



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 18-02194
)
Applicant for Security Clearance)

Appearances

For Government: Erin P. Thompson, Esq., Department Counsel
For Applicant: *Pro se*

| 07/02/2019

Decision

BENSON, Pamela C., Administrative Judge:

Applicant, a naturalized U.S. citizen, failed to mitigate the security concerns raised by her ongoing contact with family members who are citizens and residents of Russia and the Ukraine. She also failed to mitigate financial considerations security concerns. Eligibility for access to classified information is denied.

History of the Case

On August 24, 2017, Applicant completed and signed a security clearance application (SCA). On November 9, 2018, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; as amended (Directive); and the National Security Adjudicative Guidelines (AG) effective within the DOD on June 8, 2017.

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the interests of national security to grant a security clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the

SOR set forth security concerns arising under the Guideline B (Foreign Influence) and Guideline F (Financial Considerations).

On December 19, 2018, Applicant responded to the SOR and requested a hearing. On January 25, 2019, the case was assigned to me. On March 5, 2019, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for March 21, 2019. The hearing was held as scheduled.

During the hearing, Department Counsel offered five exhibits (GE). Applicant testified, but did not provide any documents. I admitted all proffered exhibits into evidence without objection. I also held the record open for one month in the event either party wanted to submit additional documentation. (Tr. 41) On April 1, 2019, DOHA received a transcript of the hearing. On April 15, 2019, Applicant timely submitted several documents, which I labeled as Applicant's Exhibits (AE) A-C, and admitted into evidence without objection. The record closed on April 21, 2019.

Procedural Ruling

Department Counsel offered summaries for administrative notice concerning foreign influence security concerns raised by Applicant's connections to Russia and the Ukraine. Applicant did not object to me taking administrative notice of facts concerning Russia and the Ukraine, and I granted Department Counsel's motion. Department Counsel and Applicant indicated they had no objection to me taking administrative notice of facts from the U.S. Department of State website. (Tr. 41) Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); ISCR Case No. 05-11292 at 4 n. 1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n. 4 (3d Cir. 1986)). Usually administrative notice at ISCR proceedings is accorded to facts that are either well known or from government reports. See Stein, ADMINISTRATIVE LAW, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice).

Findings of Fact

Applicant admitted all of the allegations in the SOR, except for SOR ¶¶ 2.j and 2.l. She also provided mitigating information in a written statement. Her admissions are incorporated herein as findings of fact.

The Government has requested that I take administrative notice of certain facts about Russia and the Ukraine. Therefore, I make the following findings of fact:

Russia has a highly centralized, weak multi-party political system dominated by the president. Russia has significant human-rights problems, marked by restrictions on civil liberties, discrimination, denial of due process, forced confessions, torture, other prisoner mistreatment, and the government's failure to prosecute officials who commit serious violations. Government officials also engage in electronic surveillance without proper authorization. Russia is one of the most aggressive countries conducting

espionage against the United States, focusing on obtaining proprietary information and advance weapons technologies beneficial to Russia's military modernization and economic development. Russia's intelligence services as well as private companies and other entities frequently seek to exploit Russian citizens or persons with family ties to Russia who can use their insider access to corporate networks to steal secrets. They also have offered financial inducements to U.S. government officials and citizens to encourage them to compromise classified information. Russia's attempts to collect U.S. technological and economic information represent a growing and persistent threat to U.S. security.

U.S. intelligence has also identified the Ukraine as an active perpetrator of industrial espionage against the United States, often targeting individuals with ties to the country. In 2014, Russia seized and occupied Crimea in an effort to annex it, which caused the United States to impose sanctions against those entities and individuals responsible for the aggression. The conflict is ongoing. The U.S. State Department advises U.S. citizens to avoid separatist-controlled areas of Ukraine, particularly the eastern regions of Donetsk and Luhansk, where separatist groups have detained and kidnapped U.S. citizens. The U.S. State Department has also warned U.S. citizens to avoid all travel to Crimea due to the continued presence of Russian Federation military forces occupying the region as a de facto government and committing abuses against the local population. The Ukrainian Government is known to commit human rights violations, including government intervention on personal freedoms. Separatist groups, present in several regions, are known to target U.S. citizens.

