



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



In the matter of:)
)
-----) ISCR Case No. 19-01477
)
Applicant for Security Clearance)

Appearances

For Government: Eric M. Price, Department Counsel
For Applicant: Jacob T. Ranish, Esq.

11/16/2020

Decision

WESLEY, ROGER C. Administrative Judge

Based upon a review of the case file, pleadings, exhibits, and testimony, Applicant did not mitigate personal conduct concerns, but mitigated financial consideration concerns. Eligibility for access to classified information or to hold a sensitive position is denied.

Statement of the Case

On January 6, 2020, the Department of Defense (DoD) Consolidated Central Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant detailing reasons why under the personal conduct and financial considerations guidelines the DoD could not make the preliminary affirmative determination of eligibility for granting a security clearance, and recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. The action was taken 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; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017.

Applicant responded to the SOR on January 21, 2020, and requested a hearing. A hearing was initially scheduled for August 4, 2020, and was twice continued before being rescheduled for September 8, 2020. The case was heard on the rescheduled date. At the hearing, the Government's case consisted of nine exhibits (GE). Applicant relied on seven exhibits and one witness (himself). The transcript (Tr.) was received on September 18, 2020.

Procedural Issues

Prior to the close of the hearing, Applicant requested the proceedings be kept open to permit him the opportunity to supplement the record with post-hearing endorsements. For good cause shown, applicant was granted 14 days to supplement the record. Department Counsel was afforded three days to respond. Within the time permitted, Applicant supplemented the record with a character reference. The submission was admitted without objection as AE H.

Summary of Pleadings

Under Guideline E, Applicant allegedly (a) was terminated from his employment with Company A in January 2012 for a verbal confrontation with a client during which he brandished a knife; (b) was terminated from Company B in March 2013 for changing his leave itinerary without approval, and not being honest regarding his whereabouts; and (c) was terminated from his employment with Company C in November 2017 for job abandonment without notice and falsifying his timesheet. Allegedly, these allegations remain of continuing security concern.

Under Guideline F, Applicant allegedly failed to timely file his federal income tax return for tax year 2016, as required. Allegedly, Applicant's failure to timely file his federal income tax return for tax year 2016 remains a security concern.

In his response to the SOR, Applicant admitted most of the allegations pertaining to his three employment terminations between January 2012 and November 2017 with explanations. He denied that the articulated reasons for his termination from each of the employers covered in the SOR constitutes a complete and accurate reflection of the facts. Addressing the allegations covered in SOR ¶ 2.a, Applicant admitted the allegation but denied that it constitutes a full or fair picture of mitigating circumstances.

Findings of Fact

Applicant is a 33-year-old information technology (IT) lead for a defense contractor who seeks a security clearance. The SOR allegations that are admitted by Applicant are adopted as relevant and material findings. Additional findings follow.

Background

Applicant has married for the first time in March 2020. (GE 1; Tr. 21) He has one child from this marriage. He earned a high school general educational development

(GED) diploma in December 2008. (GE 1) He attended a local community college between August 2010 and December 2010 but did not earn a degree or diploma. (GE 1) Since March 2016 he has attended college classes on a part-time basis and needs two more credits to earn a bachelor's degree in computer information technology and cyber security. (Tr. 19-20) Applicant has never served in the military.

Since November 2017, Applicant has worked for his current employer as an IT lead. (GE 1) Between September 2011 and November 2017, he worked for various employers in electronic technician positions. (GE 1)

Employment separation history

In January 2012, Applicant was terminated from his FSR lead position with Company A after engaging in a verbal confrontation with a Marine client and brandishing a knife in October 2011 (GE 1; Tr. 19-20) Before being sent home by his employer at the time, he was observed by several Marines to be arguing with a Marine client and speaking badly to him. (GE 8) After the Marine client pulled a gun on Applicant, Applicant brandished a knife at the customer in an effort to repel the perceived threat. (GE 2; Tr. 52-53) Responding to the Marine client's weapons threat, Applicant called his onsite company supervisor for help. (Tr. 47-48)

Marine police investigators that were called to investigate the October 2011 altercation incident involving Applicant and the Marine client cited Applicant for assault with a knife against an active duty Marine enlistee known to Applicant at the time of the reported assault. (GE 8) In his own report of the incident to investigating Marine investigators, Applicant claimed that his Marine client customer initiated the physical exchange with him and detailed how the Marine client entered his work space and physically confronted him. (GE 8) Thereafter, Applicant and the Marine enlistee engaged in a brief but intense verbal altercation.

