



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
) ISCR Case No. 18-02339
)
Applicant for Security Clearance)
)

Appearances

For Government: Nicole A. Smith, Esq., Department Counsel
For Applicant: Dan Meyer, Esq.,

04/30/2020

Decision

MASON, Paul J., Administrative Judge:

Applicant's evidence in mitigation is sufficient to overcome the security concerns generated by the personal conduct guideline. Eligibility for access to classified information is granted.

Statement of the Case

On May 2, 2016, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) to retain a security clearance required for a position with a defense contractor. The Department of Defense (DOD) could not make the affirmative findings required to grant or continue a security clearance. DOD issued Applicant a Statement of Reasons (SOR), dated March 25, 2019, detailing security concerns under Guideline E (personal conduct). The action was taken under the Director of National Intelligence issued Security Executive Agent Directive 4, establishing *National Security Adjudicative Guidelines for Determining Eligibility for access to Classified Information or Eligibility to Hold a Sensitive Position (AGs)*. The

guidelines are applicable to all individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. The AGs were made effective on or after June 8, 2017.

Applicant provided her notarized 28-page response to the SOR, dated April 26, 2019, with an attached numerical inventory list of documents that appear in her other exhibits. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on August 14, 2019, for a hearing on September 4, 2019. The hearing was held as scheduled. The Government's six exhibits (GE) 1-6 were entered into evidence. Applicant's objection to GE 4 was overruled and the exhibit was entered into the record. The status of Applicant's exhibits is discussed below in Rulings on Procedure. The Government's discovery letter dated June 6, 2019, is marked as hearing exhibit (HE) 1. Page numbers for all exhibits are handwritten and are located at the bottom of the page of each exhibit unless otherwise noted. On September 13, 2019, DOHA received the transcript and the record closed.

Rulings on Procedure

Applicant objected to GE 4 because the document was dated after the SOR. Applicant's objection was overruled. The document is a business record generated by a branch of DOD charged with responsibility of collecting, storing, and distributing information regarding personnel security clearance actions. The October 2018 date on GE 4 represents the date the information was retrieved from the DoD database describing reported action taken against Applicant by her former employer identified in SOR 1.j, 1.k, and 1.l. (Tr. 14-16)

Concerning Applicant's proposed exhibits, Applicant's attorney indicated at page 16 of the transcript (Tr.) that he did not seek to have any additional exhibits placed in the record because "140 exhibits were filed earlier in the proceeding." The record shows that the inventory list and proposed exhibits were filed with Applicant's responses to the SOR. However, no ruling was made on the admissibility of any of Applicant's proposed exhibits. On April 14, 2020, I informed the parties by email that none of Applicant's proposed exhibits were entered into the record. I also provided a brief description of Applicant's proposed exhibits and sought Department Counsel's position concerning their admissibility. Department Counsel had no objections to the proposed exhibits being entered into evidence. (HE 2 at 2) Applicant's exhibits shall be marked and admitted into evidence in the same chronological order as the SOR. For example, Applicant's Exhibit (AE) A contains information relevant to SOR 1.a. Appendix A and B have been combined and remarked and as AE M. Applicant's exhibits are now in the record.

Findings of Fact

The SOR contains 12 allegations under Guideline E (personal conduct); ten of those allegations represent job terminations. The terminations span a period from July

2000 to April 13, 2016. In Applicant's answer, she factually admitted SOR 1.a through 1.c, 1.f, and 1.h through 1.l, but contested the reasons for the terminations. Regarding her denial of SOR 1.d, 1.e, and 1.g, the evidence reflects that she was terminated from these three positions due to a lack of work. (Tr. 66; AE D, E, G)

Applicant is 63 years old and has been divorced from her second husband since 2001. She has no children. In 1978, she earned a Bachelor of Science degree in business administration and operations management. She collected additional college credits in 2012. She served in the United States Air Force Reserve from January to April 1981, when she was honorably discharged. She had held a security clearance since 1981. The only security infraction in Applicant's security record, which is described in GE 4, supposedly occurred in April 2016 when she was terminated by the contractor identified in SOR 1.j, 1.k, and 1.l. Applicant has no criminal record and there is no evidence of alcohol or drug-related incidents in her past. (GE 1 at 5-11, 28, 30-32; AE L at 11; AE M at 71-72, 85)

From 1989 to 1996, Applicant was employed as an airline pilot. She provided documentation regarding this period of employment. (Tr. 19) See AE M at 85, 105, 108.

