



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



In the matter of:)
)
 [Redacted]) ISCR Case No. 19-01632
)
 Applicant for Security Clearance)

Appearances

For Government: John Lynch, Esq., Department Counsel
For Applicant: Alan V. Edmunds, Esq.

04/27/2021

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines J (Criminal Conduct) and E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on April 14, 2017. The Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (CAF) determined that it was unable to find that it was clearly consistent with the national interest to grant him access to classified information, and on November 15, 2019, it sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines J (Criminal Conduct) and E (Personal Conduct). The CAF acted 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) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016).

Applicant answered the SOR on February 4, 2020, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on August 10, 2020, and the case was assigned to me on February 16, 2021. On February 19, 2021, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for March 16, 2021. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 7 were admitted in evidence without objection. Applicant testified, and submitted Applicant's Exhibits (AX) A through N, which were admitted without objection. AX A through H duplicated exhibits that were attached to Applicant's answer to the SOR. I kept the record open until March 22, 2021, to enable Applicant to submit additional documentary evidence, and he timely submitted AX O and P (misabeled as AX I and J), which were admitted without objection. DOHA received the transcript (Tr.) on March 31, 2021.

Findings of Fact

In Applicant's answer to the SOR, he admitted all the allegations. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 40-year-old computer system analyst employed by a federal contractor since February 2020. He has been employed by federal contractors for various jobs since May 2007. He has held a security clearance since June 2012.

Applicant married in February 2003, divorced in April 2004, and married in October 2010. He and his wife have a three-year-old son. He has a 13-year-old daughter from an earlier relationship. He was unaware that he had a daughter until he was contacted by her mother when their daughter was five years old. (Tr. 21.)

Applicant grew up in the foster-care system, living with multiple families and group homes. As a person of color growing up in a predominantly white area, he encountered frequent instances of racism and harassment. In high school he found tobacco spit on his locker and letters in his locker calling him the "N" word. He received threatening telephone calls and was ejected from restaurants. (Tr. 19-20.)

Applicant served on active duty as a combat engineer in the U.S. Army from February 2002 to August 2006. He served two tours of duty in a combat zone and was honorably discharged as a sergeant. He received the Army Commendation Medal three times. Notwithstanding his receipt of nonjudicial punishment shortly before his discharge (discussed below), he received the Good Conduct Medal. (AX K.)

Applicant received an associate's degree in May 2008 and a bachelor's degree in sports management in July 2012. He also has received numerous technical certifications in computer security and physical fitness. (AX L.)

The SOR alleges 12 instances of criminal conduct. The evidence concerning those instances is summarized below in chronological order.

SOR ¶ 1.i. In April 1997, Applicant was charged with criminal mischief. Although he admitted this allegation in his answer to the SOR, he testified at the hearing that he could not remember anything about it. (Tr. 27.)

SOR ¶ 1.k. In July 1997, Applicant was charged with 2d degree assault, a felony, and 3rd degree assault, a misdemeanor. Although he admitted this allegation in his answer to the SOR, he testified at the hearing that he could not remember anything about it. (Tr. 27.)

SOR ¶ 1.j. In July 1999, Applicant was at a park with a group of friends when they were confronted by another group, and a brawl ensued. All the participants were charged with felony criminal mischief and harassment. Applicant paid a \$150 fine for harassment. He disclosed this incident in a previous SCA submitted in September 2008. (GX 1 at 32; GX 4 at 10.)

SOR ¶¶ 1.i and 1.f. In December 1999, Applicant was charged with underage possession of alcohol. He testified that he remembered that the police came to a party, and he paid a \$25 fine. (GX 1 at 30; GX 4 at 12.) He was arrested again for underage possession of alcohol in May 2001. He testified that this arrest occurred when he was riding as a passenger in a car with an open container of alcohol. (Tr. 24.) He was sentenced to 30 hours of community service. (GX 1 at 28; GX 4 at 12.)

SOR ¶¶ 1.h and 1.i. In April 2001, Applicant was charged with trespassing in April 2001 and May 2001. He paid a \$50 fine for each offense. (GX 1 at 29-30.) At the hearing, he testified that he could not remember the circumstances of these incidents, but he remembered that they occurred at a gas station. (Tr. 24-25, 50.)

