

TABLE OF CONTENTS

PART ONE—HISTORY AND PROCEDURAL GUIDE

CHAPTER ONE: SECURITY CLEARANCES: ONE STANDARD—MANY PROCESSES	3
I. RECOGNITION OF THE NEED FOR A SINGLE NATIONAL STANDARD AND PROCESS	5
II. THE SECURITY CLEARANCE PROCESS ACROSS THE FEDERAL GOVERNMENT.....	6
A. STANDARD FORM USED TO COLLECT APPLICANT INFORMATION	7
B. BACKGROUND INVESTIGATIONS ARE DEFINED IN FEDERAL REGULATIONS	7
C. THE ADJUDICATIVE GUIDELINES USED ACROSS THE GOVERNMENT	8
D. EXCEPTIONS UNDER THE ADJUDICATIVE GUIDELINES	8
E. TEMPORARY CLEARANCE.....	9
F. RECIPROCITY BETWEEN AGENCIES	9
G. RECORDKEEPING: SECURITY CLEARANCE DATABASES.....	12
H. BOND AMENDMENT	13
III. DISTINCTIONS FUNDAMENTAL TO THE SECURITY CLEARANCE PROCESS.....	13
A. APPEAL RIGHTS OF FEDERAL EMPLOYEES AND EMPLOYEES OF FEDERAL CONTRACTORS ARE DIFFERENT	14
B. DEPARTMENT OF ENERGY PERSONNEL SECURITY PROGRAM.....	14
C. THE INTELLIGENCE COMMUNITY HAS ITS OWN RULES AND PROCEDURES FOR HIGHER LEVEL ACCESS ..	15
1. Central Intelligence Agency.....	16
2. National Security Agency	17
3. The White House and “Yankee White” Clearance Investigations	18
IV. RESOURCES FOR REPRESENTING CLIENTS IN SECURITY CLEARANCE MATTERS.....	19
A. FINDING DECISIONS	19
B. FOI/PRIVACY ACT REQUESTS FOR YOUR CLIENT’S PERSONNEL SECURITY FILE(S)	19
C. CLE.....	19
D. OTHER USEFUL REFERENCES	19
CHAPTER TWO: GATHERING PERSONAL INFORMATION	21
I. THE SECURITY CLEARANCE APPLICATION	22
A. ACCURACY IS IMPORTANT	22
B. READ QUESTIONS CAREFULLY	22
C. BE HONEST AND COMPLETE	23
D. DON’T OMIT DEROGATORY INFORMATION: EXPLAIN IT	24
E. AUTHORIZATIONS	27
F. CORRECTING MISTAKES	27
II. THE BACKGROUND INVESTIGATION	27
III. THE BACKGROUND INTERVIEW	28
IV. THE POLYGRAPH	29
A. IS THERE A MACHINE THAT CAN TELL WHEN SOMEONE IS LYING?	33
B. HOW DOES IT WORK?	35
C. DOHA CASES INVOLVING POLYGRAPH ISSUES.....	37
1. Intimidation by Machine.....	37
2. Admissibility of Government Polygrapher’s Report.....	39
3. Use of a Private Polygrapher.....	40
4. The Polygrapher’s Report Is No Always Controlling.....	41
5. Too Medicated for Accuracy	43
6. Use of Countermeasures.....	43
V. AFTER THE INVESTIGATION IS COMPLETE	46
CHAPTER THREE: SUITABILITY, PIV ACCESS, AND OTHER PROCESSES	47
I. SUITABILITY FOR FEDERAL EMPLOYMENT.....	47

