



DEPARTMENT OF DEFENSE
CONSOLIDATED ADJUDICATIONS FACILITY
BUILDING 600 10TH STREET
FORT GEORGE G. MEADE, MD 20755-5615



March 13, 2020

MEMORANDUM FOR MAJ JOSEPH C PALEN,

THROUGH: 944TH FORCE SUPPORT SQUADRON

SUBJECT: Intent to Revoke Eligibility for Access to Classified Information, Assignment to Duties that have been Designated National Security Sensitive, and Access to Sensitive Compartmented Information (SCI)

References: (a) DoDM 5200.02, Procedures for the DoD Personnel Security Program (PSP), April 3, 2017
(b) Security Executive Agent Directive 4, National Security Adjudicative Guidelines, December 10, 2016 (Effective June 8, 2017)
(c) ICD 704, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information, and Other Controlled Access Program Information, October 1, 2008
(d) ICPG 704.3, Denial or Revocation of Access to Sensitive Compartmented Information, Other Controlled Access Program Information, and Appeals Processes, October 2, 2008

1. Per the above references, a preliminary decision has been made by the Department of Defense (DoD) Consolidated Adjudications Facility (CAF) to revoke your eligibility for access to classified information, assignment to duties that have been designated national security sensitive, and access to Sensitive Compartmented Information (SCI).
2. A decision on eligibility for access to classified information, assignment to duties that have been designated national security sensitive, and SCI access is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Pursuant to reference (a), eligibility shall be granted only where facts and circumstances indicate eligibility for access to classified information is clearly consistent with the national security interests of the United States, and any doubt shall be resolved in favor of the national security. Information concerning your personal history has led to the security concern(s) listed in Attachment 1, *Statement of Reasons (SOR)*, which prevent the DoD CAF from making the affirmative decision that your eligibility is clearly consistent with the interests of national security. If this preliminary decision becomes final, you will not be eligible for access to classified information, assignment to duties that have been designated national security sensitive, and SCI access as defined by the above-cited references.
3. Your access to classified information was suspended by your organization.
4. You must complete Attachment 2, *Statement of Reasons Receipt and Statement of Intent*, and forward it to the DoD CAF, via your organization's Security Management Office (SMO) or SCI

SMO within ten (10) calendar days of receipt of this memorandum. Contact your SMO or SCI SMO for help in preparing and forwarding this form. If the completed Attachment 2 is not received at the DoD CAF, it will be presumed that you do not intend to submit a reply.

5. You may request the records upon which the DoD CAF relied on to make the preliminary decision. Attachment 3 is provided to assist you in requesting your records. Use the Office of Personnel Management (OPM) request if your SOR is based upon an OPM Investigation. Use the appropriate records request form(s) provided herein, if your SOR is based upon records other than, or in addition to, the OPM investigation. Failure to request the record(s) in a timely manner, failure to provide an accurate mailing address, and/or failure to accept receipt of the record(s) upon delivery, will not serve as justification for an extension of time to respond to the SOR.

6. You may challenge this preliminary decision by responding, in writing, with any information or explanation that you think should be considered in reaching a final decision. Attachment 4, *Instructions for Responding to a Statement of Reasons*, provides instructions to assist you if you choose to submit a response. Attachment 5, *National Security Adjudicative Guidelines*, provides information on the guidelines and Attachment 6, *Applicable National Security Adjudicative Guidelines*, provides the specific national security adjudicative guideline(s) from reference (b) used in this preliminary decision.

7. You may choose to obtain legal counsel, or other assistance, in preparing your response to this preliminary decision. You may obtain civilian counsel, at your own expense, or, if you are eligible, from the staff of the Judge Advocate General. If you desire assistance from legal counsel, you should make those arrangements immediately.

8. If you choose the option to respond, your written response must be submitted through your SMO or SCI SMO within sixty (60) calendar days from the date you acknowledge receipt of this memorandum. Your SMO or SCI SMO will then forward it to the DoD CAF. To request an extension, you must provide a written request, with justification, to your SMO or SCI SMO prior to the current deadline. Your SMO or SCI SMO will then submit your request to the DoD CAF for review/approval. Any request for extension of time to respond may be granted only by the DoD CAF.