According to Applicant's account in the JPAS incident report of the October 2011 incident, shortly after the Marine client confronted Applicant over his claimed entitlement to the computer Applicant was entrusted with, the Marine client/customer pulled a magazine from a pouch in his pants, inserted it into the magazine well of his hand gun, and pointed the weapon at Applicant's head. (GE 8; Tr. 47) After briefly vacating the room occupied by the Marine client, Applicant returned to the doorway of the room to retrieve his laptop. (Tr. 49-51) Upon Applicant's call for help to his onsite company supervisor, Marine investigators arrived at the scene and undertook their own internal investigation. (GE 8; Tr. 24-26) At the outset of their investigation, they told Applicant to leave the room. (GE 8; Tr. 53-54) Before heeding the military investigators' instruction to leave the room, Applicant continued to engage in a heated exchange with the Marine client that included physical threats of bodily harm directed at each other. (GEs 4 and 8)

Applicant attributed his aggressive reactions to the Marine client in the October 2011 incident to the emotional stresses he experienced from his witnessing insurgent activity in Afghanistan. (Tr. 23-24, 54-58) He acknowledged, though, that he could have

left the scene earlier in his ongoing confrontation with the Marine client and reported the client's actions to superior authorities. (Tr. 27) What is especially troubling about Applicant's account is his minimizing of the incident in his assignment of reasons for his termination in the electronic questionnaires for investigations processing (e-QIP) he completed in December 2017. (GE 1) Asked the reasons for his stated firing from Company A in 2012, he admitted only to "fussing with client/customer." (GE 1) Whether minimizing to promote a more favorable profile of himself or failing to appreciate the seriousness of his actions that prompted his termination, Applicant's responses are concerning and reflect lapses in candor and judgment.

When asked for more information about the October 2011 altercation incident in a follow-up OPM interview with an investigating agent in September 2018, Applicant reported only that he was sent home by his Company A supervisor "due to arguing with the client" over their respective mission roles and having the client pull a gun on him. (GE 2) He made no mention in the interview of his brandishing a knife in front of the Marine client. (GE 2)

Applicant was terminated by a second employer (Company B) in March 2013 for cited misconduct. (GEs 1-2; Tr. 55-56) Prior to being terminated, Applicant's employer cited Applicant in January 2013 for changing his itinerary without approval and failing to be honest about his whereabouts in January 2013. (GE 7; Tr.28-33) In a termination memorandum of March 5, 2013, his supervisor with Company B characterized Applicant's actions as a direct violation of the company's crew health and safety policy and actions, enough to warrant termination of his services upon his repatriation to his home of record in the United States. (GE 7) Applicant attributed his absence from his assigned duty station to a misunderstanding over who he was required to notify of his pending departure from his duty station. (Tr. 31-32, 58-60) Asked about the reasons for his termination in his 2017 e-QIP, he could not remember why he was fired. (GE 1)

Records confirm that in November 2017 Applicant was terminated by another employer (Company C). (GEs 1-3) This time, he was charged by his Company C employer with abandoning his assigned job location in Afghanistan on November 5, 2017 without proper advance notice to his employer. (GEs 3-6; Tr. 33-40)

Applicant claimed that he left his post on November 5, 2017, to see his critically ill father state side and informed his onsite supervisor back in August 2017 of his intentions before making his unilateral decision in November 2017 to depart for home. (GE 2-4; Tr. 33) He claimed, too, that he informed his Company C human resources (HR) manager of his intentions before departing and was told only to let his onsite supervisor know. (Tr. 34)