II.	DEBARMENT PURSUANT TO A NEGATIVE SUITABILITY DETERMINATION.....	48
III.	FITNESS FOR CONTRACTORS OR OTHERS NOT COVERED BY SUITABILITY	49
IV.	PIV CARD	49
V.	DEPARTMENT OF ENERGY ACCESS AUTHORIZATION DENIAL PROCESS	50
CHAPTER FOUR: DUTIES OF CLEARANCE HOLDERS		53
I.	PERIODIC REINVESTIGATIONS	53
II.	CONTINUOUS EVALUATION	53
III.	SELF-REPORTING SECURITY-SIGNIFICANT INFORMATION	54
IV.	WHISTLEBLOWING FOR CLEARANCE HOLDERS	55
A.	THE WHISTLEBLOWER PROTECTION ACT AND RELATED LAWS	56
B.	THE FALSE CLAIMS ACT PERMITS BOTH <i>QUI TAM</i> AND RETALIATION CLAIMS.....	57
C.	THE INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT OF 1998	57
D.	INTELLIGENCE AUTHORIZATION ACT AND PPD-19 PROTECTIONS AGAINST RETALIATION	58
E.	NDA, DCWPA, AND PROTECTIONS FOR FEDERAL CONTRACTORS	60
V.	PRE-PUBLICATION CLEARANCE	60
CHAPTER FIVE: INITIAL CONCERNS ABOUT A CLEARANCE: ANSWERING THE SOR.....		63
I.	REQUESTS FOR INFORMATION: THE INTERROGATORY	63
II.	NOTICE OF PRELIMINARY ADVERSE DECISION AND STATEMENT OF REASONS	63
III.	THE STATEMENT OF REASONS	65
IV.	RESPONDING TO THE STATEMENT OF REASONS	67
A.	FINAL CAF DECISION	69
CHAPTER SIX: DOD PERSONAL APPEARANCES FOR FEDERAL EMPLOYEES.....		71
I.	APPEAL OF LETTER OF DENIAL/REVOCATION	72
II.	PSAB DECISION	72
III.	PERSONAL APPEARANCE PROCEDURE	72
A.	ASSIGNMENT TO ADMINISTRATIVE JUDGE.....	73
B.	PERSONAL APPEARANCE GUIDE.....	73
C.	LOCATION.....	73
D.	RIGHT TO COUNSEL.....	73
E.	DEPARTMENT COUNSEL.....	73
F.	WITNESSES/EXHIBITS	73
G.	ORDER OF PROCEEDINGS.....	74
H.	RECOMMENDED DECISION.....	74
I.	FINAL DECISION	74
IV.	RECONSIDERATION AND REINSTATEMENT	74
V.	NO ENTITLEMENT TO BACK PAY	74
CHAPTER SEVEN: DOD HEARING PROCEDURES FOR GOVERNMENT CONTRACTORS		77
I.	REFERRAL TO DOHA	78
II.	ROLE OF DEPARTMENT COUNSEL	78
III.	ASSIGNMENT TO ADMINISTRATIVE JUDGE	78
IV.	DOHA HEARING PROCEDURES	79
A.	RIGHT TO COUNSEL	79
B.	RIGHT TO A HEARING VS. DECISION ON THE RECORD.....	81
C.	LOCATION OF HEARING	82
D.	DISCOVERY	82
E.	PREHEARING PROCEDURES	84
F.	THE HEARING	85
G.	EXHIBITS	86
H.	EVIDENCE	86
I.	WITNESSES	87
J.	<i>EX PARTE</i> COMMUNICATIONS.....	87

K.	LEAVING THE RECORD OPEN	88
L.	WRITTEN DECISION	89
V.	REIMBURSEMENT	90
VI.	APPEALS	91
VII.	REAPPLICATION/RECONSIDERATION	91
VIII.	DOHA PROCESSING TIME.....	92
IX.	SUCCESS RATES	92
X.	CONDUCTING RESEARCH	94
A.	DOHA PRIVATE SECTOR CONTRACTOR CASES	94

