediate family, including cohabitants and other persons to whom he or she may be bound by affection, influence, or obligation are not citizens of the United States or may be subject to duress by a foreign power.

f. An individual acts in a way as to indicate a preference for a foreign country over the United States. Vulnerability to coercion, influence, or pressure that may cause conduct contrary to the national interest. This may be: (1) the presence of immediate family members or other persons to whom the applicant is bound by affection or obligation in a nation (or areas under its domination) whose interest may be inimical to those of the U.S.; or (2) any other circumstances that could cause the applicant to be vulnerable.

g. Acts of sexual misconduct or perversion indicative of a criminal offense, indicates a personality or emotional disorder and may subject the individual to undue influence or coercion, or reflects lack of judgment or discretion.

h. Conduct involving questionable judgment, untrustworthiness, unreliability, or unwillingness to comply with rules and regulations that could indicate the individual may not properly safeguard classified information.

i. An individual who is financially overextended who may be at risk of having to engage in illegal acts to generate funds. Unexplained affluence linked to proceeds from financially profitable criminal acts.

j. Excessive alcohol consumption which may lead to

questionable judgment, unreliability, failure to control impulses.

k. Improper or illegal use of any controlled or psychoactive substance, narcotic, cannabis or other dangerous drug.

l. Any emotional, mental and/or personality disorder which, in the opinion of competent medical authority, may cause a defect in judgment, reliability or stability.

m. A history or pattern of criminal activity or dishonest conduct to include any knowing and willful falsification, coverup, concealment, misrepresentation, or omission of a material fact from any written or oral statement, document, form, or other representation or device used by the DoD or any other Federal agency.

n. Noncompliance with security regulations which could raise doubt about an individual's ability to safeguard classified information.

o. Misuse of Information Technology systems.

6. The listed "Disqualifying Factors" and "Mitigating Factors" in the following adjudication guidelines reflect the consideration of those factors of seriousness, recency, frequency, motivation, etc., to common situations and types of behavior encountered in personnel security adjudications, and should be followed whenever an individual case can be measured against this policy guidance. Common sense may occasionally necessitate deviations from this policy guidance, but such deviations should not be frequently made and must be carefully explained and documented.

7. The "Disqualifying Factors" provided here establish some of the types of serious conduct under the criteria that can justify a determination to deny or revoke an individual's eligibility for access to classified information, or appointment to, or retention in sensitive duties. The "Mitigating Factors" establish some of the circumstances that may mitigate the conduct listed under the "Disqualifying Factors." Any determination must include a consideration of both the conduct listed under "Disqualifying Factors" and any circumstances listed under the appropriate or corresponding "Mitigating Factors."

8. In all adjudications, the protection of the national security shall be the paramount determinant. In the last analysis, a

final decision in each case must be arrived at by applying the standard that the issuance of the clearance or assignment to the sensitive position is "clearly consistent with the interests of national security."

ALLEGIANCE TO THE UNITED STATES

The Concern: An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

Conditions that could raise a security concern and may be disqualifying include:

a. Involvement in any act of sabotage, espionage, treason, terrorism, sedition, or other act whose aim is to overthrow the Government of the United States or alter the form of government by unconstitutional means;

b. Association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;

c. Association or sympathy with persons or organizations that advocate the overthrow of the U.S. Government, or any state or subdivision, by force or violence or by other unconstitutional means;

d. Involvement in activities which unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

Conditions that could mitigate security concerns include:

a. The individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;

b. The individual's involvement was only with the lawful or humanitarian aspects of such an organization;

c. Involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;

d. The person has had no recent involvement or association with such activities.

FOREIGN INFLUENCE

The Concern: A security risk may exist when an individual's immediate family, including cohabitants and other persons to whom he or she may be bound by affection, influence, or obligation are not citizens of the United States or may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure.