Once Applicant reached his state side destination, Applicant claimed he called his onsite supervisor in Afghanistan and told him "he could not do my time sheet" because of restrictions in his employees handbook that precluded him from charging earned leave time while in Afghanistan. (GE 6; Tr. 34) He claimed to have further advised his onsite supervisor in Afghanistan that he needed to talk to his HR manager

because “he was not going to come back” to his Company C employer and would be taking a new job state side, effective November 20, 2017. (GEs 3-6; Tr. 35, 63-65)

Applicant’s Company C employer considered his attempt to resign, effective November 18, 2017, to be ineffective. His Company C employer found that Applicant falsified his time sheet for the period of November 5-17, 2017, and effectively resigned his position on November 5, 2017. (GEs 3-6; Tr. 63-65) Company C’s findings are corroborated in the DoD’s JPAS report. Applicant’s Company C employer cited evidentiary support from Applicant’s onsite supervisor that Applicant had abandoned his position in Afghanistan on November 5, 2017, and not November 17, 2017, as Applicant claimed in his emailed resignation. (GEs 5-6)

While Applicant may have told his onsite supervisor in August 2017 that he might be leaving his work site due to his father’s illness, he never purchased his airline tickets for his trip to the United States until the date of his departure, November 5, 2017. (GEs 4 and 6; Tr. 65-66, 68-70, and 78-79) Despite his departure for home on November 5, 2017, he continued to submit inventory reports and timesheets through November 17, 2017, claiming that he was working at his work site. (GEs 3-6)

In an email of November 18, 2017 to his onsite supervisor, Applicant confirmed his leaving his work site “to head home due to his father’s passing.” (GE 6) In this same email, he told his onsite supervisor he was making arrangements for getting his mother situated and starting a new job state side on November 20, 2017. (GE 6)

When Applicant spoke to his HR manager on November 20, 2017, he told her that if he had “put the 5th for my last day I wouldn’t got my PTO (personal time off) in 30 days in advance.” (GE 6) Denying any falsification of his time sheet, he defended his charging time worked for the November 5-17 timeframe, claiming these hours represented earned and entitled PTO hours. (GEs 4-6) Email records document that neither Applicant’s onsite supervisor nor his HR manager accepted Applicant’s explanations and found him to have abandoned his worksite without proper notices and approvals. (GEs 4-6)

Email exchanges between Applicant and his Company C employer fully support his employer’s version of the timing of Applicant’s abandonment of his work site on November 5, 2017 without proper notices or approvals (leaving behind keys in an unlocked vehicle and an office room in disarray). (GE 6) Once he was state side, he emailed his resignation, bearing a date of November 18, 2017. (GE 6)

Applicant’s claimed misunderstandings as to who he needed to notify before departing for the United States to see his ill father are not corroborated by any of the information included in Applicant’s December 2017 e-QIP, in his September 2019 interview with an OPM investigator, in Company C’s November 2017 termination letter, or by any furnished documentary evidence.

Based on a consideration of all of the compiled evidence in the record, Company C's findings provide the most accurate account of Applicant's actions while employed by Company C. Company C's overall findings are well supported and are accepted.

Looking back in hindsight Applicant believes he should have contacted his HR office and asked for leave paperwork, and he expressed his regrets for not doing so. (Tr. 42) Because he never went through the proper channels to obtain leave, Applicant's Company C employer never accepted his November 18, 2017, emailed resignation and treated his exit from his work site on November 5, 2017 as a site abandonment. (GEs 3-6; Tr. 71-72)

Applicant's finances

Applicant failed to timely file his federal income tax return for the tax year of 2016. (GE 9) An IRS account transcript confirmed that Applicant filed his 2016 federal tax return in July 2019 and received a tax refund of \$5,600 in September 2019 with added interest of \$48.49. (GE 2 and AE A; Tr. 23-34)