9. If you choose the option not to respond or if you chose to respond but your response is not received by your SMO or SCI SMO within the specified time, this preliminary decision will become a final security determination on the merits of the information available. Please direct questions regarding this memorandum to your SMO or SCISMO.

 by sc
William Livingston
Division Chief
Adjudications Directorate

Attachments:

1. Statement of Reasons
2. Statement of Reasons Receipt and Statement of Intent
3. Form(s) for Requesting Records
4. Instructions for Responding to a SOR
5. National Security Adjudicative Guidelines
6. Applicable National Security Adjudicative Guidelines

STATEMENT OF REASONS (SOR) FOR JOSEPH C PALEN,

The information listed below was derived from the documents listed at the end of this attachment (Attachment 1, Statement of Reasons). Each item of disqualifying information falls under one or more of the security guidelines listed below.

GUIDELINE I: Psychological Conditions

Available information shows issues of Psychological Conditions on your part.

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. No negative inference may be raised solely on the basis of seeking mental health counseling.

Per the Adjudicative Guidelines, conditions that could raise a security concern and may be disqualifying include:

The Joint Personnel Adjudication System (JPAS) Incident History report, dated May 24, 2019, disclosed that your commander initiated a Security Information File (SIF), Subject: Personal Conduct of an Air Force Pilot Involvement of Behavior That Does Not Hold Professional Standards.

A Letter of Counseling, dated September 9, 2017, disclosed that in March 2017, during your instructor pilot upgrade tactical intercepts sortie, you were involved in an unprofessional argument with the instructor of record. The argument was related to how the instructor handled a flight debrief that you asked not to be delayed due to your commuting schedule. The instructor decided to finish that day rather than delay the briefing for several days. On the following Tuesday, you confronted the instructor about how he handled the situation and you became unprofessional. The instructor stated if you continued to behave in such a manner, he would ask not to fly with you.

On August 10, 2017, you were involved in another unprofessional interaction when you berated a crew chief about the cleanliness of an aircraft's canopy. He offered to clean it on the spot but you refused and flew the jet away. Furthermore, once you returned with the jet, you expressed to him that you were displeased with his ability to do his job.

A Department of Air Force memorandum, Subject: Letter of Reprimand, dated October 21, 2017, disclosed an investigation was conducted between September 12, 2017 and September 27, 2017, which disclosed you deviated from the standards of conduct expected of an officer in the United States Air Force Reserve.

Based on your behavior, your Command requested you participate in a mental health evaluation. The evaluation report dated November 13, 2017, was included in the SIF. It disclosed your long standing inappropriate behavior and in a manner unbecoming of an officer. Your behavior resulted in complaints to your command from various duty stations. The Inspector General has received several complaints about you, and you received verbal and written counseling on several occasions. Your evaluation further disclosed your behavior included being argumentative, swearing, berating others, yelling at others, verbal outbursts in briefings, inappropriate interruption, disparaging remarks, and backbiting. It was noted that your behavior affected your unit and your ability to work within a military environment. You were described as combative and unresponsive to feedback. Furthermore, the Commander's Report showed multiple sources and pilots had voiced

their concerns about your behavior, which undermined their ability to trust you, and they requested not to fly with you.

You were diagnosed with Narcissistic Personality Disorder so severe that you were deemed unsuitable for continued military service on the basis of your diagnosis. In addition, you have not engaged in any mental health treatment to address your problems, because you were not interested in treatment. The examiner's recommendation included the following: Prevent access to government weapons; consider efforts to secure personal firearms; ensure use of direct handoff policy following investigative interviews, adjustments of assigned duties. The evaluator also recommended that you be processed for administrative separation because your mental health disorder is so severe, your ability to function effectively in the military environment is significantly impaired. You were recommended to have duty and mobility restrictions, to include having no access to weapons, no deployments, TDY, or PCS. The evaluator did not provide an expiration date for the restriction recommendations.

Based on the information received in the aforementioned documents, the DoD CAF sent a memorandum, Subject: Request for Medical Evaluation, dated June 6, 2019, to your Command requesting that you participate in a medical evaluation so that potentially disqualifying and mitigating information may be fully and properly evaluated. Your command requested a 30-day extension on July 2, 2019 and August 1, 2019, needing additional time to provide the requested information. The DoD CAF received a Memorandum, Subject; Medical evaluation, re: Joseph C. Palen, dated September 3, 2019. The memo advised the DoD CAF that you declined to submit to the medical evaluation as requested on June 6, 2019, because you were cleared medically by two providers subsequent to the November 13, 2017 medical evaluation. However, to date, the DoD CAF has not received any records of these subsequent evaluations.

Based upon the aforementioned reports from your Command and the results of your mental health evaluation on November 13, 2017, you have a psychological condition and associated behavior that may impact your judgment, stability, and reliability. Due to the lack of participation in the DoD CAF requested medical evaluation and absence of any other supporting medical documentation, your Psychological condition is of a security concern. (Guideline I, Attachment 6)