SOR 1.a – Job termination in July 2000 for (poor) workplace performance and unexcused absence. Applicant began lateral employment with this contractor as a senior engineer scientist in April 1997. After complaining to management that her immediate supervisors were concealing information about a project, the ensuing sexual harassment she experienced created a hostile work environment. A chemical spill caused Applicant to become ill and seek medical treatment. A coworker provided an unsigned statement, dated January 26, 2001, supporting Applicant's claims about the employment atmosphere. Applicant believed that she was terminated in July 2000 in retaliation for filing a grievance with the regional engineering association. The unit chairman of the association submitted a statement in Applicant's behalf concerning the harassment she reported receiving and the problems she was having in trying to comply with the medical leave policy. (GE 3 at 4; April 2019 answer to SOR, at 1-3; AE A at 3-12, 13-17, 18-20; AE M at 67-68, 70; Tr. 24-26)

Applicant filed for unemployment benefits with the state employment agency, but the employer ultimately won the appeal and benefits were denied because she should have sought treatment at an emergency care or an urgent care facility, options she did not consider since she had a primary care doctor under her medical plan. (GE 3 at 4; April 2019 answer to SOR, at 1-3; Tr. 24-26; AE A at 3-12, 13-17, 18-20)

SOR 1.b - Job termination in July 2003. Applicant began employment as a system engineer with this contractor in April 2001. Six months into her employment, she received a performance evaluation indicating she was meeting expectations with minor supervision. When she discovered that other personnel were not meeting the requirements of a contract to the Government customer, she reported the fraudulent activity to the Government customer. When she informed her human resources (HR)

officer about the fraud, she was advised that the fraud was a secret. Executive management terminated Applicant without a reason. She was awarded unemployment compensation from the state employment agency. In April 2019, she mailed a request for the pertinent documentary records from the state employment agency to verify she received benefits. (GE 2 at 21; GE 3 at 3; April 2019 answer to SOR, at 3-5; Tr. 26-27; AE B at 1-5)

SOR 1.c – Job termination in July 2003 for poor work performance. In November 2002, Applicant began employment as a mission specialist with this defense contractor. Friction developed between Applicant and the other engineers after she complained to a supervisor that the employer was overbilling the Government user agency for incomplete work. She believes she was terminated in retaliation for her complaint. In an unsigned statement dated October 26, 2003, a former coworker agreed with her. During the unemployment benefits proceedings with the state employment agency, the employer indicated Applicant had not fulfilled terms of a probationary improvement plan and was discharged for poor work performance, but provided no details. Documentation from the state employment agency indicates that Applicant was awarded unemployment benefits because her former employer had not established she was terminated for misconduct in connection with her job. (GE 2 at 20; GE 3 at 3; April 2019 answer to SOR, at 5-7; Tr. 27-30; AE C at 1-2, 6-11, 25-30)

SOR 1.d – Job termination in November 2004. Applicant began employment as a senior test analyst in November 2003. Her supervisor displayed a hostile attitude toward her characterized by regularly yelling at her or giving her insufficient time to complete projects. When Applicant complained to HR about her supervisor, she received a letter of reprimand for complaining up the chain of command. Following a return to work from sick leave, Applicant was informed that her job was scheduled to be moved to another part of the United States. Since she did not want to move, her job was terminated for “lack of direct contract coverage.” (AE D at 1) Applicant received unemployment benefits from the state employment agency, though she was advised by the state employment agency that the records were discarded after five years. (GE 2 at 16-20; GE 3 at 2; Tr. 30-32; AE D at 1, 3-6, 7) See Tr. 66.

SOR 1.e – Job termination in April 2005. In November 2004, Applicant began employment as a program analyst with this contractor. She became upset over her supervisor’s sexist jokes and demeaning comments towards military officers. She reported these objectionable comments to her second level supervisor, who reported them to HR. The employer indicated she would be terminated in late April 2005 if they could not locate an alternate position for her; they were unable to locate another position. Applicant received unemployment benefits from the state employment agency because there was no misconduct in connection with her job. She noted that no supporting documentation was provided from the state unemployment agency because records are destroyed after five years, (GE 2 at 16-19; GE 3 at 2, 11; Tr. 33-35; April 2019 answer to SOR, at 9-11; AE E at 1-5) See Tr. 66.