Applicant is a 55-year-old linguist sponsored for a security clearance by a DOD contractor since August 2017. Her employment as a linguist is contingent on her obtaining a DOD security clearance. In 1963, she was born and raised in Ukraine. In 1983, she was married in Ukraine, and in 1995, she obtained a divorce in Russia. She has a daughter, age 34, and a grandchild, age 6, currently living in Russia. In 1998, she graduated from Moscow State Mining University with a bachelor's degree, and in 1999, she earned a master's degree in business administration. In 2004, she married a U.S. citizen in Russia, whom she met online, and she emigrated from Russia to the United States in 2006. In 2011, she became a naturalized U.S. citizen. She is currently employed by a company working as a translator. Her workload is inconsistent, and her monthly income averages approximately \$1,200. She and her spouse live in separate households, and he does not support her financially. (Tr. 11-14, 52-53, 76, 80-81; GE 1)

SOR ¶ 1.a alleges that Applicant's daughter is a citizen and resident of Russia. Applicant admitted this in her SOR response. Her daughter recently divorced her husband. Applicant has asked her daughter to come to the U.S. on multiple occasions, but her daughter is reluctant. Her daughter is employed as a purchaser for a privately-owned company. Applicant stated that she tries to communicate with her daughter by phone every week, but sometimes she is unsuccessful in getting ahold of her. She also uses the app "WhatsApp" and Skype frequently to communicate with her daughter. (Tr. 59-63)

SOR ¶¶ 1.b and 1.c. allege that Applicant's sister and brother-in-law are citizens and residents of the Ukraine. Applicant admitted this in her SOR response. At the

hearing, she said that there was a time after their mother passed away, Applicant and her sister did not communicate for nearly two years. When Applicant was sick with lymphoma last year, she contacted her sister. They now communicate on an app called "Viber," and they talk to each other two-to-three times a week. Applicant asked her sister and her husband to come to the U.S., and she indicated there is a possibility they may come for a visit. Her sister is a regional manager for about 20 small grocery stores, and her husband is a security guard. Neither of their jobs are connected to the Ukrainian government. (Tr. 64-69)

SOR ¶ 1.d alleges that Applicant's friend is a citizen and resident of the Ukraine. Applicant admitted this in her SOR response. At the hearing, she said her friend was a neighbor while she was growing up. Her friend is elderly and helped take care of her mother after she suffered a stroke. Their contact now is infrequent. (Tr. 69-70)

SOR ¶ 1.e alleges that Applicant's friend is a citizen of Russian, residing in the Russian Embassy in Washington D.C. The friend's spouse was an employee of the Russian Embassy. Applicant admitted that the woman used to be her friend, but they terminated their friendship and they no longer have any contact. (Tr. 73)

Applicant does not own any property in Russia or the Ukraine, and she has no plans to visit either country. She has never returned to either country since she arrived in the U.S. in 2006. (Tr. 73-75)

Financial Considerations

The SOR also alleges unpaid financial obligations just under \$20,000. Applicant attributes her financial difficulties from an abusive marriage, which required her to live separate from her spouse. Her spouse was unemployed and he depleted their savings account. She had difficulty obtaining employment despite her college education, and was forced to accept jobs paying low wages, to include employment as a pizza delivery driver, a house cleaner, and a home-healthcare aide. Applicant also suffered from medical issues with her spine and lymphoma. (Tr. 15, 45, 48-50, 58)

Applicant sent her mother \$300 to \$500 several times during 2010 and 2011. In 2012, she could no longer afford to send money to her mother. When Applicant started working as a linguist in 2015, she resumed sending money to her mother, and she also paid back a loan of \$1,500 she borrowed from a friend. Applicant admitted she was delinquent on her bills during the time she was sending money. She sent money because her mother was in poor health, and the money was needed to help pay for medical care and medicine. Her mother passed away in August 2016. (Tr. 71-72)