Applicant attributed his late filing with help of his wife to his military deployment and reliance on his retained tax accountant to prepare and submit his 2016 return. (GE 2; Tr. 22-23) He later learned that his accountant became ill and was unavailable to Applicant to communicate with about the status of his 2016 tax return. (GE 2; Tr. 22-23)

Both in his OPM interview and in his hearing testimony, Applicant affirmed that his retained tax accountant never obtained a federal filing extension for Applicant and never filed a 2016 federal tax return on Applicant's behalf. (Tr. 22-23) Applicant assured that he first learned that his 2016 federal tax return was never filed before he completed his security clearance application. Applicant's explanations for not filing his 2016 federal tax return in a timely way are both plausible and credible, and are accepted. (GE 9; Tr. 23)

Character references

Applicant is well-regarded by his current supervisors, colleagues (both present and past), friends, and former clients of his who have worked closely with him and find him reliable and trustworthy. (AEs C and H-I) Applicant has received excellent performance evaluations from his current employer recognizing his contributions as a network engineer. (AEs E and H; Tr. 17) Applicant is active in his community as a neighborhood trainer and works with Little League organizers in providing training assistance. (Tr. 43)

Policies

By virtue of the jurisprudential principles recognized by the U.S. Supreme Court in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988), "no one has a 'right' to a security clearance." 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. Eligibility for access to classified information may only be granted “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 AGs list guidelines to be considered by judges in the decision-making process covering DOHA cases. These guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual’s reliability, trustworthiness, and ability to protect classified information. These guidelines include conditions that could raise a security concern and may be disqualifying (disqualifying conditions), if any, and all of the conditions that could mitigate security concerns, if any.

The AGs must be considered before deciding whether or not a security clearance should be granted, continued, or denied. Although, the guidelines do not require judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in arriving at a decision.

In addition to the relevant AGs, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in ¶ 2(a) of the AGs, which are intended to assist the judges in reaching a fair and impartial, commonsense decision based on a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a sufficient period of an applicant’s life to enable predictive judgments to be made about whether the applicant is an acceptable security risk.

When evaluating an applicant’s conduct, the relevant guidelines are to be considered together with the following ¶ 2(a) factors: (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 of the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Viewing the issues raised and evidence as a whole, the following individual guidelines are pertinent herein:

Personal Conduct

The 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 ¶ 15.

Financial Considerations

The Concern: Failure or inability 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 or regulations, all of which can raise questions about an applicant'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 acts or otherwise questionable acts to generate funds. . . . AG ¶ 18.

Burdens of Proof

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.

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 [or her] 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

Security concerns are raised over Applicant’s forced separations from the three employers he worked for between 2011 and 2017. Additional security concerns are raised over Applicant’s failure to timely file his 2016 federal income tax return.

Personal conduct concerns

Potentially serious and difficult to reconcile with the trust and reliability requirements for holding a security clearance are the security concerns raised by Applicant’s three separations for cause between 2012 and 2017. So much trust is imposed on those cleared to access classified and sensitive information that accommodations for breaches are necessarily narrowly calibrated. See *Snepp v. United States*, 444 U.S. 506, 511 n.6 (1980).

Applicant’s three involuntary separations for cause over a six-year span (2012-2017) reflect material violations of prescribed Base rules, established protocol, and base-approved practices for ensuring good order in the case of his October 2011 altercation incident with a Marine client. This incident represented neither a minor breach of Base rules, protocol, and Base-approved practices nor an isolated incident in an otherwise solid employment history. Leave issues raised with Applicant’s Company B and Company C employers in 2013 and 2017, respectively, are both compounding and reflective of a pattern of Applicant departures from established employer rules and norms of trust.

Together, these three covered incidents in the SOR warrant the application of DC ¶ 16(d)(2)(3). DC ¶ 16(d)(2)(3) provides as follows:

credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, 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. This includes, but is not limited to, consideration of

(2) any disruptive, violent, or other inappropriate behavior;

(3) a pattern of dishonesty or rule violations; and

Applicant's actions when considered together with all of the developed facts and circumstances in this administrative record support the application of ¶ 16(d)(2) and (3).

