



Security

Newsletter

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Adjudicative Guideline – An Overview

By: DoDSecurity.Blogspot

WBSI Security will be covering the 13 Adjudicative Guidelines in depth over the course of the next few months. The clearance adjudicative guidelines are used to determine eligibility for a security clearance. The government uses 13 adjudicative criteria, referred to as guidelines, for determining whether or not an individual should obtain access to classified information. Decisions are based on national security and a ‘common sense’ judgment of the person’s overall trustworthiness. The 13 adjudicative criteria are:

(1) Guideline A: Allegiance to the United States

This is rarely the cause of a clearance denial or revocation, but political dissidents beware. You can certainly participate in politics but defamatory speech against the government is not looked upon well. The next time someone talks to you about overthrowing the government, you certainly don’t want to lend him or her your ear.

(2) Guideline B: Foreign Influence

Foreign influence is an increasingly significant factor in security clearance determinations, both for naturalized citizens and for those whose parents were born in a foreign country. Your security clearance investigation will seek to ensure that you don’t have divided loyalties.

Adjudicative Guideline – Overview (cont.)

(3) Guideline C: Foreign Preference

Foreign preference – very similar to foreign influence, also comes down to loyalty. It is frequently cited as a factor for dual citizens. If you're a dual citizen, you'll want to avoid taking advantage of the benefits of that citizenship – including travelling on a foreign passport.

(4) Guideline D: Sexual Behavior

Sexual behavior is rarely used for a clearance denial or revocation. When it is, it typically relates to criminal sexual behavior or an extramarital affair. Even an extramarital affair is not likely to result in a clearance denial. But if you haven't disclosed that indiscretion and would go to great lengths to hide it, this may cast doubt on your reliability, trustworthiness, or good judgment.

(5) Guideline E: Personal Conduct

Personal conduct is a common disqualifying condition, and it is most frequently used against applicants who have lied on their SF-86. Fabricating details on your security clearance application is a sure sign of dishonesty. That's why the rule about the SF-86 is to always be truthful. Don't disclose unnecessary information, but omitting a known drug use (which may or may not be a disqualifying issue) is certain to come back to haunt you.

(6) Guideline F: Financial Considerations

Financial considerations are the number one clearance killer. The idea is, if you can't be responsible for your finances, than you may not be trustworthy with classified information, either. Not all debt is considered equally – medical debt, debt due to lay-offs and other explained debt could be mitigated. A problem with overspending is not as favorable, and puts you at risk for foreign espionage efforts and the chance for a quick pay off.

(7) Guideline G: Alcohol Consumption

This adjudicative guideline comes down to alcohol abuse – not the regular glass of wine before dinner or the occasional alcohol beverage. It is often seen through repeated citations for Driving Under the Influence (DUI) or public intoxication. If you've been cited recently – or frequently – for alcohol related offenses, consider enrolling yourself in an alcohol education course.

Adjudicative Guideline – Overview (cont.)**(8) Guideline H: Drug Involvement**

Drug involvement frequently gives young security-clearance applicants sweaty palms. But infrequent drug use can be mitigated – particularly with the passage of time. Even a habitual drug user can show that he or she changed their ways with the passage of time.

(9) Guideline I: Psychological Conditions

Mental health is often a decisive issue in the adjudicative criteria. In recent years the guideline has been updated to clarify that seeking mental health counseling is not a disqualifying factor for a security clearance. The issue for the government is untreated mental illness, unreliability or dysfunctional behavior. If you have received medical counseling for anything other than a spousal, family issue or military service-related issue, you will be asked to provide an “Authorization of Release of Medical Information” which allows your medical provider to answer three questions related to your judgment, reliability and prognosis.

(10) Guideline J: Criminal Conduct

Criminal offenses are considered based on three categories – felonies, misdemeanors and infractions. All must be reported on the SF-86.

(11) Guideline K: Handling Protected Information:

This criterion is more often used to revoke an existing clearance and comes down to the ability to responsibly carry out your duties in handling classified information. Repeatedly failing to lock a safe, for instance, may be seen as a callous attitude toward your duties, and could result in a clearance revocation if the situation is serious.

(12) Guideline L: Outside Activities

This criterion often comes down to relationships – particularly financial ones – with a foreign country. If you’re currently being paid by a foreign company or government for any reason, cease that relationship and be sure you can clearly explain your involvement on your SF-86.

(13) Guideline M: Use of Information Technology Systems

This adjudicative criterion typically relates to excessive misuse of a workplace computer system – including activities such as viewing pornography on a workplace computer.

Adjudicative Guideline – Overview (cont.)

Remember, the adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is an acceptable security risk...carefully weighing a number of variables known as the "whole-person" concept. Available, reliable information about the person, past and present, favorable and unfavorable, will be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator will also consider the following factors:

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

Each of these criteria is considered in light of the 'whole-person concept.' The whole-person concept refers to how a combination of variables are weighed, including the seriousness of conduct, frequency, motivation, likeliness of recurrence, and other factors.

If you have an issue related to one of the adjudicative guidelines, that doesn't mean your chance of obtaining or renewing a security clearance is sunk. Adjudicators consider the whole-person concept when making their determination. Decisions are based on national security and a 'common sense' judgment of a person's trustworthiness. So, even if you have skeletons in your closet, don't consider your clearance chances sunk. The government cares more about the person you are today than who you were in the past.

If you have any questions, concerns or need additional information, please do not hesitate to contact your WBSI Security Team!

QUESTIONS? Please contact us!

Please contact us:

Holly Higgins/FSO: holly.higgins@wbsi.com

Charity DellaCamera/ALT FSO: charity@wbsi.com