



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



In the matter of:)
)
) ISCR Case No. 18-02805
)
Applicant for Security Clearance)

Appearances

For Government: Eric Price, Esq., Department Counsel
For Applicant: Robert Murray, Personal Representative
02/07/2020

Decision

CERVI, Gregg A., Administrative Judge

This case involves security concerns raised under Guidelines B (Foreign Influence), F (Financial Considerations), and E (Personal Conduct). Applicant mitigated the foreign influence concerns, but failed to mitigate the financial considerations and personal conduct concerns. Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on July 28, 2017. On January 9, 2019, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline B (Foreign Influence), Guideline F (Financial Considerations), and Guideline E (Personal Conduct). The action was taken under Executive Order (Exec. Or.) 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 DOD on June 8, 2017.

Applicant answered the SOR on February 7, 2019, and requested a hearing before an administrative judge. The case was assigned to me on August 2, 2019. The Defense Office of Hearings and Appeals (DOHA) issued a hearing notice on August 19, 2019, and the hearing was convened on September 10, 2019. Government Exhibits (GE) 1 through 11 were marked and admitted in evidence without objection. Applicant Exhibits (AE) A through C were marked and admitted in evidence without objection. Applicant, his personal representative, and another witness testified on Applicant's behalf. The record was held open until September 20, 2019, for Applicant to submit any additional documentary evidence. He submitted an email marked as AE D in a timely manner, and it was admitted in evidence without objection. DOHA received the hearing transcript (Tr.) on September 18, 2019.

Request for Administrative Notice

Department Counsel submitted a formal request that I take administrative notice of certain facts relating to Lebanon. Applicant did not object and the request was granted. The request was not admitted into evidence but was included in the record as Hearing Exhibit (HE) II. The facts administratively noticed are set out below.

Lebanon

Lebanon is a parliamentary democracy in which people have the constitutional right to change their government. Due to civil war, the exercise of political rights was precluded until 1992. Lebanon has a free-market economy and a strong commercial tradition. The economy is service-oriented. The United States enjoys a strong exporter relationship with Lebanon and is its fifth largest source of imported goods. Since the lifting of passport restrictions in 1997, a number of large U.S. companies have opened branch or regional offices in Lebanon. More than 160 offices representing U.S. businesses operate in Lebanon. The United States seeks to maintain its traditionally close ties with Lebanon and to help preserve its independence, sovereignty, national unity, and territorial integrity.

The foreign policy of Lebanon reflects its geographic location, the composition of its population, and its reliance on commerce and trade. Its foreign policy is heavily influenced by neighboring Syria, which has also long influenced Lebanon's internal policies as well. Lebanon, like most Arab states, does not recognize Israel, with which it has been technically at war since Israel's establishment.

The terrorist group Hezbollah is a Lebanese-based radical Shi'a group and is designated by the United States as a "Foreign Terrorist Organization." The Lebanese government recognizes Hezbollah as a "legitimate resistance group" and political party, and until recently Hezbollah was represented by elected officials in the Lebanese parliament. Hezbollah also provides support to several Palestinian terrorist organizations and is known to be involved in numerous anti-U.S. and anti-Israeli terrorist attacks.

Other terrorist organizations operating in Lebanon include: Al-Nusrah Front (ANF), Hamas, and Abdullah Azzam Brigades (AAB). The Islamic State of Iraq and the Levant (ISIL), also known as the Islamic State of Iraq and Syria (ISIS), and ANF have claimed responsibility for suicide bombings in Lebanon. U.S. citizens have been targets of terrorist attacks in the past, and there remains a threat of anti-Western terrorist activity. Lebanon also has human-rights problems including the arbitrary arrest and detainment of individuals and instances of arbitrary and unlawful deprivation of life, torture, and other abuses.

