



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



In the matter of:)	
)	
[REDACTED])	ISCR Case No. 19-00840
)	
Applicant for Security Clearance)	

Appearances

For Government: Carroll J. Connelley, Esq., Department Counsel
 For Applicant: *Pro se*
11/27/2019

Decision

MARINE, Gina L., Administrative Judge:

This case involves security concerns raised under Guideline H (Drug Involvement and Substance Misuse) and Guideline E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted security clearance applications (SCA) on February 24, 2016 (SCA 1) and April 18, 2017 (SCA 2). On May 1, 2019, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines H and E. The DOD CAF acted under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on June 8, 2017.

Applicant answered the SOR on May 17, 2019, and requested a decision on the written record without a hearing. On July 9, 2019, the Government sent Applicant a complete copy of its written case, a file of relevant material (FORM), including documents identified as Items 1 through 7. He was given an opportunity to submit a documentary response setting forth objections, rebuttal, extenuation, mitigation, or explanation to the Government’s evidence. He received the FORM on July 18, 2019, and did not respond.

Item 1 contains the pleadings in the case. Items 2 through 7 are admitted into evidence. The case was assigned to me on October 18, 2019.

Findings of Fact

Applicant, age 60, is divorced and has no children. He served in the U.S. Marine Corps from 1977 through 1981, when he received an honorable discharge. He earned an associate degree in 1996. He has been employed as a sensors and systems technician by a defense contractor since 2014. (Items 2, 3)

Applicant was granted DOD security clearances in 1983 and 2016. He maintained an interim clearance during the adjudication of the background investigation initiated by SCA 1, which began in March 2016 and concluded in September 2016. In October 2016, the DOD CAF granted him a final clearance after concluding that he mitigated the personal conduct, financial considerations, and criminal conduct concerns raised by SCA 1. In February 2017, the DOD CAF requested that Applicant complete SCA 2 in connection with its investigation focused on the concerns raised by a January 2017 incident report about an October 2016 driving under the influence (DUI) charge. Applicant submitted SCA 2 in April 2017. That investigation, which concluded in December 2018, resulted in the SOR, which was referred to this office for final adjudication. (Item 2 at 35; Item 3 at 38-39; Item 5 at 6-7; Items 6 and 7)

The SOR alleged Guideline H and E concerns involving Applicant's use of marijuana and other illegal drugs, including while he served in the Marine Corps and also while he possessed a security clearance. It also alleged Guideline E concerns involving Applicant's deliberate SCA falsifications, excessive alcohol consumption, and a 2012 assault charge.

Applicant's marijuana use began in 1974 at age 15. He used it three times during high school. He began smoking marijuana on a daily basis when he joined the Marine Corps in 1977 at age 18. His marijuana use continued through at least February 24, 2017 at age 57 (except for one six-month period of abstinence noted below). The amount of his daily marijuana consumption varied over those years, as follows: 1) five to six joints (1977 through 1979); 2) a "couple of hits" (1979 through 1980), which was during a time when his marijuana supply was limited while stationed overseas; 3) five to six joints (1980 through 1981); 4) three to four joints (1981 through 1995); 5) two joints (1995 through 2012); and 5) four to five joints (2012 through February 2017). Between 1977 and February 2017, he had abstained from his daily marijuana use only one time: an unspecified period of six months sometime during his marriage (between 1980 and 1987), when his then wife dared him to stop. Applicant acknowledged that he purchased marijuana from unspecified friends, but denied ever selling it. (Item 2 at 24; Item 4 at 5, 16, 18)

Applicant used other illegal drugs at various times. In 1978 at age 19, he consumed amphetamines twice: by taking a methamphetamine (speed) pill once, and by smoking crystal methamphetamine once. He consumed lysergic acid diethylamide (acid) on four occasions in 1979 at age 20, and then one time in 1995 at age 36. Between 1979 (age

20) and 2006 (age 37), he used cocaine six times. In 2012 at age 53, he tried heroin on one occasion to see what it was about since his girlfriend was abusing it at the time. (Item 4 at 16; Item 5 at 8)

In 2012, Applicant kned his girlfriend in the back for which he was charged with felony assault with a dangerous weapon. After he pled guilty to the reduced charge of misdemeanor simple assault, he was sentenced to one year of probation and fined \$600. His girlfriend was also granted a one-year order of protection against him. He successfully complied with the terms of his probation and the protective order. After the order expired, he resumed the relationship with his girlfriend, which continued through at least August 2018. This is the same girlfriend from whom Applicant obtained heroin. (Item 2 at 30-32; Item 3 at 30-32; Item 4 at 9, 16, 24, 25; Item 5 at 5)