SOR ¶ 2.a alleges a personal loan account was referred for collection in the amount of \$8,480. This is the largest debt cited in the SOR. Applicant took out a personal loan to pay off some of the delinquent credit cards. Her last payment on this account was in about 2014. She has been unable to pay on this account since her wages are too low and her income is unstable. This debt is unresolved and unsatisfied. (Tr.42-43)

The remaining SOR debts Applicant admitted in her SOR response, SOR ¶¶ 2.b-2.i, 2.k, and 2.m, and 2.n, are debts that she plans to pay eventually, but at the present time, she is unable to make payments on these accounts due to irregular income and low wages. Applicant promised to pay off her delinquent debts once she obtained her DOD security clearance. She would be employed with a higher income, and able to afford regular payments to her creditors. Currently these debts are unresolved and unsatisfied. (Tr. 44, 79)

SOR ¶ 2.j alleges that Applicant owes an apartment complex \$581. She denied this debt in her SOR response. Applicant was separated from her spouse and living in an apartment. He became very ill, and she allowed him to move into her apartment. The property manager noticed that she had an unauthorized resident, and three dogs, instead of two dogs, which was in violation of her lease agreement. She was asked to vacate the apartment, which she did. Applicant later received a letter from the apartment complex indicating she owed money due to pet stains and the odor of urine coming from the carpet, which required the carpet to be replaced. She denied owing this money, and refused to pay this disputed debt. After the hearing, Applicant provided some documentation showing her ongoing dispute with this creditor. This debt has not been resolved. (Tr. 44-47; AE C)

SOR ¶ 2.l alleges that Applicant owes a townhome complex \$71, for a past due debt. She denied this debt in her SOR response. After the hearing, Applicant provided documentation showing she paid this debt in 2015. This debt is fully satisfied. (Tr. 47-48; AE B)

Other documentation Applicant submitted showed that she settled a debt with a collection agency in 2016. The delinquent debt totaled \$1,079. The creditor requested Applicant pay \$800, and they would close the account as settled. Applicant paid this amount in 2016. I researched the account number on her documentation, but I could not find this particular debt pertained to any of the delinquent accounts alleged in the SOR. (AE A)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are

applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. See also Exec. Or. 12968 (Aug. 2, 1995), § 3.1. Thus, nothing in this Decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination about applicant's allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and DNI have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Foreign Influence

AG ¶ 6 explains the security concern about "foreign contacts and interests" stating:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in

which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

AG ¶ 7 has conditions that could raise a security concern and may be disqualifying in this case:

(a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; and

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

In assessing the heightened risk created as a result of a security clearance, the Applicant's ties to a hostile country are important. However, even countries friendly to the United States have attempted to gain unauthorized access to classified information. Under the particular facts of this case, I have taken administrative notice of the information provided by Department Counsel. As noted, the Russian and Ukrainian governments are known to commit human rights violations, including government intervention on personal freedoms. Separatist groups, present in several regions, are known to specifically target U.S. citizens. Given the ongoing conflict in Russia and the Ukraine between the elected government and separatist groups and the potential threats against U.S. citizens, Applicant's relationships with her family members in Russia and the Ukraine create a heightened risk of foreign exploitation and coercion and the potential risk for a conflict of interest. AG ¶¶ 7(a) and 7(b) are established.

Applicant's ongoing contacts with her daughter, grandchild, sister, and brother-in-law create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information. There is a rebuttable presumption that a person has ties of affection for, or obligation to, his or her immediate family members.

The DOHA Appeal Board has indicated for Guideline B cases, "the nature of the foreign government involved and the intelligence-gathering history of that government are among the important considerations that provide context for the other record evidence and must be brought to bear on the Judge's ultimate conclusions in the case. The country's human rights record is another important consideration." ISCR Case No. 16-02435 at 3 (May 15, 2018) (citing ISCR Case No. 15-00528 at 3 (App. Bd. Mar. 13,

2017)). Another significant consideration is the nature of a nation's government's relationship with the United States. These factors are relevant in assessing the likelihood that an applicant's family members living in that country are vulnerable to government coercion or inducement.