SOR ¶ 1.e. In September 2004, while Applicant was on active duty, he was charged with battery and disorderly conduct after being involved in a fight outside a bar. Applicant testified that he remembered the incident but did not remember the outcome. (Tr. 24.) He testified that he did not remember whether he had been drinking alcohol. (Tr. 44.) The battery charge, for hitting a female bar employee in the face as she tried to break up the fight, was dismissed for lack of evidence. He was convicted of disorderly conduct and sentenced to 10 days in jail (suspended) and a \$266 fine. (GX 5 at 6-8; GX 7.)

SOR ¶ 1.d. On June 25, 2006, Applicant was involved with an incident with the military police. According to the police report, Applicant was ordered by military police to show his identification and became disorderly and disrespectful. When the military police attempted to apprehend him, he resisted and began threatening them. He was taken to the military police station, processed, and released to his first sergeant. The military police report reflects that alcohol was involved. (GX 6 at 5.) On July 25, 2006, his company commander imposed nonjudicial punishment for resisting apprehension, disorderly conduct, and disrespect toward a superior. His punishment was an oral reprimand and 14 days of extra duty. His company commander noted on the record of punishment that his last day of active duty was on July 28, 2006, three days after punishment was

imposed. (GX 6 at 2.) Although Applicant admitted this incident in his answer to the SOR, he testified at the hearing that he did not remember anything about it. (Tr. 39.)

When Applicant submitted an earlier SCA in September 2008, he answered “no” to the following question: “In the last 7 years, have you been subject to court martial or other disciplinary proceedings under the Uniform Code of Military Justice? (Include non-judicial, Captain’s mast, etc.)” At the hearing, he testified that he did not remember responding to the question. When confronted with a copy of the SCA, he said, “It doesn’t say Article 15. It says court-martial.” He also testified that he did not know that “nonjudicial” included Article 15. (Tr. 41-42.) He was not asked and did not address whether he thought his punishment was “other disciplinary proceedings.” His failure to disclose his nonjudicial punishment in his 2008 SCA was not alleged in the SOR.

SOR ¶ 1.c. In November 2014, Applicant was visiting his daughter from a previous relationship, who was then six years old. After a brief visit, he told his daughter’s mother about his plans for future visits. According to Applicant, his daughter’s mother said, “Over my dead body,” and started to walk away. Applicant then touched her shoulder and said, “Let’s not make this harder than it needs to be.” His daughter’s mother sprayed him with pepper spray and called the police. He was arrested and charged with assault by contact and spent three or four hours in jail. He appeared before a judge in May 2015, pleaded no contest, and was granted deferred disposition. He completed a 45-day probation, and the charges were dismissed in July 2015. (Tr. 39; GX 4 at 8; AX H.)

SOR ¶ 1.b. In July 2016, a police officer found Applicant slumped over in his car in a street intersection and noticed a strong smell of alcohol. The police report reflected that Applicant was awakened by the police and attempted to start his car and drive away. After the police shut off his ignition and he exited the vehicle, he was agitated and began cursing at the police. (GX 3 at 18.) At the hearing, Applicant testified that he could not remember any interactions he had with the police. (Tr. 35.) Two breathalyzer tests registered a blood-alcohol content (BAC) of 0.173 and 0.160. He was charged with driving under the influence (DUI) and impeding traffic. He pleaded guilty and was sentenced to confinement for 12 months and 40 hours of community service. The confinement was probated and he was placed on unsupervised probation. He completed a court-ordered evaluation, community service, a risk-reduction course, and a DUI school. The evaluator, a certified alcohol and drug counselor, concluded that he had “no apparent alcohol problem” and that alcohol or drug treatment was not recommended. (GX 3 at 42-43.) Applicant completed his probation in December 2018. (GX 3 at 3, 18-28; AX F.)

At the hearing, Applicant testified that he could not remember if he disclosed any earlier criminal arrests to the evaluator. (Tr. 37-38.) The record of the court-ordered evaluation reflects that he disclosed his DUI and an arrest for disorderly conduct, but he denied having any other charges or arrests in his lifetime. (GX 3 at 40.)

SOR ¶ 1.a. In June 2017, Applicant and his wife, who was six months pregnant, had an argument while at a party. Applicant testified that he had been drinking at the party but could not remember if he was drunk. (Tr. 33.) The argument continued when they

went home, and Applicant's wife hit him with a curling iron. According to Applicant, he grabbed her to keep her from hitting him. When he let her go, she grabbed her cellphone and said that she was calling the police. At some point, he pushed his wife into an unlocked closet. She got out of the closet, and they both went outside into the yard. Applicant took her cellphone from her, threw it into a neighbor's yard, left the house, and returned to the party. The next morning they apologized to each other. (Tr. 28-33.)