In October 2016, Applicant drove under the influence of marijuana. After the police officer who stopped him for a traffic violation smelled marijuana emanating from Applicant's car, he was issued a field sobriety test, which he failed. The officer also found the remains of four previously-smoked marijuana joints in the driver's side door. Applicant denied smoking marijuana while he was driving, but admitted that he had smoked it while parked in his car three hours prior to driving. His blood sample tested positive for marijuana. He was arrested and spent one night in jail. Applicant pled guilty to misdemeanor DUI of marijuana for which he was accepted into a first-time offenders pre-trial intervention program, consisting of six months of probation and an \$1,800 fine. His driver's license was suspended for two months. He was ordered to complete 24 hours of community service, take DUI classes, and attend drug and alcohol treatment. He successfully completed the program, which qualified him for a dismissal of the DUI charge. (Item 3 at 29, 32-33; Item 5 at 5-6)

Applicant's court-ordered treatment consisted of a drug and alcohol evaluation, seven individual therapy sessions, and an unspecified number of group therapy sessions that he attended twice per week. He entered the program on March 3, 2017 with a diagnosis of cannabis use disorder, severe (based on DSM-5 criteria). Applicant was discharged from treatment in October 2017, as planned, upon completion of his stated goal: "I want to not use marijuana for at least the next 7 years until I retire." His counselor noted Applicant's expressed intent to remain clean and sober and that, during the course of his treatment, he was an active participant and remained highly motivated. The treatment records reflected a diagnosis of cannabis use disorder, in early remission, at discharge, but did not specify a prognosis from his counselor. Nor did they articulate a specific aftercare plan beyond referring various resources for Applicant to use as needed. (Item 4 at 1, 3, 4, 14, 20, 22, 29-44)

During his initial intake on March 3, 2017, Applicant tested positive for marijuana, which Applicant acknowledged he had used seven days prior. He told his counselor that he did not stop using marijuana after his DUI until the day he received an unspecified letter from the court on February 24, 2017, because he really enjoyed marijuana. According to treatment records, Applicant reportedly abstained from drugs and alcohol throughout the course of his treatment and passed each of the seven drug tests to which he was subjected. However, beginning with his first treatment session on June 2, 2017

and continuing through the last one on September 22, 2017, he reported his last marijuana use as March 16, 2017, which together with other record evidence (discussed below) reveals that he used marijuana at least once during the interim period between his initial intake on March 3, 2017 and the day his treatment began on June 2, 2017. There is no record evidence that Applicant was subjected to any drug testing during that interim period or to explain the reason for the delay in him commencing treatment after intake. (Item 4 at 13, 16, 29-44)

During his initial intake, Applicant revealed that he routinely smoked marijuana in his car while driving. His stated triggers for marijuana use relapse included stress, his bandmates, and playing gigs. He reported that he regularly drove under the influence after consuming excessive amounts of alcohol. He acknowledged that, on each occasion that he chose to drive, he knew he should not have been driving because he was “hammered.” (Item 1 at 5, 8; Item 4 at 16-18)

Applicant tested positive on an alcohol screening test administered during treatment, which raised concerns about his alcohol use. However, Applicant declined referral for an alcohol-use assessment. He was advised to abstain from drinking alcohol and to undergo an alcohol screening test annually. His counselor reviewed the specific health issues and risks that underscored the abstention recommendation. Applicant reportedly abstained from alcohol use during treatment. (Item 4 at 1, 43-44)

During the security clearance investigations process, Applicant was not forthcoming about his marijuana and other drug use. He answered “no” to each of the questions in section 23 about illegal use of drugs or drug activity on SCA 1, and otherwise failed to disclose therein his reportable marijuana use or that he used marijuana and other illegal drugs while in possession of his 1983 security clearance. On SCA 2, he reported the following in response to questions in section 23 about his marijuana use: 1) that he only used marijuana between October 2016 and March 2017, including while he possessed his 2016 security clearance; 2) that he purchased marijuana every 2 weeks during that period; and 3) that he only smoked about two joints per day (to relieve stress and boredom). However, he otherwise failed to disclose on SCA 2 his other reportable marijuana use. (Item 2 at 33-34; Item 3 at 34-35)

Applicant was interviewed in August 2018 about SCA 1. There is no information in the record to explain why SCA 2 was not also discussed. During the interview, Applicant admitted using marijuana “on and off over the decades” beginning in the 1970s. He asserted that his most recent use occurred between September 2016 and March 2017, during which time he smoked at least one joint a day (about 3 grams per day), while he possessed a security clearance. He averred that he “began smoking [marijuana] again” in September 2016 because his friends were doing so, and that he stopped smoking it after his court date in March 2017. He did not enumerate the specific day during the interview. However, he did report the date as March 28, 2017 in SCA 2. (Item 3 at 30, 32; Item 5 at 6)