Conditions that could raise a security concern and may be disqualifying include:

a. An immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a foreign country;

b. Sharing living quarters with a persons or persons, regardless of their citizenship status, if the potential for adverse foreign influence or duress exists;

c. Relatives, cohabitants, or associates who are connected with any foreign government;

d. Failing to report, where required, associations with foreign nationals;

e. Unauthorized association with a suspected or known collaborator or employee of a foreign intelligence service;

f. Conduct which may make the individual vulnerable to coercion, exploitation, or pressure by a foreign government;

g. Indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, coercion or pressure;

h. A substantial financial interest in a country, or in any foreign owned or operated business that could make the individual vulnerable to foreign influence.

Conditions that could mitigate security concerns include:

a. A determination that the immediate family member(s), (spouse, father, mother, sons, daughters, brothers, sisters),

cohabitant, or associate(s) in question are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person(s) involved and the United States;

b. Contacts with foreign citizens are the result of official United States Government business;

c. Contact and correspondence with foreign citizens are casual and infrequent;

d. The individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons or organizations from a foreign country;

e. Foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities.

FOREIGN PREFERENCE

The Concern: When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

Conditions that could raise a security concern and may be disqualifying include:

a. The exercise of dual citizenship;

b. Possession and/or use of a foreign passport;

c. Military service or a willingness to bear arms for a foreign country;

d. Accepting educational, medical, or other benefits, such as retirement and social welfare, from a foreign country;

e. Residence in a foreign country to meet citizenship requirements;

f. Using foreign citizenship to protect financial or business interests in another country;

g. Seeking or holding political office in the foreign country;

h. Voting in foreign elections;

i. Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

Conditions that could mitigate security concerns include:

a. Dual citizenship is based solely on parents' citizenship or birth in a foreign country;

b. Indicators of possible foreign preference (e.g., foreign military service) occurred before obtaining United States citizenship;

c. Activity is sanctioned by the United States;

d. Individual has expressed a willingness to renounce dual citizenship.

SEXUAL BEHAVIOR

The Concern: Sexual behavior is a security concern if it involves a criminal offense, indicates a personality or emotional disorder, may subject the individual to coercion, exploitation, or duress, or reflects lack of judgment or discretion. * **Sexual orientation or preference may not be used as a basis for or as a disqualifying factor in determining a person's eligibility for a security clearance.**

Conditions that could raise a security concern and may be disqualifying include:

a. Sexual behavior of a criminal nature, whether or not the individual has been prosecuted;

b. Compulsive or addictive sexual behavior when the person is unable to stop a pattern of self-destructive or high-risk behavior or that which is symptomatic of a personality disorder;

c. Sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress;

d. Sexual behavior of a public nature and/or that which reflects lack of discretion or judgment.

Conditions that could mitigate security concerns include:

a. The behavior occurred during or prior to adolescence and there is no evidence of subsequent conduct of a similar nature;

b. The behavior was not recent and there is no evidence of subsequent conduct of a similar nature;

c. There is no other evidence of questionable judgment, irresponsibility, or emotional instability;

d. The behavior no longer serves as a basis for coercion, exploitation, or duress.

*** The adjudicator should also consider guidelines pertaining to criminal conduct and emotional, mental and personality disorders in determining how to resolve the security concerns raised by sexual behavior.**

PERSONAL CONDUCT

The Concern: Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information. The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:

a. Refusal to undergo or cooperate with required security processing, including medical and psychological testing; or

b. Refusal to complete required security forms, releases, or provide full, frank and truthful answers to lawful questions of investigators, security officials or other official representatives in connection with a personnel security or trustworthiness determination.

Conditions that could raise a security concern and may be disqualifying also include:

a. Reliable, unfavorable information provided by associates, employers, coworkers, neighbors, and other acquaintances;

b. The deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

c. Deliberately providing false or misleading information concerning relevant and material matters to an investigator, security official, competent medical authority, or other official representative in connection with a personnel security or trustworthiness determination;

d. Personal conduct or concealment of information that may increase an individual's vulnerability to coercion, exploitation or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail;

e. A pattern of dishonesty or rule violations, to include violation of any written or recorded agreement made between the individual and the agency;

f. Association with persons involved in criminal activity.