**CHAPTER EIGHT: PROCEDURAL ISSUES APPLICABLE TO HEARINGS
AND PERSONAL APPEARANCES..... 95**

I.	BURDEN OF PROOF	96
II.	ALLEGATIONS MUST BE IN THE STATEMENT OF REASONS	96
III.	EVIDENCE	101
A.	FEDERAL RULES OF EVIDENCE	101
B.	NEXUS	102
C.	MATERIALITY	102
D.	HEARSAY	102
E.	BUSINESS/OFFICIAL/PUBLIC RECORDS	105
F.	ADMISSIBILITY OF THE DOD REPORT OF INVESTIGATION.....	109
G.	CIRCUMSTANTIAL EVIDENCE	110
H.	OFFICIAL NOTICE/ADMINISTRATIVE NOTICE	110
1.	Applicants May Request Administrative Notice	114
2.	Objections Must Be Made at the Hearing.....	115
3.	Judges May Take Administrative Notice on Their Own Motion	115
4.	Notice Can Be Taken by the Appeal Board	116
5.	Use of Administrative Notice Regarding the Conduct of Others	117
6.	Documents Denied Administrative Notice May Still Be Admitted	117
7.	Notice to the Parties Prior to Granting Administrative Notice	118
I.	ADMISSIONS	119
J.	CORROBORATION	120
K.	JOB PERFORMANCE	123
L.	THE APPLICANT’S VALUE TO THE EMPLOYER	125
M.	THE APPLICANT’S NEED FOR A JOB	126
N.	MEDICAL EVIDENCE.....	126
O.	TESTIMONY AS TO FUTURE BEHAVIOR.....	128
P.	SURPRISE EVIDENCE	128
Q.	INTENT/STATE OF MIND	130
R.	POST-RECORD CLOSING EVENTS	130
IV.	WITNESSES	132
A.	CREDIBILITY DETERMINATIONS	132
1.	The General Rule.....	132
2.	Numerous Exceptions	134
3.	Credibility Determinations Based on Written Record.....	138
4.	Credibility Determination as Proof of Contested Facts.....	139
5.	Expert Opinion Regarding an Applicant’s Credibility.....	140
B.	DEMEANOR.....	140
C.	IMPEACHMENT	141
D.	RECANTATION.....	141
E.	CHARACTER REFERENCES	142
V.	EXPERT WITNESSES.....	143
VI.	ESTOPPEL.....	148
A.	AN UNFAIR INVESTIGATION DOES NOT ENTITLE AN APPLICANT TO A CLEARANCE UNDER THE DOCTRINE OF EQUITABLE ESTOPPEL	148

B.	BAD ADVICE FROM GOVERNMENT OFFICIAL WILL NOT ENTITLE APPLICANT TO A CLEARANCE UNDER THE DOCTRINE OF EQUITABLE ESTOPPEL	149
C.	PRIOR ADJUDICATIONS WILL NOT CONSTRAIN A CLEARANCE DECISION	150
1.	Prior Favorable Adjudications	150
2.	Prior Adverse Adjudications	150
3.	Where Government Has Previously Granted Clearance Despite Knowing About Prior Alleged Misconduct	150
D.	COLLATERAL ESTOPPEL.....	151
E.	THE ALFORD DOCTRINE.....	155
F.	NOLO CONTENDERE PLEA	157
G.	RES JUDICATA	157
H.	STATE LAW DOES NOT AFFECT DOHA PROCEEDINGS.....	158
VII.	CONSTITUTIONAL PROTECTIONS	159
A.	FIRST AMENDMENT.....	159
B.	FOURTH AMENDMENT	163
C.	FIFTH AMENDMENT	163
D.	SIXTH AMENDMENT.....	166
1.	There Is No Right to Counsel	166
2.	Ineffective Assistance of Counsel Is Not a Defense	167
3.	There Is No Constitutional Right to Confrontation.....	168
E.	EIGHTH AMENDMENT	168
VIII.	JURISDICTIONAL ISSUES	169
A.	GENERAL ISSUES	169
B.	LOSS OF JURISDICTION WHEN APPLICANT (CONTRACTOR) QUILTS OR IS FIRED	170
C.	JURISDICTION RETAINED	172
IX.	SUMMARY DISPOSITION	175
X.	OTHER PROCEDURAL ISSUES	176
A.	ADVISORY OPINIONS.....	176
B.	CLASSIFIED INFORMATION	176
C.	CHALLENGES TO THE DIRECTIVE	176
D.	FOREIGN LAW	176
E.	GOOD FAITH.....	176
F.	INVESTIGATION	176
G.	LEVEL OF CLEARANCE.....	177
H.	OPERATING INSTRUCTIONS.....	177
I.	PRECEDENT.....	178
J.	CLEARANCES GRANTED TO SIMILARLY SITUATED INDIVIDUALS.....	180
K.	DEFERENCE TO EMPLOYER'S VERSION OF EVENTS	180