Applicant maintained that he did not intentionally falsify SCA 1 and claimed that he did not list his marijuana and other drug use on SCA 1 because: 1) his recent marijuana

use occurred after he completed SCA 1, 2) he had forgotten about his heroin use, and 3) his other drug use occurred more than seven years prior. In April 2019, Applicant verified the accuracy of the facts and circumstances he reported about his marijuana use during the interview. (Item 5 at 6, 9, 11, and 12)

Applicant attributed his marijuana use primarily to stress, boredom, and being a member in a band; and his other drug use to experimentation. Applicant has played in a rock band since at least 1992. On SCA 1 and SCA 2, he identified three of his bandmates as people who knew him well in section 16 and used two of them as references in other sections. He acknowledged that his bandmates used marijuana, but denied being tempted to use it himself when he is around them. (Item 2 at 7, 10, 22-23; Item 3 at 9, 20-22, 35; Item 4 at 12, 17, 39; Item 5 at 6, 8-9)

As of August 2018, Applicant continued to associate with unspecified individuals who use marijuana (because everyone he knows uses it), but not with individuals who use other illegal drugs. His girlfriend had actively sought help with her drug addiction and was committed to a sober lifestyle. Applicant was regularly exposed to marijuana use, but insisted that he was also committed to a sober lifestyle and had no future intent to resume using marijuana because he did not want to lose his job. (Item 5 at 6 and 9)

SOR ¶ 1.f. alleged “You have routinely used marijuana while driving,” to which Applicant answered: “I admit . . . I have routinely used marijuana while driving.” SOR ¶ 2.d alleged “As of your 2017 treatment . . . you were admittedly binge drinking and driving about twice a month,” to which Applicant answered “I deny . . . I drink twice a month, not always binge drinking, usually about 2 or 3, occasionally more. I do not drive until 3 hours after drinking . . .” In the closing paragraph of Applicant’s SOR answer, he stated the following: “I admit to liking smoking marijuana occasionally” and “I dislike all other drugs.” He did not explicitly address therein whether he had maintained his marijuana sobriety since March 2017. (Item 1 at 5, 8)

Policies

“[N]o 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.” (*Egan* at 527). The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” (EO 10865 § 2).

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines 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 and 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 that 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 made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” (EO 10865 § 7). Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense 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. (*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. (ISCR Case No. 92-1106 at 3, 1993 WL 545051 at *3 (App. Bd. Oct. 7, 1993)). 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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. (ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005)).

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)). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” (*Egan*, 484 U.S. at 531; AG ¶ 2(b)).

Analysis

Guideline H (Drug Involvement and Substance Misuse)

The concern under this guideline is set out in AG ¶ 24:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any "controlled substance" as

defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

The facts and circumstances surrounding Applicant's marijuana and other drug use establishes the following disqualifying conditions under this guideline:

AG ¶ 25(a): any substance misuse (see above definition);

AG ¶ 25(b): testing positive for an illegal drug;

AG ¶ 25(c): illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;

AG ¶ 25(d): diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of substance use disorder;

AG ¶ 25(f): any illegal drug use while granted access to classified information or holding a sensitive position; and

AG ¶ 25(g): expressed intent to continue drug involvement and substance misuse, or failure to clearly and convincingly commit to discontinue such misuse.

None of the following potentially applicable mitigating conditions under this guideline are fully established:

AG ¶ 26(a): the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

AG ¶ 26(b): the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to: (1) disassociation from drug-using associates and contacts; (2) changing or avoiding the environment where drugs were used; and (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility; and

AG ¶ 26(d): satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Applicant has a 40-year history of heavy marijuana use. He smoked it on a daily basis from 1977 through at least February 24, 2017 (except for one six-month period in the 1980s), including while he served in the Marine Corps and also while he possessed a security clearance. Applicant routinely chose to smoke marijuana in his car while driving. He not only failed to stop using marijuana immediately after his 2016 DUI, but he used it on at least one occasion after the March 3, 2017 initial intake for his court-ordered treatment program.

Applicant is credited with successfully completing treatment in October 2017, when his severe substance-use disorder was in early remission. However, he failed to establish a sufficient pattern of abstinence. He continues to associate with marijuana users and be regularly exposed to marijuana use. Not only am I unable to conclude that Applicant's marijuana use is not likely to recur, but he failed to clearly and convincingly commit to discontinuing his marijuana use. Specifically, his SOR answer contains statements (noted in the findings of fact) which suggest he may have resumed his marijuana use, or at the very least, calls into question his ongoing commitment to sobriety. While his experimental use of other drugs was isolated and unlikely to recur, the fact that he tried heroin at age 53 and used other drugs while in the Marine Corps undercuts mitigation. The facts and circumstances surrounding Applicant's marijuana and other drug use raise substantial doubts about his current reliability, trustworthiness, and good judgment.