SOR 1.f – Job termination in January 2006 for poor workplace performance. Applicant began this employment as a business analyst in October 2005. She had a personality conflict with her supervisor who would assign her tasks without proper guidance to accomplish the tasks. Applicant also had to ward off the sexual advances from her facility security officer (FSO). After her termination, she filed and received unemployment benefits because the state employment agency decided she had been terminated without cause. Records of the decision of the state unemployment agency were destroyed after five years. (GE 3 at 1-2, 10; April 2019 answer to SOR, at 11-12; Tr. 36-38; AE F at 1-3)

After Applicant submitted a security clearance application (SCA) in February 2006, DOD conducted an investigation and made a preliminary determination that she had not been truthful in her 2006 SCA about the circumstances leading to her terminations from the SOR 1.d and 1.e employers. In June 2008, DOD issued an SOR (ISCR Case No. 08-00817) based on intentional falsification (Guideline E) of her SCA regarding her terminations to the SOR 1.d and 1.e employers. After Applicant submitted documentary evidence showing that the terminations were due to a lack of work, DOHA granted Applicant's security clearance eligibility (before a hearing) in March 2009. (Tr. 82-84; AE G at 20; AE A at 30; AE M at 1-7, 8-24, 40-41, 71-72, 82-83) See also AE A at 30.

SOR 1.g – Job termination in March 2010. Applicant began her employment as a senior international security specialist in January 2006. Her documented performance evaluations for 2006 to early 2009 indicated that she was meeting or exceeding expectations. Applicant repeatedly complained to management about the unprofessional behavior of her coworkers, along with sexist remarks of her supervisor. She believes she was terminated in retaliation for her complaints. Following the termination, the state employment agency informed her that no decision is made for termination based on lack of work. Applicant filed a complaint against the former employer company with a federal employment agency. The complaint was mediated and settled in Applicant's favor. (GE 3 at 10; April 2019 answer to SOR, at 13-15; Tr. 38-46; AE G at 1, 5-15, 17-20)

SOR 1.h – Job termination in August 2011 for insubordination, though Applicant's employer did not explain why he accused her of insubordination. Applicant began employment at this contractor as a senior program manager in March 2011. She was terminated in retaliation for disagreeing with her supervisor's hiring of personal friends to fill positions. Documentation indicates that Applicant received unemployment benefits because the state employment agency found that based on the available evidence, her actions did not constitute misconduct disqualifying her from unemployment benefits. Applicant's communication with her supervisor was directed at conditions of her employment rather than a disregard for him or his position. (GE 3 at 9, 18; April 2019 answer to SOR, at 15-18; Tr. 48-51; AE H at 2-21)

SOR 1.i – Job termination in October 2012. Applicant began her employment with this contractor as an international security specialist in December 2011. She was terminated in retaliation for telling her program manager that a sexually offensive plaque did not belong in the office and he should take it home. Applicant filed for unemployment benefits with the state employment agency. Documentation shows that unemployment benefits were granted because the employer had discharged her for unidentified reasons and was unable to show that any misconduct occurred in connection with her job. Applicant also filed an employment discrimination complaint with the county and federal employment agencies. The complaint was mediated and settled in her favor in November 2013. (GE 1 at 19-20; April 2019 response answer to SOR, at 17-21; Tr. 51-54; AE I at 2-16, 20-42)

SOR 1.j, 1.k, 1.l – Job termination in April 2016 following a verbal then written warning from the same employer. SOR 1.j refers to a verbal warning imposed in March 2016 for conduct related to employer’s discrimination policy. SOR 1.k refers to a written warning in April 2016 for violating her employer’s discrimination policy. SOR 1.l refers to Applicant’s termination a day later in April 2016 for unprofessional and threatening behavior.

SOR 1.j – Verbal warning in March 2016 for violation of discrimination policy. In October 2015, Applicant began employment with this contractor as an information systems security officer. In December 2015, she received a retention bonus for good performance. In the middle of March 2016, a female coworker launched a threatening and discriminatory verbal attack at Applicant. She immediately reported the incident to her supervisor, FSO, HR, and onsite security manager. However, her employer, instead of taking action against the perpetrator, blamed Applicant for the incident. She believed her employer retaliated against her by accusing her of instigating the discriminatory remarks and the altercation. (GE 1 at 13-14; GE 3 at 17; GE 5, 6; April 2019 answer to SOR, at 21; Tr. 54-58; AE J at 7-13)

SOR 1.k – Written warning received on April 12, 2016 for violation of discrimination policy. Applicant’s employer retaliated against her by accusing her of instigating the discriminatory remarks against the perpetrator of the verbal attack in SOR 1.j. (GE 1 at 12-14; GE 3 at 17; GE 5, 6; Tr. 54-58; AE K at 2-3)

