



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



In the matter of: )  
)  
) ISCR Case No. 20-03330  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Alison P. O’Connell, Esq., Department Counsel  
For Applicant: *Pro se*

03/18/2022

**Decision**

HARVEY, Mark, Administrative Judge:

Applicant mitigated Guidelines F (financial considerations), G (alcohol consumption), and J (criminal conduct) security concerns. He refuted Guideline E (personal conduct) security concerns. Eligibility for access to classified information is granted.

**Statement of the Case**

On March 18, 2020, Applicant completed and signed a Questionnaire for National Security Positions or security clearance application (SCA). (Government Exhibit (GE) 1) On January 28, 2021, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant 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. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

Specifically, the SOR set forth security concerns arising under Guidelines F, G, J, and E. On February 11, 2021, Applicant responded to the SOR and requested a hearing. (HE 3)

On April 30, 2021, Department Counsel was ready to proceed, and on November 19, 2021, the case was assigned to me. On January 6, 2022, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for February 10, 2022. The hearing was held as scheduled using Microsoft Teams video teleconference.

During the hearing, Department Counsel offered seven exhibits; Applicant did not offer any exhibits; there were no objections; and all proffered exhibits were admitted into evidence. (Transcript (Tr.) 10, 13-15; GE 1-7) On February 18, 2022, DOHA received a transcript of the hearing. On February 23, 2022, Applicant provided one exhibit, which was admitted without objection. (Applicant Exhibit (AE) A) The record closed on February 24, 2022. (Tr. 41)

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

### **Findings of Fact**

In Applicant's SOR response, he admitted the SOR allegations in ¶¶ 1.f, 2.a, 2.b, 2.c, and 2.d. (HE 3) He denied the other SOR allegations. He also provided extenuating and mitigating information. His admissions are accepted as findings of fact.

Applicant is a 29-year-old database analyst working for a defense contractor. (Tr. 5, 36; GE 1) He orders repair parts and supplies using a computer. (Tr. 36) In 2010, he graduated from high school, and he attended college for less than one semester. (Tr. 5-6) He served in the Navy from 2010 to 2018. (Tr. 6, 17) When he was discharged from the Navy, he was a petty officer third class (E-4). (Tr. 7) His Navy specialty was logistics specialist. (Tr. 6) He was discharged for serious misconduct, and he received a general discharge under honorable conditions. (GE 7) In 2011, he married, and in 2017, he was divorced. (Tr. 8) His four children are ages one, two, five, and eight. (Tr. 8)

### **Financial Considerations**

In January 2018, Applicant's pay was reduced because of a reduction in rank to petty officer third class from a proceeding under Article 15, Uniform Code of Military Justice (UCMJ). (Tr. 22) He was unemployed for about three months after he was discharged from the Navy in March 2018. (Tr. 21) He was underemployed after leaving the Navy. (Tr. 26)

SOR ¶¶ 1.a, 1.b, and 1.c allege three charged-off debts owed to the same credit union for \$15,988, \$10,459, and \$4,252. SOR ¶¶ 1.d and 1.e allege two charged-off debts owed to a bank for \$3,422 and \$377. SOR ¶ 1.f alleges a medical debt in collection for \$461.

In March 2019, Applicant enrolled in a debt reduction program (DRP). (Tr. 26; SOR response at 16) DRP told Applicant that they could settle his debts for 50 percent of the face amount of his debts. (Tr. 27) He made the agreed upon \$524 monthly payments under the DRP. (Tr. 28; SOR response at 17-64) He paid all of the SOR debts except the debt in SOR ¶ 1.a for \$16,588. (Tr. 29-33; AE A at 5) He anticipates the last debt will be paid in 2022; however, it is unclear precisely when the debt will be paid under his payment plan. (Tr. 33; AE A at 5) The DRP indicates the debt is \$8,292, and it is in the process of being paid. (*Id.*) A settlement agreement from the creditor was not provided.

Applicant completed a personal financial statement (PFS) after his hearing showing his monthly income was \$4,120; his primary payment was monthly alimony of \$1,019; and his monthly net remainder was \$184. (AE A at 1-3) He did not include a payment to DRP in his PFS. Based on his general confusion during the hearing, he may not have understood how to properly complete the PFS.