Guideline E (Personal Conduct)

The concern under this guideline is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and

(b) refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

The above-stated general concern is established by Applicant's lengthy history of questionable judgment and unwillingness to comply with rules and regulations. He was a heavy user of marijuana for at least 40 years, including while holding a security clearance and while in the Marine Corps. He was not forthcoming about his drug-use history during the security clearance investigations process. At age 53, he chose to try heroin for the first time. He assaulted his girlfriend in 2012. He routinely drove under the influence of marijuana and alcohol. These facts also establish the following specific disqualifying conditions under this guideline:

AG ¶ 16(a): deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities; and

AG ¶ 16(c): credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information.

When a falsification allegation is controverted, the Government has the burden of proving it. An omission, standing alone, does not prove falsification. An administrative judge must consider the record evidence as a whole to determine an applicant's state of mind at the time of the omission. ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004). An applicant's education and experience are relevant to determining whether a failure to disclose relevant information on a security clearance application was deliberate. (ISCR Case No. 08-05637 (App. Bd. Sep. 9, 2010))

Applicant had a lengthy history of heavy marijuana use, including during the seven years reportable on SCA 1 and SCA 2. I did not find credible Applicant's explanations and excuses for his failure to accurately report that history on SCA 2, and for his failure to report any of his drug use on SCA 1. His continued lack of candor during the August 2018 interview and in his SOR answer suggests that he was aware of the potentially negative impact his drug use could have on his security clearance. Accordingly, I find substantial evidence of an intent on the part of Applicant to omit and conceal materially relevant information from SCA 1 and SCA 2. Therefore, AG ¶ 16(a) is established.

None of the following potentially relevant mitigating conditions under this guideline are fully established:

AG ¶ 17(a): the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

AG ¶ 17(c): the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

AG ¶ 17(d): the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

An applicant's completion of a security questionnaire is the initial step in requesting a security clearance and the investigative process is contingent upon the honesty of the applicant. The Appeal Board has stressed the importance of providing full and frank answers on the SCA:

The security clearance investigation is not a forum for an applicant to split hairs or parse the truth narrowly. The Federal Government has a compelling interest in protecting and safeguarding classified information. That compelling interest includes the government's legitimate interest in being able to make sound decisions (based on complete and accurate information) about who will be granted access to classified information. An applicant who deliberately fails to give full, frank, and candid answers to the government in connection with a security clearance investigation or adjudication interferes with the integrity of the industrial security program. ISCR Case No. 01-03132 at 3 (App. Bd. Aug. 8, 2002).

Applicant's history of heavy marijuana use spans 40 years. His deliberate lack of candor during the security clearance investigations process is particularly egregious given that he was granted a security clearance in 2016 based on a falsified SCA 1. While I do not consider any domestic assault to be a minor offense, given that it resulted from isolated circumstances that are unlikely to recur, it arguably could lack security significance if viewed in isolation. However, together with the facts and circumstances surrounding his marijuana and other drug use and his history of routinely driving under the influence of marijuana and alcohol, it underscores a well-established pattern of questionable judgment that also calls into question his ability or willingness to comply with laws, rules, and regulations. Applicant failed to demonstrate a sufficient pattern of responsible behavior for me to conclude that this questionable judgment is behind him. I have serious doubts about Applicant's current reliability, trustworthiness, and judgment.

Whole-Person Concept

Under AG ¶ 2(c), the ultimate determination of whether the granting or continuing of national security eligibility is clearly consistent with the interests of national security must be an overall common sense judgment based upon careful consideration of the adjudicative guidelines, each of which is to be evaluated in the context of the whole

person. In evaluating the relevance of an individual's conduct, an 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.

I have incorporated my comments under Guidelines H and E in my whole-person analysis, and I have considered the factors AG ¶ 2(d). After weighing the disqualifying and mitigating conditions under Guidelines H and E, and evaluating all the evidence in the context of the whole person, I conclude that Applicant has not mitigated security concerns raised by his 40-year history of heavy marijuana use, including while holding a security clearance, and his lack of candor about it during the security clearance investigations process. His frequent use of marijuana and experimentation with other illegal drugs while in the Marine Corps, together with his pattern of other questionable judgment, further underscores these concerns. Accordingly, Applicant has not carried his burden of showing that it is clearly consistent with the national interest to grant him eligibility for access to classified information.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline H:	AGAINST APPLICANT
Subparagraphs 1.a – 1.h:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a – 2.f:	Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national interest to grant Applicant eligibility for access to classified information. Clearance is denied.

Gina L. Marine
Administrative Judge