Applicant and his wife participated in marital counseling from July to November 2017. (AX G.) In November 2017, Applicant's security officer told him that there was an outstanding warrant for his arrest. He went to the police station to inquire about the warrant and was arrested for battery, family violence, and impeding his wife from making a 911 call. Initially, he had also been charged with an aggravated assault by strangulation, a felony, but prosecution of that offense was declined because there was no evidence of strangulation. (AX E.)

After the felony charge was withdrawn, Applicant remained on pretrial probation. In August 2018, he completed a court-ordered anger-management course. (AX A.) In October 2018, he was placed in a family violence intervention program, consisting of 24 mandatory classes. In March 2019, he completed the intervention program, and the prosecutor entered a *nolle prosequi* for the charges of battery, domestic violence, and impeding a 911 call. (GX 3 at 9, 11, 13, 16; AX B; AX D.)

The commander of the military facility where Applicant was working as a contractor employee terminated Applicant's access to the facility until the charges based on the July 2017 incident were resolved. Because Applicant could no longer work at the facility, he was terminated from his employment in December 2017. However, his employer submitted a letter recommending that his security clearance be reinstated, because during his employment, he "never showed any behavior to question his reliability, trustworthiness, and ability to protect classified or sensitive information. (AX C at 1.) Applicant was unemployed until February 2020, when he was hired by another federal contractor. (AX J.)

In addition to the charges alleged in the SOR, Applicant was charged with 3rd degree criminal mischief in October 1999. This charge was not alleged in the SOR, but Applicant disclosed it in his September 2008 SCA. Applicant testified that he punched out the windows in his girlfriend's car after a friend of his girlfriend spit in his face and called him the "N" word. (Tr. 49). In his 2008 SCA, he stated that the incident occurred during an argument with his girlfriend. (GX 1 at 31. He was fined \$1,200 and ordered to perform 150 hours of community service. (GX 1 at 30-31.) At the hearing, he said that he could not remember if he had been drinking before he punched out the windows. (Tr. 50.) I have considered this unalleged conduct for the limited purposes of evaluating Applicant's credibility, to determine whether he has demonstrated successful rehabilitation; and as part of my whole-person analysis. See ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006).

At the hearing, Applicant's wife submitted a statement stating that Applicant no longer abuses alcohol and has undergone a "tremendous degree of self-evaluation and complete reversal of his previous behaviors." (AX I.) Applicant testified that he now consumes one or two beers once or twice a month. (Tr. 22.)

One of Applicant's former supervisors submitted a letter describing him as honest, trustworthy, respectful, and a compassionate person with praiseworthy perseverance and ambition. (AX C at 2.) Applicant's current program manager considers him a talented and conscientious employee, a dedicated husband and father, and "the type of individual I am glad to have hired." (AX N at 3.) Two long-time friends consider him "smart and honest," and a person who "lives his life with integrity." (AX N at 1-2.)

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.

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

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." 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. 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. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 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.

Analysis

Guideline J, Criminal Conduct

The concern under this guideline is set out in AG ¶ 30: “Criminal activity creates doubt about a person’s judgment, reliability, and trustworthiness. By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.” Applicant’s admissions and the evidence presented at the hearing establish the following disqualifying conditions under this guideline:

AG ¶ 31(a): a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual’s judgment, reliability, or trustworthiness; and

AG ¶ 31(b): evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

The following mitigating conditions are potentially relevant:

AG ¶ 32(a): so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual’s reliability, trustworthiness, or good judgment; and

AG ¶ 32(d): there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

AG ¶ 32(a) is partially established. Applicant's arrest in November 2014, for assault by touching, alleged in SOR ¶ 1.c, was an anomaly, unrelated to alcohol and amounting to no more than an unwanted touching of his daughter's mother on the shoulder. I conclude that the conduct alleged in SOR ¶ 1.c is mitigated because it happened under unusual circumstances making recurrence unlikely.

Applicant had a pattern of unlawful and disruptive conduct, usually alcohol-related, from his teenage years until the end of his military service in July 2006. After his discharge from the Army, ten years elapsed with no alcohol-related criminal conduct. I conclude that the instances of misconduct alleged in SOR ¶¶ 1.d-1.l are mitigated by the passage of time.

Applicant's DUI in July 2016 was followed by the arrest for alcohol-related domestic violence in June 2017. He did not complete the family violence intervention program until March 2019. I conclude that AG ¶ 32(a) is not established for the conduct alleged in SOR ¶¶ 1.a and 1.b because the incidents were recent and did not occur under unusual circumstances making recurrence unlikely.