SOR 1.l – Job termination for unprofessional and threatening conduct. Email traffic culminating in Applicant’s job termination began in early March 2016 (SOR 1.j) and ended with her termination on April 13, 2016. An incident report was sent to the Joint Personnel Adjudication System (JPAS) that downgraded her security clearance. Applicant appealed her termination to the state employment agency. Documentation reflects that Applicant was granted benefits because her former employer had not established she was discharged for misconduct connected with work. (GE 1 at 13-14; GE 3 at 17; GE 5, 6; Tr. 54-58; AE J at 9-13; AE L at 1, 3, 11)

In September 2016, Applicant filed a civil action against her former employer in SOR 1.j, 1.k, 1.l. The action alleged employment discrimination, retaliation, and reprisal. A settlement agreement was reached between the former employer and Applicant in January 2017. (GE 3 at 27; April 2019 answer 21-28; Tr. 61-64; AE L at 31-54, 55-68)

Attached to the January 2017 settlement agreement is a letter dated January 9, 2017, from the president and chief executive officer (CEO) of Applicant's former employer (SOR 1.j, 1.k, 1.l). The CEO stated in the letter that subsequent to the filing of the incident report in April 2016, "After further investigation and consideration, the parties agree that there are reasonable differences of opinion regarding the events leading up to the incident report." (GE 4, April 2016) The CEO then indicated in the letter that:

[the CEO's company] agrees that [Applicant's] conduct was best described as an employment disagreement and not a security violation. Since that incident report, [the CEO's company] is not aware of any circumstances that would cast doubt upon [Applicant's] reliability, trustworthiness, or good judgment. (AE L at 63)

(April 2019 answer 21-28; Tr. 61-64; AE L at 31-54, 55-68)

Following termination from the SOR 1.l employment in April 2016, Applicant worked as a program manager at a bank from July 2016 to January 2017. She was a project manager for another contractor for four months in early 2017, and then became a senior security manager for a contractor from May 2017 to January 2018. After working as a cyber-systems engineer for six months, Applicant was employed as a senior information system security engineer with another contractor until December 2018. Though she has received subsequent contingency offers, Applicant has been unemployed since December 2018. (Tr. 71-80; AE M at 85-87)

When Applicant was asked why she changed jobs this number of times (referring to the terminations listed in the SOR) between July 2000 and April 2016, she replied that, "I would say I report people. I report concerns. People don't, you know, employers don't like it when you report it. They label you a troublemaker." (Tr. 65) Though the terminations set forth in SOR 1.d, 1.e, and 1.g were due to a lack of work, Applicant acknowledged that she had personality conflicts with the staff at these three employers. Based on her employment experiences since July 2000, Applicant has always tried to improve her channels of communication with other coworkers. She is apprehensive when examining prospective jobs because of past unpleasant encounters in previous employment situations. (Tr. 66, 79)

Character Evidence

In addition to the job performance evaluations of two of Applicant's former employers listed at SOR 1.b and 1.g, she provided favorable comments from coworkers

during her professional career. Those include emails from two coworkers in May 2017 expressing their gratitude for working with Applicant. During the same period, another coworker commented on their shared success in preparing and putting three programs into operation. During the holidays in 2013 and 2010, Applicant received praise for her team player attitude, professionalism, and dependability. In November 2006, while working for the contractor identified in SOR 1.g (January 2006 to March 2010), Applicant was recognized for her contributions to the successful integration of the test security planning. Applicant received an undated instant compensation award for achievement by the employer identified in SOR 1.a. In the late 1980s and early 1990s, she received two letters of recommendations for airline pilot positions. (AE M at 94-109)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. These guidelines are not inflexible rules of law. These guidelines are applied together with common sense and the general factors of the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. The protection of the national security is the paramount consideration. AG ¶ 2(d) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion in seeking a favorable security decision.

Analysis

Personal Conduct

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.

Under AG ¶ 16, conditions that could raise a security concern and may be disqualifying include:

(d) 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:

(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;

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

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

(4) evidence of significant misuse of Government or other employer's time or resources; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign entity or other individual or group. Such conduct includes:

(1) engaging in activities which, if known, could affect the person's personal, professional or community standing.

The SOR contains 12 personal conduct allegations that occurred between July 2000 and April 2016. Seven different employers identified in SOR 1.a, 1.b, 1.c, 1.f, 1.h, 1.i, and 1.l terminated Applicant from employment for specified or less than specified reasons. The seventh employer issued Applicant a verbal warning in March 2016 (SOR 1.j) regarding the employer's discrimination policy, a written warning on April 12, 2016 (SOR 1.k) for violating the discrimination policy, then terminated her on April 13, 2016 for unprofessional and threatening conduct. The pattern of terminations expose Applicant's conduct to AG ¶¶ 16(d)(2) and 16(d)(3). AG ¶ 16(e)(1) is removed as a disqualifying condition. In all security investigations since at least 2002, Applicant has been forthright in providing full details of each termination throughout her employment history. Since 2006 she has provided consistent explanations in SCAs, e-QIPs, and interviews with investigators of the Office of Personnel Management (OPM).