Conditions that could mitigate security concerns include:

a. The information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability;

b. The falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily;

c. The individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts;

d. Omission of material facts was caused or significantly contributed to by improper or inadequate advice of authorized personnel, and the previously omitted information was promptly and fully provided;

e. The individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or duress;

f. A refusal to cooperate was based on advice from legal counsel or other officials that the individual was not required to comply with security processing requirements and, upon being made aware of the requirement, fully and truthfully provided the requested information;

g. Association with persons involved in criminal activities has ceased.

FINANCIAL CONSIDERATION

The Concern: An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Unexplained affluence is often linked to proceeds from financially profitable criminal acts.

Conditions that could raise a security concern and may be disqualifying include:

a. A history of not meeting financial obligations;

b. Deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;

c. Inability or unwillingness to satisfy debts;

d. Unexplained affluence;

e. Financial problems that are linked to gambling, drug abuse, alcoholism, or other issues of security concern.

Conditions that could mitigate security concerns include:

a. The behavior was not recent;

b. It was an isolated incident;

c. The conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation);

d. The person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control;

e. The affluence resulted from a legal source;

f. The individual initiated a good faith effort to repay overdue creditors or otherwise resolve debts.

ALCOHOL CONSUMPTION

The Concern: Excessive alcohol consumption often leads to the exercise of questionable judgment, unreliability, failure to control impulses, and increases the risk of unauthorized disclosure of classified information due to carelessness.

Conditions that could raise a security concern and may be disqualifying include:

a. Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, or other criminal incidents related to alcohol use;

b. Alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job;

c. Diagnosis by a credentialed medical professional (e.g. physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;

d. Evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;

e. Habitual or binge consumption of alcohol to the point of impaired judgment;

f. Consumption of alcohol, subsequent to a diagnosis of alcoholism by a credentialed medical professional and following completion of an alcohol rehabilitation program.

Conditions that could mitigate security concerns include:

a. The alcohol-related incidents do not indicate a pattern;

b. The problem occurred a number of years ago and there is no indication of a recent problem;

c. Positive changes in behavior supportive of sobriety;

d. Following diagnosis of alcohol abuse or alcohol dependence, the individual has successfully completed inpatient or outpatient rehabilitation along with aftercare requirements, participated frequently in meetings of Alcoholics Anonymous or a similar organization, has abstained from alcohol for a period of

at least 12 months, and received a favorable prognosis by a credentialed medical professional or licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

DRUG INVOLVEMENT

The Concern:

a. Improper or illegal involvement with drugs raises questions regarding an individual's willingness or ability to protect classified information. Drug abuse or dependence may impair social or occupational functioning, increasing the risk of an unauthorized disclosure of classified information.

b. Drugs are defined as mood and behavior-altering substances, and include:

(1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and

(2) inhalants and other similar substances.

c. Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

Conditions that could raise a security concern and may be disqualifying include:

a. Any drug abuse (see above definition);

b. Illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution;

c. Diagnosis by a credentialed medical professional (e.g. physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;

d. Evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;

e. Failure to successfully complete a drug treatment program prescribed by a credentialed medical professional. Recent drug involvement, especially following the granting of a security clearance, or an expressed intent not to discontinue use, will almost invariably result in an unfavorable determination.

Conditions that could mitigate security concerns include:

a. The drug involvement was not recent;

b. The drug involvement was an isolated or aberrational event;

c. A demonstrated intent not to abuse any drugs in the future;

d. Satisfactory completion of a proscribed drug treatment program, including rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a credentialed medical professional.

EMOTIONAL, MENTAL, AND PERSONALITY DISORDERS

The Concern: Emotional, mental, and personality disorders can cause a significant deficit in an individual's psychological, social and occupational functioning. These disorders are of security concern because they may indicate a defect in judgment, reliability or stability. A credentialed mental health professional (e.g. clinical psychologist or psychiatrist), employed by, acceptable to or approved by the government, should be utilized in evaluating potentially disqualifying and mitigating information fully and properly, and particularly for consultation with the individual's mental health care provider.