U.S. citizens who also possess Lebanese nationality may be subject to laws that impose special obligations on them as Lebanese citizens. The U.S. State Department issued a travel advisory, updated April 2019, urging U.S. citizens to reconsider travel to particular areas in Lebanon due to crime, terrorism, kidnapping, and armed conflict especially near Lebanon's borders with Syria and Israel.

Findings of Fact

Applicant is a 62-year-old Arab linguist with a pending employment offer with a defense contractor, contingent on his security eligibility. He is fluent in Arabic, French, and English. In 2001, he applied for a linguist position with a government law enforcement agency, but failed to pass a polygraph examination for allegedly manipulating his responses and failing to disclose his affiliation with a former Syrian Army intelligence officer. From 2003 to 2005, he was employed as a linguist and translator in Iraq for a U.S. defense contractor. He worked with U.S. Army members that were training Iraqi military personnel, and with U.S. military Judge Advocates working with the Central Criminal Court of Iraq. While in Iraq, Applicant had an interim DOD security clearance, but stated that he resigned before a final eligibility was determined. In 2009, Applicant applied for another linguist position but was not retained because he was denied an interim security clearance due to his foreign business involvement. (GEs 5 and 7) Of note, in his personal subject interview (PSI) in December 2017, he claimed that he was unaware of ever having a security clearance denied, despite his admitted knowledge in 2010. (GEs 3 and 7)

Applicant was born in Lebanon, and met his former spouse while traveling in the United States. He married in 1983 and applied for U.S. permanent residency. He was naturalized a U.S. citizen in 1988. He divorced his spouse in 1995. He has one adult child who is a U.S. citizen and resident. He received a bachelor's degree in 1981 in Lebanon. Applicant stated that he served three months in the Lebanese Army after graduating from high school, from December 1975 to March 1976, but claimed that the Army was "dissolved" and he was released from training. (GE 2) Applicant failed to report his military service in his 2009 or July 2017 SCAs, or in counterintelligence screening interviews in 2009 and 2010, because he did not consider it military service if he did not complete his training or fight. His claim of short-term military service in Lebanon was finally disclosed in his September 2017 counterintelligence screening interview. (GE 2)

The SOR alleges under Guideline B, that Applicant's brother and sister-in-law are citizens and residents of Lebanon. Under Guideline F, Applicant is alleged to have 13

delinquent financial accounts that have been charged off or are in collections, totaling about \$146,775. He admitted the Guideline B and F allegations in his answer to the SOR. Under Guideline E, Applicant is alleged to have deliberately falsified material facts in prior security questionnaires and interviews; and failed to disclose the financial delinquencies alleged under Guideline F in his July 2017 SCA. He denied these allegations in his answer to the SOR.

Applicant has a brother and sister-in-law who are citizens and residents of Lebanon. His brother is 71 years old and retired, and his sister-in-law was a homemaker who is now in a nursing home. Applicant last visited Lebanon in 2009, and communicates with his brother about once every two months. Applicant's sister is a naturalized U.S. citizen residing in the United States. His parents are deceased.

Applicant testified that when he returned from Iraq in 2005, he was wealthy and did not work for years thereafter. He testified that he last earned income in 2009, but his 2017 security screening interview does not support that. (GE 2) He claimed that he remained unemployed for the majority of the years since, but that he worked as a freelance translator for a government agency from 2012 to 2016. In his 2017 counterintelligence screening interview, he claimed that he worked for the agency until 2017, and that he left the employment because he did not want to read from a teleprompter in a courtroom for a trial. He claimed to have sold cars for a dealership in 2015, and attempted to open a sandwich shop and invest in a health care business, but these business endeavors were unsuccessful. He lived off of credit cards and savings when necessary. (GE 2) At the hearing, he did not know how much he earned in 2016, but stated that he had no income in 2017, 2018, or 2019.