CHAPTER NINE: APPEALS 183

I.	PROCEDURES	183
II.	REQUEST FOR STAY	184
III.	INTERLOCUTORY APPEALS	184
IV.	ORAL ARGUMENT	184
V.	APPEAL BRIEFS	185
VI.	STANDARD OF REVIEW	185
VII.	STATUTORY CONSTRUCTION.....	186
VIII.	REVERSE OR REMAND.....	186
A.	REVERSAL WARRANTED	186
B.	REMAND APPROPRIATE.....	189
IX.	ARGUMENTS FOR REVERSAL OF THE DECISION.....	191
A.	THE ADMINISTRATIVE JUDGE WAS BIASED.....	192
1.	Bias Found and Case Remanded to New Judge	194
2.	Bias Not Found.....	196
B.	CHALLENGING THE FINDINGS OF FACT.....	197

C.	CHALLENGING THE CONCLUSIONS OF LAW.....	198
D.	CHALLENGING WHETHER GOVERNMENT MET ITS BURDEN OF PROOF	199
E.	CHALLENGING THE JUDGE’S CREDIBILITY DETERMINATIONS.....	199
F.	FAILURE TO CONSIDER SIGNIFICANT EVIDENCE.....	199
G.	FAILURE TO PRESERVE THE RECORD	200
X.	NO NEW EVIDENCE OR ARGUMENTS ON APPEAL, EXCEPT TO RESOLVE DUE PROCESS AND JURISDICTIONAL QUESTIONS	201
XI.	SUMMARY DISPOSITION	201
XII.	RECONSIDERATION OF APPEAL BOARD DECISIONS	201

CHAPTER TEN: A COMPENDIUM OF SECURITY CLEARANCE CASES IN THE FEDERAL COURTS, MSPB, AND EEOC 205

I.	SUPREME COURT.....	205
II.	D.C. CIRCUIT AND U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.....	206
III.	FEDERAL CIRCUIT AND MSPB.....	209
IV.	SECOND CIRCUIT	211
V.	THIRD CIRCUIT.....	211
VI.	FOURTH CIRCUIT	212
VII.	FIFTH CIRCUIT	213
VIII.	SIXTH CIRCUIT.....	213
IX.	SEVENTH CIRCUIT.....	213
X.	EIGHTH CIRCUIT	213
XI.	NINTH CIRCUIT	213
XII.	TENTH CIRCUIT.....	214
XIII.	ELEVENTH CIRCUIT	215
XIV.	EEOC	215

PART TWO—ADJUDICATIVE GUIDELINES AND CASE ANALYSES

ADJUDICATIVE GUIDELINES AND CASE ANALYSES: INTRODUCTION 219

I.	THE GENERAL CRITERIA FOR ADJUDICATION	220
A.	THE GUIDELINES AND FACTORS	220
B.	ADJUDICATORS MUST CONSIDER THE WHOLE PERSON	221
C.	ADJUDICATORS MUST CONSIDER PAST BEHAVIOR TO PREDICT FUTURE TRUSTWORTHINESS	222
D.	ADJUDICATORS CANNOT CONDUCT A “PIECEMEAL ANALYSIS”	223
E.	FALSIFICATION GOES TO THE HEART OF THE SECURITY CLEARANCE PROCESS	224
F.	EXCEPTIONS: WAIVERS AND CONDITIONAL CLEARANCES	224
II.	THE SPECIFIC ADJUDICATIVE GUIDELINES	225
A.	WHICH GUIDELINE IS APPLICABLE?	225
B.	REHABILITATION.....	226
C.	REGENCY AND REHABILITATION.....	227
III.	CASE ANALYSES	227

ADJUDICATIVE GUIDELINE A: ALLEGIANCE TO THE UNITED STATES 229

ADJUDICATIVE GUIDELINE B: FOREIGN INFLUENCE 233

I.	THE APPLICANT’S CONNECTION WITH A FOREIGN COUNTRY.....	235
A.	“HEIGHTENED RISK”.....	235
B.	LOYALTY MAY BE CONSIDERED.....	238
C.	HEROIC SERVICE TO THE U.S.: THE EXCEPTION TO THE GENERAL RULE	238
D.	FOREIGN RELATIVES POSE A THREAT OF COERCION.....	239
E.	THE APPLICANT’S RELATIONSHIP WITH FOREIGN RELATIVES.....	241
F.	ACTIVITIES AND OCCUPATION OF THE FOREIGN RELATIVE	242
G.	OTHER ASSOCIATIONS.....	244
H.	TERMINATED RELATIONSHIPS	245