### **Alcohol Consumption and Criminal Conduct**

SOR ¶¶ 2.a, 2.b, and 3.a allege that Applicant was arrested in about December 2011 for driving while intoxicated (DWI) and underage consumption of alcohol. (GE 2 at 5) His blood alcohol content (BAC) from a breathalyzer test was .13. (GE 2 at 5) He was found guilty of DWI, and received a suspended jail sentence with two years of probation, and a \$500 fine. (*Id.*) He completed a two-day Navy Substance Abuse Rehabilitation Program (SARP) alcohol-impact class. (*Id.*) In January 2012, his commanding officer imposed nonjudicial punishment (NJP) for drunk driving, in violation of Article 111, UCMJ, for the December 2011 DWI, and he was reduced from E-2 to E-1, received forfeitures of half of one month's pay for two months, and restriction for 45 days. (*Id.*) See Tr. 18.

SOR ¶¶ 2.c, 2.d, and 3.a allege Applicant was arrested in about October 2017 for DWI, and reckless driving (speeding). His BAC was .11. (GE 6) He was convicted of DWI, and his driver's license was suspended for one year. (GE 1) The court sentenced him to 365 days in jail (suspended for two years), and he received a \$250 fine. (GE 1) His commanding officer imposed NJP for the October 2017 drunk driving offense, in violation of Article 111, UCMJ. (GE 6) In November 2017, his commanding officer imposed a reduction from petty officer first class to petty officer second class and 30 days of extra duty as well as forfeiture of one half of one month's pay for two months (suspended). (GE 2 at 2) He received an alcohol evaluation from the Navy SARP, which determined he did not need to attend alcohol-related classes, counseling, or treatment. (*Id.*) See Tr. 19-20.

Applicant rarely consumes alcohol, and when he does, he limits his consumption to two drinks. (Tr. 23-25) He does not believe he has a problem with alcohol consumption. (Tr. 25)

### **Personal Conduct**

SOR ¶ 4.a alleges that in response to the question on his March 18, 2020 SCA about the type of discharge he received, Applicant wrote "Honorable." (GE 1 at 25) His discharge was actually general under honorable conditions. Applicant was told he was

going to be entitled to benefits from the Department of Veterans Affairs (VA), and he believed he was getting an honorable discharge. (Tr. 34) After reviewing his DD Form 214, he acknowledged it was a general discharge under honorable conditions. (Tr. 34) He did not intend to deceive security officials with his answer on his SCA. (Tr. 34)

SOR ¶ 4.b alleges that on May 12, 2020, Applicant responded to questions from an Office of Personnel Management (OPM) investigator about his discharge. It alleged that he falsely stated that he served out his contract, and he was not discharged for misconduct. Actually, Applicant received an administrative discharge after having a hearing. (Tr. 21) He said he misunderstood what the OPM investigator was asking him, and he intended to accurately convey the processing of his discharge during the interview. (Tr. 35)

SOR ¶ 4.c alleges that Applicant's March 18, 2020 SCA asked whether he had ever been charged with an offense involving alcohol, and he failed to disclose his DWI charges in 2011 and 2017. Applicant disclosed his 2017 DWI arrest, and sentence in civilian court on his SCA. (GE 1 at 38-39) On May 12, 2020, Applicant told an OPM investigator that he failed to disclose his 2011 DWI charge on his SCA because he failed to carefully read the question, and he believed he only had to disclose charges in the previous seven years. (GE 2 at 5). He did not intend to deceive anyone with his answers about his DWIs. (Tr. 35)

### **Character Evidence**

Applicant received the following Navy ribbons and medals: National Defense Service Medal; Navy "E" Ribbon (2); Navy Good Conduct Medal (2); Inherent Resolve Campaign Medal; Global War on Terrorism Service Medal; and Sea Service Deployment Ribbon. (GE 7)

### **Policies**

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no 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 applicant's 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.

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 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. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and DNI 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 Directive presumes there is a nexus or rational connection between proven conduct under any of the Guidelines and an applicant’s security eligibility. Direct or objective evidence of nexus is not required.” ISCR Case No. 18-02581 at 4 (App. Bd. Jan. 14, 2020) (citing ISCR Case No. 15-08385 at 4 (App. Bd. May 23, 2018)).