Applicant claimed in 2009 and 2010 counterintelligence screening interviews that he sold and shipped cars to Lebanon as part of an oral agreement with a U.S. dealership, but left the employment because he was not making enough money. He described his association with the owner of the dealership as a "partnership," and stated that he shipped four to five vehicles to Lebanon as part of a scheme to sell the vehicles in Lebanon with the help of his brother who worked as the area manager for the Lebanese port authority. He later recanted statements about being a partner with the car dealer, and denied shipping any vehicles to Lebanon. (GEs 1, 2, 3, 5, 6, and 7)

Applicant admitted that he fabricated his involvement with the international car deal scheme and denied any foreign shipments of vehicles. He never had a foreign export license. (GE 3) In a 2010 affidavit, Applicant admitted that he intentionally and wrongfully asked his friend, the used-car dealer, to "vouch" for his employment as a "partner" for the purpose of selling and transporting cars to his brother in Lebanon. He later stated that he never made an attempt to sell or ship cars to Lebanon, and never made any income from the effort. (GE 7) He claimed that he fabricated his involvement in order to embellish his resume and to attempt to show consistent employment. (GEs 2 and 7) Despite claiming that he arranged deals in Lebanon with his brother and a Lebanese car dealer he met while visiting his brother in 2009, he later denied knowing who he made the deal with in Lebanon and denied his brother's involvement. (GE 2)

In his affidavit, he stated:

I do not want to hide anything now. The reason I made such a claim was that I was embarrassed for the lack of employment or employers on my resumes and that when I presented them, they would not show a continuity of employment activity. I was under the impression that this looked unfavorable to prospective clients, business partners and employers.

In the past, I have lied about my affiliation and purpose with (the car dealership). I have none at all. I have provided false statements on my security forms on two separate submissions and in two counterintelligence briefings with the U.S. Army out of Ft, Meade, MD. I can only claim that my misrepresentation of myself was as a result of business related preservation of my resumes [sic] continuity and to selfishly not look like I was unemployed as I was from Jan 06 to Mar 09. I take full responsibility. (GE 7)

Applicant did not report any delinquent debts in his July 2017 SCA. (GE 1) However, he was confronted in his September 2017 counterintelligence screening interview with several delinquent debts for which he said he did not have the money to pay. (GE 2) He stated in his December 2017 PSI, that he depleted his financial resources in about 2016 and he has been living off of credit cards with no steady income. He was confronted with several delinquent accounts, and he acknowledged them all. (GE 3) Applicant claimed during the hearing in this case, that he was unaware of financial delinquencies when he completed his 2017 SCA and that he was always on time and never late on credit card payments before he submitted his SCA. (AE D) However, in his post-hearing submission, he acknowledged that he had "some late payments and fees assessed to my accounts," but that he only discovered them after the hearing and that he did not realize he had the delinquencies when he completed his SCA. (AE D) Of note, in his 2010 Affidavit, Applicant stated that his financial situation was manageable for the time being, but that he went from \$230,000 in savings to about \$20,000 in 2010, with no earned income at that time.

Applicant testified that he did not attempt to settle, pay, or otherwise resolve delinquent debts before filing bankruptcy in 2019. His delinquent financial accounts were included in a Chapter 7 bankruptcy, filed in May 2019 (after the SOR was issued), and discharged in August 2019. Approximately \$281,000 was discharged in the bankruptcy. He received financial counseling as required by the bankruptcy process.

Applicant testified that he has no current income, and has about \$10,000 in bank accounts, and about \$30,000 in equity in his home, valued at about \$150,000. However, Applicant testified that he has received \$2,000 per month since March 2018, from a doctor friend he has known for 20 years who is also a member of Applicant's fraternal organization. Applicant did not declare this income in his bankruptcy because he considers it a gift, not a loan. Applicant stated that his friend said he could pay it back if he wants, and Applicant indicated his intention to pay it back. The money is transferred

monthly to Applicant's bank account, and there is no written agreement. He has received about \$30,000 as of September 2019, and it is unclear whether payments have continued since then. Since the bankruptcy, no documentary information has been submitted regarding Applicant's income, expenses, debts, budget, employment, or other financial information.