II.	THE “GEOPOLITICAL CONSIDERATIONS” IN THE FOREIGN COUNTRY MUST BE CONSIDERED.....	246
A.	“ADMINISTRATIVE NOTICE” DOCUMENTS.....	249
III.	TREATMENT OF SPECIFIC COUNTRIES	249
A.	AFGHANISTAN.....	250
B.	ALBANIA.....	254
C.	ALGERIA	254
D.	ARGENTINA.....	255
E.	AUSTRALIA.....	255
F.	AUSTRIA	256
G.	AZERBAIJAN	256
H.	BANGLADESH	257
I.	BELARUS	259
J.	BELGIUM	260
K.	BOLIVIA	260
L.	CAMEROON	261
M.	CANADA.....	262
N.	CHINA, PEOPLE’S REPUBLIC OF (PRC).....	264
O.	COLOMBIA	269
P.	CUBA	270
Q.	DENMARK.....	272
R.	DJIBOUTI.....	272
S.	EGYPT	273
T.	ETHIOPIA	274
U.	FRANCE	275
V.	GAZA	275
W.	GERMANY	276
X.	GHANA	277
Y.	HONG KONG.....	277
Z.	INDIA	280
AA.	INDONESIA.....	282
BB.	IRAN	282
CC.	IRAQ.....	284
DD.	ISRAEL	285
EE.	JAPAN.....	288
FF.	JORDAN.....	288
GG.	KENYA.....	291
HH.	KUWAIT.....	292
II.	KYRGYZSTAN.....	292
JJ.	LEBANON.....	295
KK.	LIBYA.....	297
LL.	MEXICO.....	299
MM.	MOROCCO	300
NN.	NIGERIA	301
OO.	PAKISTAN	303
PP.	PHILIPPINES.....	305
QQ.	POLAND	308
RR.	RUSSIA	308
SS.	SAUDI ARABIA	313
TT.	SENEGAL	314
UU.	SOMALIA.....	315
VV.	SOUTH AFRICA	317
WW.	SOUTH KOREA	317
XX.	SUDAN	319
YY.	SWEDEN	321

ZZ. SYRIA	322
AAA. TAIWAN.....	324
BBB. THAILAND	325
CCC. TUNISIA	326
DDD. TURKEY	327
EEE. UNITED ARAB EMIRATES	327
FFF. UKRAINE.....	329
GGG. UNITED KINGDOM	330
HHH. UZBEKISTAN	331
III. VENEZUELA	332
JJJ. VIETNAM.....	334
KKK. WEST BANK.....	335
LLL. YEMEN	336
ADJUDICATIVE GUIDELINE C: FOREIGN PREFERENCE	339
I. PASSPORT CASES.....	341
II. FOREIGN CITIZENSHIP.....	342
III. FOREIGN IDENTIFICATION CARDS.....	344
IV. FOREIGN MILITARY SERVICE	345
V. VOTING IN FOREIGN ELECTIONS.....	346
VI. ACTS OF EXPATRIATION	346
VII. FINANCIAL INTEREST IN A FOREIGN COUNTRY AND PARTICIPATION IN FOREIGN ACTIVITIES	347
ADJUDICATIVE GUIDELINE D: SEXUAL BEHAVIOR	349
I. VIEWING PORNOGRAPHY	351
II. PROSTITUTION.....	353
III. CRIMINAL SEXUAL BEHAVIOR	356
A. ESTOPPEL APPLIES	356
B. FAILURE TO ACCEPT RESPONSIBILITY IS USUALLY FATAL.....	356
C. REGISTRATION AS A SEX OFFENDER IS USUALLY FATAL.....	358
D. SUFFICIENT PASSAGE OF TIME IS CRITICAL	359
ADJUDICATIVE GUIDELINE E: PERSONAL CONDUCT	361
I. FALSIFICATION	363
A. A MISTAKE IS NOT FALSIFICATION	364
B. MITIGATING FALSIFICATION CHARGES	367
1. Prompt Good Faith Effort to Correct	367
2. Admit to Error and Apologize	368
II. PERSONAL CONDUCT CASES NOT INVOLVING FALSIFICATION	369
A. FAILURE TO COOPERATE WITH INVESTIGATION	369
B. DEBTS AS POOR JUDGMENT	371
C. WORK-RELATED MISCONDUCT	371
D. POOR JUDGMENT; VULNERABILITY TO COERCION	373
E. ASSOCIATING WITH A CRIMINAL.....	375
F. A PATTERN OF DISHONESTY OR RULE-BREAKING.....	376
ADJUDICATIVE GUIDELINE F: FINANCIAL CONSIDERATIONS	379
I. RESOLVING DEBTS	382
A. BACKGROUND INVESTIGATORS WILL LEARN OF DEBTS THROUGH THE SCA AND CREDIT REPORTS	382
B. RESOLVING GUIDELINE F CONCERNS.....	382
C. MITIGATION REQUIRES A GOOD-FAITH EFFORT TO REPAY.....	384
1. Involuntary Garnishment Is Not Good Faith Payment of Debt	385
2. Reliance on Statute of Limitations Not a Good Faith Effort.....	385
3. Bankruptcy Not Necessarily Disqualifying But Typically Not a Good Faith Effort	386
4. Strategic Default Not a Good Faith Effort	387