To be sure, Applicant has made considerable progress with his current employer. Uniformly, his current supervisors, colleagues, friends, and former clients of his credit him with honesty, reliability, and trustworthiness. His credits with his current employer include excellent performance evaluations recognizing his contributions as a network engineer. Further, he has been active in his community as a neighborhood trainer and works with Little League organizers in providing training.

All of Applicant's credits and contributions augur well for Applicant's professional development. Still, Applicant's involuntary terminations entail serious breaches of rules, regulations, and protocols of good practice and honesty that are incompatible with minimum criteria for holding a security clearance.

At this time, it is simply too soon to make safe predictive judgments about Applicant's ability to safeguard classified and sensitive information. Potentially applicable mitigating conditions are not available to Applicant at this time.

Financial concerns

Additional security concerns are raised over Applicant's failure to file his federal income tax return for the tax year of 2016. Applicant's filing failure warrants the application of one disqualifying condition of the financial consideration guidelines: DC ¶ 19(f), "failure to file or fraudulently filing annual Federal, state, or local income tax returns, or failure to pay annual federal, state, or local income tax as required."

Applicant's admitted failure to timely file his 2016 federal income tax return (filed late in 2019) negates the need for any independent proof. See Directive 5220-6 at E3. 1.1.14; *McCormick on Evidence*, § 262 (6th ed. 2006). His admitted tax filing lapse is fully documented and create some initial judgment issues. See ISCR Case No. 03-01059 at 3 App. Bd. Sept. 24, 2004)

Financial stability in a person cleared to protect classified and sensitive information is required precisely to inspire trust and confidence in the holder of a security clearance that entitles the person to access classified information. While the principal concern of a clearance holder's demonstrated financial difficulties is vulnerability to coercion and influence, judgment and trust concerns are implicit in cases involving debt delinquencies and tax-return filing lapses.

Historically, the timing of addressing and resolving tax-filing failures and debt delinquencies are critical to a fair assessment of an applicant's trustworthiness, reliability, and good judgment in following rules and guidelines necessary for those seeking access to classified or to holding a sensitive position. See ISCR case No. 14-

06808 at 3 (App. Bd. Nov. 23, 2016); ISCR Case No. 14-01894 at 5 (App. Bd. Aug. 18, 2015).

Applicant's failure to timely file his 2016 federal tax return, while serious, is isolated and accompanied by a good faith misunderstanding that his tax return was being prepared and filed by his engaged tax preparer while he was overseas. Two mitigating conditions are available to him. DC ¶¶ 20(a), "the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does no cast doubt on the individual's current reliability, trustworthiness, or good judgment," and 20(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," both apply to Applicant's situation.

Considering all of the facts and circumstances in the record, Applicant's failure to timely file his 2016 federal tax return is mitigated. Mitigation conclusions are based on the unintentional and isolated basis of Applicant's late filing of his 2016 federal tax return in 2019 with the help of his wife after he learned of the filing failure by his engaged tax preparer.

Whole-person assessment

Whole-person assessment of Applicant's clearance eligibility requires consideration of whether his past breaches of rules, regulations, and guidelines while employed by previous employers and his failure to timely file his 2016 federal tax return. These issues are relevant to making an assessment of whether Applicant's covered actions are fully compatible with eligibility requirements for holding a security clearance.

While Applicant is entitled to considerable credit for the progress he has made with his current employer in all phases of his assignments, his efforts are not enough at this time to overcome the number of serious adverse actions attributable to him while employed by previous employers. Only his satisfactory addressing of his 2016 federal tax filing lapse is sufficiently mitigated to enable Applicant to meet the minimum eligibility requirements for holding a security clearance.

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 that financial concerns are mitigated. However, personal conduct 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 E:	AGAINST APPLICANT
Subparagraphs 1.a through 1.c:	Against Applicant
Paragraph 2. GUIDELINE F:	FOR APPLICANT
Subparagraph 2.a:	For 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.

Roger C. Wesley
Administrative Judge