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**

### **Alcohol Consumption**

AG ¶ 21 articulates the Government’s concern about alcohol consumption, “Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual’s reliability and trustworthiness.”

AG ¶ 22 lists conditions that could raise a security concern and may be disqualifying in this case including:

(a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder; and

(c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.

AG ¶¶ 22(a) and 22(c) apply. In 2011 and 2017, Applicant had alcohol-related driving incidents involving the police and the courts. For the 2011 DWI, his BAC was .13, and for the 2017 DWI, his BAC was .11. He was convicted of two DWIs, and he received NJP for both offenses. "Binge drinking is the most common pattern of excessive alcohol use in the United States." See the Center for Disease Control website, (stating "The National Institute on Alcohol Abuse and Alcoholism defines binge drinking as a pattern of drinking that brings a person's blood alcohol concentration (BAC) to 0.08 grams percent or above. This typically happens when men consume 5 or more drinks, and when women consume 4 or more drinks, in about 2 hours."), <https://www.cdc.gov/alcohol/fact-sheets/binge-drinking.htm>. There are other definitions of "binge alcohol consumption" that involve different alcohol-consumption amounts and patterns. He engaged in binge-alcohol consumption to the extent of impaired judgment.

AG ¶ 23 details conditions that could mitigate security concerns including:

(a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;

(b) the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;

(c) the individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and

(d) the individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

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. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2, [App. A] ¶ 2(b).

Security clearance cases are difficult to compare, especially under Guideline G, because the facts, degree, and timing of the alcohol abuse and rehabilitation show many different permutations. The DOHA Appeal Board has determined in cases of substantial alcohol abuse that AG ¶ 23(b) did not mitigate security concerns unless there was a fairly lengthy period of abstaining from alcohol consumption or responsible alcohol consumption. See ISCR Case No. 06-17541 at 3-5 (App. Bd. Jan. 14, 2008); ISCR Case No. 06-08708 at 5-7 (App. Bd. Dec. 17, 2007); ISCR Case No. 04-10799 at 2-4 (App. Bd. Nov. 9, 2007). See also ISCR Case No. 08-04232 (App. Bd. Oct. 9, 2009) (affirming denial of security clearance for Applicant with alcohol-related criminal offenses for six years prior to hearing). For example, in ISCR Case No. 05-16753 at 2-3 (App. Bd. Aug. 2, 2007) the Appeal Board reversed the administrative judge's grant of a clearance and noted, "That Applicant continued to drink even after his second alcohol-related arrest vitiates the Judge's application of MC 3."

In ISCR Case No. 05-10019 at 3-4 (App. Bd. Jun. 21, 2007) the Appeal Board reversed an administrative judge's grant of a clearance to an applicant (AB) where AB had several alcohol-related legal problems. However, AB's most recent DUI was in 2000, six years before an administrative judge decided AB's case. AB had reduced his alcohol consumption, but still drank alcohol to intoxication, and sometimes drank alcohol (not to intoxication) before driving. The Appeal Board determined that AB's continued alcohol consumption was not responsible, and the grant of AB's clearance was arbitrary and capricious. See also ISCR Case No. 04-12916 at 2-6 (App. Bd. Mar. 21, 2007) (reversing grant of a security clearance where most recent alcohol-related incident was three years before hearing because of overall history of alcohol consumption).

In ISCR Case No. 18-02526 (App. Bd. Dec. 20, 2019) the applicant "drove vehicles on three occasions while impaired by alcohol between 2000 and 2017." *Id.* at 4. The applicant participated in alcohol-related therapy and counseling, and he abstained from alcohol consumption for two years. *Id.* at 2. The Appeal Board emphasized the lack of an established benchmark period of abstinence from alcohol consumption stating:

As we have previously stated, the Directive does not specify how much time must pass to mitigate the various types of misconduct identified in the adjudicative guidelines. Contrary to the Judge's conclusion, the Board has repeatedly declined to establish a "benchmark" or "bright-line" rule for evaluating the recency of misconduct. The extent to which security concerns have become mitigated through the passage of time is a question that must be resolved based on the evidence as a whole.