Applicant was terminated from the employers identified in SOR 1.d, 1.e, and 1.g due to a lack of work rather than other types of misconduct alleged in the SOR. In SOR 1.d and 1.e, she received unemployment benefits anyway. In the case of SOR 1.g, the case was mediated and settled in Applicant's favor by a federal employment agency. The personnel actions taken by these three employers, which occurred over a six-year period between November 2004 and March 2010, are resolved in Applicant's favor.

Under AG ¶ 17, conditions that could mitigate security concerns include:

(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;

(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; and

(f) the information was unsubstantiated or from a source of questionable reliability.

Regarding the July 2000 termination (SOR 1.a), deference is given to the decision of the state employment agency to deny benefits to Applicant. She failed to rebut the evidence presented by her former employer. Though a number of subsequent employers listed in the SOR also terminated Applicant for poor work performance, none of them based their termination on an attendance issue. She receives some mitigation under AG ¶¶ 17(c) and 17(d) because the unexcused absence was an isolated employment event that occurred almost 19 years ago without similar misconduct since.

Concerning Applicant's termination from the other listed employers however, she filed and was awarded unemployment benefits because the various state agencies in SOR 1.b, 1.c (with documentation), 1.d, 1.e, 1.f, 1.h, 1.i (with documentation), and 1.l (with documentation), found there was no misconduct connected with her job. Significantly, the SOR 1.g termination was mediated and settled in Applicant's favor by a federal employment agency even though the state agency declined benefits because the termination resulted from lack of work. While the burdens of proof are different in an unemployment compensation case and a security clearance case, poor work performance, insubordination, or violation of a discrimination policy would reasonably seem to be misconduct related to the job. Yet these state agencies found no or very little actionable misconduct to deny Applicant unemployment benefits. After reviewing all the state agency findings (documented and undocumented), I conclude that the charges of poor performance, insubordination, violating an employer's discrimination policy, and threatening conduct, as being unsubstantiated or from a source of questionable reliability. AG ¶ 17(f) applies.

Whole-Person Concept

I have examined the evidence under the three specific personal conduct guidelines in the context of the nine general factors of the whole-person concept listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for access to classified information must be an overall common-sense judgment based upon careful consideration of the guidelines and the whole-person concept.

The record evidence indicates that Applicant was terminated from employment on ten occasions (SOR 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, 1.i, and 1.l) over a 16-year period from July 2000 to April 2016; three of those ten terminations (SOR 1.d, 1.e, 1.g) were due to lack of work rather than alleged misconduct. Nonetheless, seven terminations clearly show a pattern of conduct that could be interpreted as poor judgment and unreliability. It would seem improbable that Applicant would be terminated from at least seven different employers unless she violated company policy or caused a problem in the workplace.

However, except for SOR 1.a, Applicant filed and was awarded unemployment benefits following her seven terminations in SOR 1.b, 1.c, 1.d, 1.e, 1.f, 1.h, 1.i, and her termination by the same employer in SOR 1.l. The critical reason found by the state employment agencies in each decision was insufficient evidence proving that Applicant's termination was due to misconduct connected to her job.

Applicant has held a security clearance since 1981 with no security violations. In June 2008, an SOR was issued alleging she falsified her SCA in 2006. The SOR was resolved before a hearing in Applicant's favor after she provided evidence demonstrating there was no falsification, but rather a termination due to lack of work. Applicant received a security clearance in March 2010. (AE M at 71)

Following Applicant's dismissal in April 2016 from employer (SOR 1.l), she was awarded unemployment benefits. During the course of the civil action settlement proceedings in January 2017, the CEO of Applicant's former employer indicated that after additional investigation into the events culminating in the incident report (GE 4, April 13, 2016), Applicant's conduct represented an employment disagreement and not a security violation.

Four months after Applicant's termination from the SOR 1.l employer, she resumed work with several employers as a program or project manager. She has received several compliments from coworkers in 2010, 2013, and 2017. Judging by the totality of all the circumstances of this case, including the favorable performance

evaluations from the employers identified in SOR 1.b and 1.g, Applicant has provided sufficient evidence to mitigate the security concerns raised by the personal conduct guideline.

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: FOR APPLICANT

Subparagraphs 1.a-1.l: For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the security interests of the United States to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is granted.

Paul J. Mason
Administrative Judge