The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, the government ignores the rule of law including widely accepted civil liberties, a family member is associated with or dependent upon the government, the government is engaged in a counterinsurgency, terrorists cause a substantial amount of death or property damage, or the country is known to conduct intelligence collection operations against the United States. The relationship of Russia and the Ukraine with the United States, and the situation in those countries places a significant burden of persuasion on Applicant to demonstrate that her relationship with any family member living in or visiting those countries do not pose a security risk. Applicant should not be placed into a position where she might be forced to choose between loyalty to the United States and a desire to assist a relative living in or visiting Russia or the Ukraine.

AG ¶ 8 lists conditions that could mitigate foreign influence security concerns including:

(a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

The DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in

Egan, supra. “Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.” Directive, Enclosure 2 ¶ 2(b). ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

None of the mitigating conditions fully apply. Applicant presented some important mitigating information. She has deep and longstanding relationships and loyalties in the U.S. Applicant has resided in the United States since 2006, and she became a U.S. citizen in 2011. She swore an oath of allegiance to the United States as part of the citizenship process.

Applicant’s connections to Russia and the Ukraine are substantial and ongoing. She has frequent contacts with her daughter and sister, who are citizens and residents of Russia and the Ukraine, respectively. Applicant’s frequent contacts with family members are manifestations of her care and concern for those family members. In sum, Applicant’s connections to her relatives living in Russia and the Ukraine are substantial. Her connections to the United States taken together are insufficient to overcome the foreign influence security concerns under Guideline B.

Financial Considerations

AG ¶ 18 articulates the security concern for financial problems:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

The guideline notes several conditions that could raise security concerns under AG ¶ 19. Applicant’s 14 delinquent debts total approximately \$20,000. These debts became delinquent in approximately 2012, and they remain delinquent. The Government produced substantial evidence to raise the disqualifying conditions in AG ¶ 19(a) (an inability to satisfy debts) and AG ¶ 19(c) (a history of not meeting financial obligations). Further inquiry about the applicability of mitigating conditions is required.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce, or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

Applicant bears the burdens of production and persuasion in mitigation. Her debts became delinquent around 2012, and they remain delinquent. She has referenced financial hardships due to separation from her spouse without financial support, her underemployment, and medical issues; which are conditions beyond her control. However, she has not provided sufficient information or documentation to establish the financial impact of these conditions beyond her control. More importantly, she must demonstrate that she acted responsibly under the circumstances.

Applicant has not provided any documentary evidence of a debt-resolution plan. She promises to repay her creditors once she obtains consistent employment with higher wages, but at the current time, she is unable to make payments to her delinquent creditors. Mere promises to pay debts in the future, without further confirmed action, are insufficient. Applicant's failure to show that she has a defined plan to repay any of her creditors continues to cast doubt on her judgment. Her financial issues continue to be a burden to her and there is no evidence it is under control. None of the financial considerations mitigating conditions apply.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(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.

Under AG ¶ 2(c), “[t]he ultimate determination” of whether to grant a security clearance “must be an overall commonsense judgment based upon careful consideration of the guidelines” and the whole-person concept. My comments under Guidelines B and F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is a 55-year-old linguist. She is currently employed by a company as a translator, and her take-home pay averages about \$1,200 per month. She is unable to pay her delinquent debts, and her financial difficulties are not under control.

A Guideline B decision concerning Russia and the Ukraine must take into consideration the geopolitical situation and dangers there. Applicant maintains frequent contact with her daughter in Russia and her sister in the Ukraine. Frequent contacts with family in foreign countries are a manifestation of one’s care and concern for relatives living in those foreign countries, and raise important foreign influence security concerns.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude foreign influence and financial considerations security concerns are not mitigated. Eligibility for access to classified information is denied.

Formal Findings

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline B:	AGAINST APPLICANT
Subparagraphs 1.a through 1.e:	Against Applicant
Paragraph 2, Guideline F:	AGAINST APPLICANT
Subparagraphs 2.a through 2.k:	Against Applicant
Subparagraph 2.l:	For Applicant
Subparagraphs 2.m and 2.n:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Pamela C. Benson
Administrative Judge