Conditions that could raise a security concern and may be disqualifying include:

a. A opinion by a credentialed mental health professional that the individual has a condition or treatment that may indicate a defect in judgment, reliability, or stability;

b. Information that suggests that an individual has failed to follow appropriate medical advice relating to treatment of a condition, e.g., failure to take prescribed medication;

c. A pattern of high-risk, irresponsible, aggressive, anti-social or emotionally unstable behavior;

d. Information that suggests that the individual's current behavior indicates a defect in his or her judgment or reliability.

Conditions that could mitigate security concerns include:

a. There is no indication of a current problem;

b. Recent opinion by a credentialed mental health professional that an individual's previous emotional, mental, or personality disorder is cured, under control or in remission, and has a low probability of recurrence or exacerbation;

c. The past emotional instability was a temporary condition (e.g., one caused by a death, illness, or marital breakup), the situation has been resolved, and the individual is no longer emotionally unstable.

CRIMINAL CONDUCT

The Concern: A history or pattern of criminal activity creates doubt about a person's judgment, reliability and trustworthiness.

Conditions that could raise a security concern and may be disqualifying include:

a. Allegations or admissions of criminal conduct, regardless of whether the person was formally charged;

b. A single serious crime or multiple lesser offenses.

Conditions that could mitigate security concerns include:

a. The criminal behavior was not recent;

b. The crime was an isolated incident;

c. The person was pressured or coerced into committing the act and those pressures are no longer present in that person's life;

d. The person did not voluntarily commit the act and/or the factors leading to the violation are not likely to recur;

e. Acquittal;

f. There is clear evidence of successful rehabilitation.

SECURITY VIOLATIONS

The Concern: Noncompliance with security regulations raises doubt about an individual's trustworthiness, willingness, and ability to safeguard classified information.

Conditions that could raise a security concern and may be disqualifying include:

a. Unauthorized disclosure of classified information;

b. Violations that are deliberate or multiple or due to negligence.

Conditions that could mitigate security concerns include actions that:

a. Were inadvertent;

b. Were isolated or infrequent;

c. Were due to improper or inadequate training;

d. Demonstrate a positive attitude towards the discharge of security responsibilities.

OUTSIDE ACTIVITIES

The Concern: Involvement in certain types of outside employment or activities is of security concern if it poses a conflict with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

Conditions that could raise a security concern and may be disqualifying include any service, whether compensated, volunteer, or employment with:

a. A foreign country;

b. Any foreign national;

c. A representative of any foreign interest;

d. Any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology.

Conditions that could mitigate security concerns include:

a. Evaluation of the outside employment or activity indicates that it does not pose a conflict with an individual's security responsibilities;

b. The individual terminates the employment or discontinues the activity upon being notified that it is in conflict with his or her security responsibilities.

MISUSE OF INFORMATION TECHNOLOGY SYSTEMS

The Concern: Noncompliance with rules, procedures, guidelines or regulations pertaining to information technology systems may raise security concerns about an individual's trustworthiness, willingness, and ability to properly protect classified systems, networks, and information. Information Technology Systems include all related equipment used for the communication, transmission, processing, manipulation, and storage of classified or sensitive information.

Conditions that could raise a security concern and may be disqualifying include:

a. Illegal or unauthorized entry into any information technology system;

b. Illegal or unauthorized modification, destruction, manipulation, or denial of access to information residing on an information technology system;

c. Removal (or use) of hardware, software or media from any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations;

d. Introduction of hardware, software or media into any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations.

Conditions that could mitigate security concerns include:

a. The misuse was not recent or significant;

b. The conduct was unintentional or inadvertent;

c. The introduction or removal of media was authorized;

d. The misuse was an isolated event;

e. The misuse was followed by a prompt, good faith effort to correct the situation.