5. Reliance on State Anti-Deficiency Statutes May be Ineffective	389
II. CONDITIONS FOUND TO BE DISQUALIFYING OR MITIGATING	390
A. INABILITY TO SATISFY DEBTS DISQUALIFYING	390
B. DIVORCE AND OTHER SPOUSAL PROBLEMS ARE OF LIMITED VALUE IN MITIGATION	391
C. GAMBLING AND OTHER HABITS THAT ADVERSELY AFFECT FINANCES DISQUALIFYING	392
D. FINANCIAL POOR JUDGMENT DISQUALIFYING	393
E. FAILURE TO PAY TAXES MAY (OR MAY NOT) NOW BE MITIGATED	395
F. UNEXPLAINED WEALTH WILL ATTRACT SCRUTINY	398

ADJUDICATIVE GUIDELINE G: ALCOHOL CONSUMPTION 399

I. TIME IS A CRITICAL COMPONENT	400
A. A PROBATIONARY STATUS WILL ALMOST ALWAYS RESULT IN THE DENIAL OF A CLEARANCE	400
B. ACKNOWLEDGE THE ALCOHOL PROBLEM AND PRODUCE EVIDENCE TO ESTABLISH REHABILITATION ..	401
II. ALCOHOL ABUSE DIAGNOSES AND ABSTINENCE	402
III. A PATTERN OF ALCOHOL-RELATED CONDUCT IS A PROBLEM.....	404
IV. A PATTERN OF REHABILITATION CAN MITIGATE A PATTERN OF ALCOHOL-RELATED CONDUCT	405
V. HISTORY OF RELAPSE	405

ADJUDICATIVE GUIDELINE H: DRUG INVOLVEMENT AND SUBSTANCE MISUSE 407

I. MITIGATION	408
A. A SIGNED STATEMENT OF INTENT IS CRUCIAL TO MITIGATION	409
B. FINDING A “PATTERN OF ABSTINENCE” UNDER AG 26(B)(3) IS DIFFICULT IF THERE IS A LONG HISTORY OF DRUG USE.....	410
II. HARD TO MITIGATE IF THE APPLICANT USES DRUGS WHILE HOLDING A CLEARANCE	415
III. MEDICAL MARIJUANA NOT GENERALLY MITIGATING.....	419
A. MEDICALLY-RELATED DRUG USE MITIGATED	420
B. MEDICALLY-RELATED DRUG USE NOT MITIGATED	421
IV. THE CHANGING LAW ON CANNABIDIOL (CBD)	422

ADJUDICATIVE GUIDELINE I: PSYCHOLOGICAL CONDITIONS 425

I. EVIDENCE OF COMPLIANCE WITH TREATMENT.....	426
II. RELIANCE ON EXPERT PSYCHIATRISTS	428
III. THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM).....	432

ADJUDICATIVE GUIDELINE J: CRIMINAL CONDUCT 435

I. THE BOND AMENDMENT	437
II. CRIMINAL SENTENCE	437
III. A PATTERN OF MINOR OFFENSES	438
IV. INVOLVEMENT WITH CRIMINALS	439
V. FALSIFICATION/FAILURE TO DISCLOSE	439
VI. THE IMPORTANCE OF EVIDENCE TO PROVE OR DISPROVE GUILT.....	440
VII. HAS SUFFICIENT TIME ELAPSED?.....	443
A. CASES CONSIDERED NOT RECENT	444
B. CASES CONSIDERED RECENT	445
VIII. HOW MUCH REFORM AND REHABILITATION IS ENOUGH?	446
IX. BEING ON PROBATION OR PAROLE IS ALMOST ALWAYS DISQUALIFYING	449