AG ¶ 32(d) is not established. Applicant has a good employment record and received a strong endorsement from his previous employer as well as his current employer. However, he did not complete the intervention program until March 2019, and he has been under pressure to regain his security clearance since November 2017. Insufficient time has passed to conclude that his criminal behavior will not recur once the pressure of regaining his security clearance is lifted.

Guideline E, Personal Conduct

The security concern under this guideline is set out in AG ¶ 15: "Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. . . ."

SOR ¶ 2.a alleges a consequence of the conduct alleged in SOR ¶ 1.a but does not allege any independent conduct of security significance. I have resolved SOR ¶ 2.a for Applicant.

SOR ¶ 2.b cross-alleges the conduct in SOR ¶¶ 1.a-1.l. The Appeal Board has recognized that specific behavior can have security significance under more than one guideline" and the adjudicative guidelines contemplate that "behavior will have

independent security significance under Guideline E in a broad range of cases.” ISCR Case No. 06-20964 (App. Bd. Apr. 10, 2008).

The following disqualifying conditions are potentially relevant:

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

AG ¶ 16(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: . . . (2) any disruptive, violent, or other inappropriate behavior; [and] (3) a pattern of dishonesty or rule violations . . . ; and

AG ¶ 16(e): personal conduct . . . that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes : . . engaging in activities which, if known, could affect the person's personal, professional, or community standing.

AG ¶ 16(c) is not applicable. The conduct alleged in the SOR does not involve adverse information “in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline.”

AG ¶ 16(d) is not applicable. The conduct alleged in the SOR is “explicitly covered” under Guideline J.

AG ¶ 16(e) is established. Violence against a pregnant wife and a history of alcohol-related criminal conduct could affect Applicant’s personal, professional, or community standing and make him vulnerable to exploitation, manipulation, or duress.

The following mitigating conditions are potentially relevant:

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

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

AG ¶ 17(e): the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

AG ¶ 17(c) is established for the conduct alleged in SOR ¶ 1.c-1.i, but not for the conduct alleged in SOR ¶¶ 1.a and 1.b, for the reasons set out in the above discussion of AG ¶ 32(a).

AG ¶¶ 17(d) and 17(e) are not fully established. Applicant has not fully and candidly acknowledged his behavior. He did not fully disclose his criminal record when he underwent a court-ordered alcohol evaluation, thereby making that evaluation of limited probative value. Except for the court-ordered DUI class, he submitted no evidence of counseling or treatment for his alcohol consumption. At the hearing, he quibbled about his failure to disclose his nonjudicial punishment in his 2008 SCA. See ISCR Case No. 01-03132 at 3 (App. Bd. Aug. 8, 2002) (security clearance investigation not a forum to split hairs or parse the truth narrowly). He responded to numerous questions during the hearing by claiming that he could not remember. (Tr. 24, 26, 33, 35, 36, 37, 39, 40, 44, 49, 50.) It is plausible that he could not remember the details of some of his teenage antics, and it is plausible, given his level of intoxication, that he remembered little about his DUI arrest alleged in SOR ¶ 1.b. However, it is not plausible that he could not remember whether he was drinking before he smashed his girlfriend's car windows or before the bar fight alleged in SOR ¶ 1.e. Nor it is plausible that he could not remember anything about his confrontation with military police alleged in SOR ¶ 1.d, which led to his apprehension, detention until he was released to his first sergeant, and subsequent nonjudicial punishment.

Whole-Person Concept

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. In applying the whole-person concept, an 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. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation

and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

I have incorporated my comments under Guidelines J and E in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment. I have considered that Applicant served honorably under combat conditions in the U.S. Army and that he is respected by former and current employers. I have considered his efforts to overcome his combative tendencies, but I have concerns about his less than full candor regarding the circumstances of his multiple criminal offenses. "Once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance." ISCR Case No. 09-01652 at 3 (App. Bd. Aug. 8, 2011), *citing Dorfmont v. Brown*, 913 F.2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After weighing the disqualifying and mitigating conditions under Guidelines J and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by his criminal conduct and personal behavior.

Formal Findings

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

Paragraph 1, Guideline J (Alcohol Consumption):	AGAINST APPLICANT
Subparagraphs 1.a and 1.b:	Against Applicant
Subparagraphs 1.c-1.l:	For Applicant
Paragraph 2, Guideline E (Personal Conduct):	AGAINST APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

LeRoy F. Foreman
Administrative Judge