Applicant's friend and personal representative at the hearing testified on his behalf. He is a retired juvenile probation officer and teaches at a community college. He has known Applicant since 1987 and they spend significant time together. He attested to Applicant's love for America, compassion, and elation to be an American citizen and vote. He said that Applicant wanted to work for the U.S. military after the attacks on the United States on 9/11, and is a walking example of someone who loves God and country. Another witness, a retired U.S. Army Sergeant Major, had daily contact with Applicant while in Iraq. He described Applicant as having performed a tremendous job as a translator and recommended him for future work. Several military officers recommended Applicant for employment positions in 2004 and 2005, attested to his performance and accomplishments as an interpreter in Iraq; and a friend who is a local jeweler attested to Applicant's honesty and trustworthiness, saying he leaves the keys to his jewelry store with a million dollars in inventory with Applicant when he is on vacation. Applicant also received a certificate from his employer for 18 months of faithful service in Iraq.

Law and 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." *Id.* 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." Exec. Or. 10865 § 2.

National security eligibility 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, 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 a person's stability, trustworthiness, reliability, discretion, character, honesty, and judgment. AG ¶ 1(b).

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.” Exec. Or. 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. *See, e.g.*, ISCR Case No. 12-01295 at 3 (App. Bd. Jan. 20, 2015).

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. *See, e.g.*, 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; *see*, AG ¶ 1(d).

Analysis

Guideline B: Foreign Influence

The security concern for foreign influence is set out in AG ¶ 6:

Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

The guideline notes several conditions that could raise security concerns under AG ¶ 7, and I considered all of them. The following are potentially applicable 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 sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information.

AG ¶ 7(a) requires substantial evidence of a "heightened risk." The heightened risk required to raise one of these disqualifying conditions is a relatively low standard. "Heightened risk" denotes a risk greater than the normal risk inherent in having a family member living under a foreign government.

There is a significant threat of terrorism, ongoing human rights problems, and potential targeting of Americans in Lebanon. Applicant's foreign contacts create a potential conflict of interest and a heightened risk of foreign exploitation, inducement, manipulation, pressure, and coercion. The above disqualifying conditions have been raised by the evidence.

Conditions that could mitigate foreign influence security concerns are provided under AG ¶ 8, and I have considered all of them. The following are potentially applicable:

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

Lebanon is a parliamentary democracy with a free-market economy and a strong commercial tradition. The United States maintains traditionally close ties with Lebanon, but the Lebanese foreign policy is heavily influenced by neighboring Syria, which has also long influenced Lebanon's internal policies as well. Lebanon does not recognize Israel and has been technically at war with it since Israel's establishment. The terrorist group Hezbollah is designated by the United States as a "Foreign Terrorist Organization," but the Lebanese government recognizes Hezbollah as a "legitimate resistance group" and

political party. Hezbollah also provides support to several Palestinian terrorist organizations and is known to be involved in numerous anti-United States and anti-Israeli terrorist attacks. Other terrorist organizations, including ISIS operating in Lebanon, have claimed responsibility for suicide bombings in Lebanon. U.S. citizens have been targets of terrorist attacks in the past, and there remains a threat of anti-Western terrorist activity. Lebanon also has human-rights problems including the arbitrary arrest and detainment of individuals and instances of arbitrary and unlawful deprivation of life, torture, and other abuses.

Guideline B is not limited to countries hostile to the United States. The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States.

The distinctions between friendly and unfriendly governments must be made with caution. Relations between nations can shift, sometimes dramatically and unexpectedly. Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. The nature of a nation's government, its relationship with the United States, and its human rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, the country is known to conduct intelligence operations against the United States, or the foreign country is associated with a risk of terrorism.