ADJUDICATIVE GUIDELINE K: HANDLING PROTECTED INFORMATION 451

I. DELIBERATE VIOLATIONS ARE HARD TO MITIGATE	452
II. MULTIPLE VIOLATIONS OVER TIME RAISE CONCERNS OF NEGLIGENT OR IRRESPONSIBLE CONDUCT	454
III. COMPROMISE OF PROTECTED OR PROPRIETARY COMPANY INFORMATION RAISES CONCERNS UNDER GUIDELINE K.....	455
IV. FAILING TO REPORT	457

ADJUDICATIVE GUIDELINE L: OUTSIDE ACTIVITIES 459

ADJUDICATIVE GUIDELINE M: USE OF INFORMATION TECHNOLOGY SYSTEMS	463
I. VIOLATIONS OF COMPANY COMPUTER USE POLICIES	464
II. ONLINE ACCESS OF PORNOGRAPHY MAY BE CHARGED UNDER GUIDELINE M	466
III. MISUSE OF IT SYSTEMS CAN BE MITIGATED	467

APPENDICES

APPENDIX 1: 2017 ADJUDICATIVE GUIDELINES	469
I. ADJUDICATIVE GUIDELINE A—ALLEGIANCE TO THE UNITED STATES	469
II. ADJUDICATIVE GUIDELINE B—FOREIGN INFLUENCE	470
III. ADJUDICATIVE GUIDELINE C—FOREIGN PREFERENCE	471
IV. ADJUDICATIVE GUIDELINE D—SEXUAL BEHAVIOR	472
V. ADJUDICATIVE GUIDELINE E—PERSONAL CONDUCT	473
VI. ADJUDICATIVE GUIDELINE F—FINANCIAL CONSIDERATIONS.....	475
VII. ADJUDICATIVE GUIDELINE G—ALCOHOL CONSUMPTION	476
VIII. ADJUDICATIVE GUIDELINE H—DRUG INVOLVEMENT AND SUBSTANCE MISUSE.....	477
IX. ADJUDICATIVE GUIDELINE I—PSYCHOLOGICAL CONDITIONS	478
X. ADJUDICATIVE GUIDELINE J—CRIMINAL CONDUCT	479
XI. ADJUDICATIVE GUIDELINE K—HANDLING PROTECTED INFORMATION	480
XII. ADJUDICATIVE GUIDELINE L—OUTSIDE ACTIVITIES.....	481
XIII. ADJUDICATIVE GUIDELINE M—USE OF INFORMATION TECHNOLOGY SYSTEMS.....	481

APPENDIX 2: POLICIES, PUBLICATIONS, AND WEBSITES.....	483
I. BASIC GOVERNMENT-WIDE SECURITY CLEARANCE DOCUMENTS AND FORMS	483
A. APPLYING FOR A CLEARED OR SENSITIVE POSITION	483
B. MAINTAINING A CLEARANCE	483
C. CONTINUOUS EVALUATION	484
D. RECIPROCITY	484
E. EVALUATING AND IMPROVING THE PROCESS.....	485
F. GAO REPORTS.....	485
II. DEFENSE DEPARTMENT POLICIES AND DOCUMENTS	486
III. DEPARTMENT OF ENERGY DOCUMENTS.....	488
IV. INTELLIGENCE COMMUNITY DOCUMENTS	488
V. EXECUTIVE ORDERS AND PRESIDENTIAL DIRECTIVES.....	489
VI. FEDERAL LAWS.....	490
VII. CREDENTIALING POST-911.....	490
VIII. WHISTLEBLOWER PROTECTIONS	491
IX. POLYGRAPH POLICIES AND DOCUMENTS	491
X. MENTAL HEALTH DOCUMENTS	492
XI. MARIJUANA/CBD DOCUMENTS	492
XII. CRYPTOCURRENCIES.....	492
XIII. OTHER USEFUL PUBLICATIONS AND WEBSITES	493

