

What Does It Really Take to Lose a Security Clearance?

By William L. Bransford



More and more, having a security clearance does matter. Not only is it required for the jobs held by many federal employees, a security clearance is a ticket to increased earnings among employees in the contractor community. In addition, many federal employees decide to leave or retire from federal service and then seek a second career as a contractor in a job where a clearance is required.

Over the years, the “government” as an institution has varied the degree of attention and scrutiny it gives to the security clearance process. At one time during the Cold War, many federal employees had clearances and there was little reinvestigation unless there was a problem. More recently, it seems that quite a few jobs require a clearance even if employees rarely handle classified material. Those employees seeking or maintaining a clearance undergo more rigorous reviews and periodic re-reviews than was previously the case.

Because of a Supreme Court decision two decades ago, the rights of federal employees in the security clearance process are severely limited. The fairly rigid yet simple rule is that if an agency,

under its internal procedures, removes a federal employee’s clearance, and the clearance is required for the job, the employee will be removed from federal employment. Typically, the Merit Systems Protection Board will not look behind the agency’s decision to revoke a clearance at any subsequent appeal. This means that employees whose security clearance eligibility is questioned must pay attention to their agency’s concerns on the front end. The security clearance review process can be intimidating and mysterious so if a letter comes raising security concerns, the employee should learn as much about the process as possible, including receiving legal advice if necessary.

So What Do You Have to Do to Lose a Clearance?

Adjudication guidelines common to all agencies address this concern. Essentially, security clearance issues are raised because of questions about: allegiance to the United States; foreign preference; foreign influence; sexual behavior; personal conduct (including lying on the security forms or at the interviews or not being candid in the investigative process); financial considerations; alcohol consumption; drug involvement; emotional, mental and personality

disorders; criminal conduct; security violations; outside activities; and, misuse of information technology systems.

If any of these issues are raised, the first thing an employee should do is consult the adjudication guidelines to determine the factors that are considered in denying or granting a clearance. Sometimes perfectly legal behavior can be a reason to deny a clearance. For example, under the “foreign preference” factor, possessing a foreign passport can be a basis to deny a clearance even though under U.S. law it is perfectly legal for those persons with dual citizenship to possess both a U.S. and foreign passport. At the Department of Defense, a policy exists to deny a clearance to any applicant who possesses a valid foreign passport.

For a more detailed review of the adjudication guidelines for these security concerns and an explanation of the security clearance process, visit www.shawbransford.com and download the handbook, *Security Clearances: How to Get One & How to Keep It!*

There are three areas worthy of special mention that seem to come up fairly frequently in the re-investigation process. These are:

- (1) seeing a mental health professional;
- (2) having difficulty paying bills or being overwhelmed by debt; and,
- (3) alcohol problems, particularly those



that result in being convicted of offenses like driving under the influence of alcohol.

Consulting A Mental Health Professional

One of the more frequently stated misperceptions among federal employees is the tendency to avoid seeing a psychologist or psychiatrist for emotional problems or help in dealing with a life crisis out of fear that merely seeing a mental health professional will result in the loss of a clearance. The reality is that merely seeing a mental health professional is not a factor in denying a clearance. Instead, security clearance adjudicators look to whether a person's mental illness is so severe that it will interfere with the applicant's judgment, trustworthiness or reliability.

As a general rule, seeing a psychiatrist for depression or anxiety related to a life crisis such as job or marital problems will be viewed favorably in the security clearance process, since it shows an applicant who is willing to get help for problems before they become too big. It is true that contact with a mental health professional must be reported and the applicant must sign a release that results in the mental health professional being contacted. But the level of inquiry is

ordinarily not deep and unless there are serious and unresolved problems, a security clearance is usually granted.

Debts

With the downturn in the economy, excessive debt may become more of a factor than in the past. The concern with excessive debts or irresponsible handling of personal finances is that an applicant may be pressured to do illegal acts, including divulging classified material.

Simply being late on paying a debt, or even filing bankruptcy, is not enough on its own to result in the loss of a clearance. Ordinarily, there must be a pattern of not meeting debts or an inability or unwillingness to meet debt obligations. Those who have a financial crisis and who voluntarily receive counseling for debt management can increase their chances of keeping a clearance.

Alcohol Abuse

Convictions for driving under the influence of alcohol or alcohol abuse that result in work problems are two good ways to get the attention of a security clearance investigator. Of course, alcohol related offenses that go to court will show up on a periodic reinvestigation and should be voluntarily disclosed. Even with a DWI, loss of a clearance is not absolute. Mitigating factors include the

DWI being an isolated event or attendance at an alcohol rehabilitation program.

These are just a few common examples of when a clearance could be pulled. The most important consideration is to take security clearance concerns seriously, to get all the facts, to look at the adjudication guidelines and to get help. ■

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