I considered the totality of Applicant's ties to Lebanon which are essentially limited to his brother and sister-in-law who are citizens and residents of Lebanon. His car exporting scheme ended in 2007, and there has been no known further business or personal contacts with foreign individuals. Applicant is a loyal American with great love and affection for the United States. His life and all of his assets are in the U.S., but he maintains semi-regular contact with his brother in Lebanon. Applicant's brother previously worked for the Lebanese port authority, and may have been involved in Applicant's 2006-2007 attempts to sell cars in Lebanon shipped from the United States, but he is now 71 years old and retired. His sister-in-law was a homemaker and now resides in a nursing home.

I find that Applicant's ties to Lebanon are outweighed by his deep and long-standing relationships and loyalties in the United States. His daughter, friends, home, and assets are in the United States. He has honorably served the U.S. military in Iraq. I find that it is unlikely he will be placed in a position of having to choose between the interests of the United States and the interests of Lebanon. There is no conflict of interest, because he can be expected to resolve any conflict of interest in favor of the United States. The above mitigating conditions are applicable.

Guideline F: Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

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. The following are potentially applicable in this case:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so; and
- (c) a history of not meeting financial obligations.

Applicant incurred nearly \$150,000 in long-standing delinquent debts, failed to take action to resolve the debts until he received the SOR in this case, and discharged \$281,000 in total debts in a Chapter 7 Bankruptcy in September 2019, after issuance of the SOR. The record evidence is sufficient to raise the above disqualifying conditions.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20, and I considered all of them. 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; and
- (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.

Applicant's debts accumulated while he was largely unemployed or underemployed for many years, and he lived off of savings and credit cards that remained unpaid. Although his work history is not entirely clear but surely erratic, he did not take responsible action to prevent, reduce, or resolve delinquent debts before receiving the SOR in this case. His financial status is poor as he has no current income, nor has he earned any income since at least 2017. Insufficient time has passed since his bankruptcy discharge to determine whether he is on the path to financial stability. I find Applicant's history of financial irresponsibility to be recent, continuing, and likely to persist. No mitigating condition applies.

Guideline E: Personal Conduct

AG ¶ 15 expresses the personal conduct security concern:

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.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying in this case, and I considered all of them. The following disqualifying conditions are potentially applicable:

(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

(b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative.

The findings of fact enumerate numerous incidents of falsification and failure to disclose required information, which raise serious questions of Applicant's judgment, honesty, and reliability. I find that he knowingly and intentionally falsified his answers to investigators and on his 2017 SCA. His failure to truthfully, fully, and consistently report his background, activities, and financial delinquencies to the Government as required, raises unresolved questions about his judgment and conduct.

I considered all of the mitigating conditions listed in AG ¶ 17, and find that none fully apply. Applicant's numerous falsifications occurred over a number of years and several opportunities were presented to correct the record, but they continued. The documented pattern of false, inconsistent, and deceptive information Applicant provided throughout the security clearance process has not been mitigated by time or demonstrated changed behavior, and I have insufficient reason to believe that further conduct will not reoccur in the future.

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 relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

(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), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines B, F, and E in this whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

I considered Applicant's service to the U.S. military in Iraq, and his support from friends, coworkers and military officers, along with his excellent work performance and recognition of service in Iraq. I remain concerned with Applicant's irresponsible financial decisions and the instances of false, inconsistent, and deceptive information he provided throughout the security clearance process. His conduct raises concern about his overall honesty, reliability, and judgment. Overall, the record evidence leaves me with significant questions and doubts as to Applicant's eligibility and suitability for a security clearance based on financial and personal conduct security concerns. Foreign influence security concerns are mitigated.

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: Subparagraphs 1.a and 1.b:	FOR APPLICANT For Applicant
PARAGRAPH 2, GUIDELINE F: Subparagraphs 2.a through 2.m:	AGAINST APPLICANT Against Applicant
PARAGRAPH 3, GUIDELINE E: Subparagraphs 3.a and 3.b:	AGAINST APPLICANT 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.

Gregg A. Cervi
Administrative Judge