*Id.* at 3 (citing ISCR Case No. 18-01926 at 4 (App. Bd. Sept. 20, 2019) (reversing grant of security clearance for applicant with three alcohol-related driving incidents with most recent occurring in 2017)).

I have carefully considered the Appeal Board's jurisprudence on alcohol consumption and Applicant's history of alcohol consumption. He reduced his alcohol consumption after his 2017 DWI. He completed Navy SATOP, after which he did not receive a diagnosis or recommendation to cease his alcohol consumption. He did not receive a recommendation that he participate in a more intensive alcohol-rehabilitation program. He currently drinks alcohol at a responsible level and limits his alcohol consumption to two drinks. There have not been any subsequent alcohol-related incidents involving the police and courts after 2017. Enough time has elapsed without alcohol-related problems to enable a reasonable predictive judgment that his maladaptive use of alcohol is safely in the past. AG ¶ 23(a) applies. His history of alcohol consumption does not cast doubt on his current reliability, trustworthiness, or judgment. Alcohol consumption security concerns are mitigated.

### **Criminal Conduct**

AG ¶ 30 describes the security concern about criminal conduct, "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."

AG ¶ 31 lists two conditions that could raise a security concern and may be disqualifying in this case: "(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 "(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."

Applicant committed DWI offenses in 2011 and 2017, and underage alcohol consumption in 2011. These misdemeanor-level offenses are serious in that they entailed a risk of death, bodily injury, and property damage to Applicant and other drivers. AG ¶¶ 31(a) and 31(b) are established.

AG ¶ 32 describes four conditions that could mitigate security concerns including:

(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;

(b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) no reliable evidence to support that the individual committed the offense; and

(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.

Criminal conduct security concerns are mitigated for the same reasons they are mitigated under the Alcohol Consumption Guideline, *supra*.

## **Personal Conduct**

AG ¶ 15 explains why personal conduct is a security concern stating:

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

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

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

AG ¶ 16 lists conditions that could raise a security concern and may be disqualifying in this case including:

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

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

The SOR alleges Applicant was not candid in his answers on his SCA about his honorable discharge from the Navy and his 2011 DWI. He credibly stated at the time he answered the questions, he believed his general discharge under honorable conditions met the criteria for an honorable discharge. He also believed he only needed to disclose his 2017 DWI because the 2011 DWI was more than seven years before he completed his SCA. He tried to explain the circumstances of his discharge from the Navy to the OPM investigator. Applicant has difficulty explaining some concepts and procedures. I do not believe he intended to deceive security officials with his answers on his SCA or the OPM investigator during his interview. Personal conduct security concerns are mitigated.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The 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.

Under AG ¶ 2(c), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall commonsense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments under Guidelines F, G, J, and E are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is a 29-year-old database analyst working for a defense contractor. In 2010, he graduated from high school. He served in the Navy from 2010 to 2018. When he was discharged from the Navy, he was a petty officer third class. His Navy specialty was logistics specialist. He was discharged for serious misconduct, and he received a general discharge under honorable conditions.

Applicant made sufficient progress resolving his delinquent debts. He has a payment plan with DRP, and he is addressing the sole remaining unpaid SOR debt. His DWIs in 2011 and 2017 are not recent. He drinks alcohol responsibly. He received the following Navy ribbons and medals: National Defense Service Medal; Navy "E" Ribbon (2); Navy Good Conduct Medal (2); Inherent Resolve Campaign Medal; Global War on Terrorism Service Medal; and Sea Service Deployment Ribbon.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence to the facts and circumstances in the context of the whole person. Applicant mitigated financial considerations, alcohol consumption, and criminal conduct security concerns. He refuted personal conduct security concerns.

### **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 F:	FOR APPLICANT
Subparagraphs 1.a through 1.f:	For Applicant
Paragraph 2, Guideline G:	FOR APPLICANT
Subparagraphs 2.a through 2.d:	For Applicant
Paragraph 3, Guideline J:	FOR APPLICANT
Subparagraph 3.a:	For Applicant
Paragraph 4, Guideline E:	FOR APPLICANT
Subparagraphs 4.a through 4.c:	For Applicant

## **Conclusion**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue Applicant's eligibility for access to classified information. Eligibility for access to classified information is granted.

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Mark Harvey  
Administrative Judge