



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



In the matter of:)	
)	
)	ISCR Case No. 20-00916
)	
)	
Applicant for Security Clearance)	

Appearances

For Government:
Adrienne M. Driskill, Esquire, Department Counsel

For Applicant:
Pro se

July 29, 2022

Decision

GLENDON, John Bayard, Administrative Judge:

Statement of the Case

Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) on May 13, 2019. On September 1, 2020, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility issued a Statement of Reasons (SOR) to Applicant, detailing security concerns under Guidelines E (Personal Conduct), J (Criminal Conduct), and F (Financial Considerations). This action was taken under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines effective within the Department of Defense after June 8, 2017.

Applicant answered the SOR in writing (Answer) on November 16, 2021, and requested a hearing before an administrative judge. On January 26, 2022, Department Counsel amended the SOR to add new allegations under the existing guidelines. She was prepared to proceed on the same date. Applicant did not respond to the Amendment to the Statement of Reasons (Amendment). The case was assigned to me on February 8, 2022. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Video Teleconference Hearing on April 25, 2022. The case was heard as scheduled on May 23, 2022.

The Government offered Government Exhibits (GE) 1 through 8, which were admitted without objection. Department Counsel also presented for administrative notice purposes a copy of a criminal statute of State 1, which I marked as AN I. Applicant testified on his own behalf and submitted Applicant Exhibits (AE) A through C. He had attached two documents to his Answer, which I marked as AE D through E. All of Applicant's exhibits were admitted without objection. DOHA received the transcript of the hearing (Tr.) on June 1, 2022. (Tr. at 13-19, 21-23, 49-50.)

Findings of Fact

Applicant is 55 years old and has married and divorced twice. His most recent divorce was in 2015. He has no children. He served in the U.S. Navy for twenty years (1992 to 2012) and received an Honorable discharge. He graduated from high school in 1986 and earned a bachelor's degree in 2014. At the time of the hearing, Applicant was attending classes to earn a certification. He works for a Defense Department contractor as a mechanic. He is a first-time applicant seeking to obtain a security clearance in relation to his employment. (Tr. at 24-25, 28; GE 1 at 7, 21-22, 24-25, 28; AE C.)

Paragraph 1 - Guideline E, Personal Conduct

In paragraph 1 of the SOR, the Government listed three allegations under Guideline E and asserted a fourth allegation in the Amendment. The first allegation is that Applicant's employment with Company A was involuntarily terminated in 2016 for violating company policy, which prohibited dating active duty military personnel (SOR 1.a). In his Answer, Applicant admitted this allegation. The second is that his employment with Company B was involuntarily terminated in October 2017 for threatening gun violence against a co-worker, who worked for Company C (SOR 1.b). He admitted this allegation though he explained that no guns were involved. The third is that in November 2017 Company C obtained a court restraining order prohibiting Applicant from having any contact with employees of Company C for three years (SOR 1.c). In his Answer, Applicant admitted this allegation. In the Amendment the Government alleged that Applicant deliberately falsified his response to a question in Section 22 about his criminal record by failing to disclose the November 2017 criminal charges against Applicant arising out of the workplace threat incident alleged in SOR 1.b (SOR 1.d).

The details of the personal conduct issues raised in the SOR are the following:

1.a Applicant disclosed in his e-QIP that his employment with Company A was terminated in May 2016 because he had a relationship with an active duty military member working in the same command as Applicant, which was against the employer's policy. Applicant was working on a military base as a civilian. He testified that he was unaware of such a policy at that time. The Commanding Officer of the base asked his employer to terminate Applicant for his actions. Applicant testified that the woman involved was divorced. He claimed at the hearing that he only "saw her a couple of times." He provided inconsistent information about her marital status and the length and nature of their relationship in his background interview. (Tr. at 29-31; GE 1 at 18-19; GE 2 at 9-10.)

1.b Applicant was fired from his next job in October 2017. He testified that a co-worker had loudly made an insulting sexual comment about Applicant's mother in an open space of their workplace in front of others, including his supervisor and a U.S. Government client. Applicant was unable to explain why the co-worker would publicly insult him in that way. Applicant reacted angrily and made a threatening comment about a gun and walked off the job, which was located on a military base where a third contractor, Company C, operated. As he was leaving, he made a pointed-finger hand gesture at the employee of Company C who insulted him as though he was firing a gun. He admitted at the hearing that he also made a comment suggesting that he was going to get his guns. He explained further that he responded to the co-worker by saying "I'd like to go get a gun and go shooting." He testified, however, that he does not own any guns. He was later questioned by law enforcement about pictures on his social media page in which he was depicted with guns. He insisted that the people who heard his comments took them "the wrong way." He was terminated the same day. (Tr. at 31-36, 56-58; GE 1 at 17-18.)

1.c On October 31, 2017, Company C brought a civil lawsuit against Applicant seeking a restraining order. The lawsuit was based upon the comments Applicant made to the employees of Company C earlier that month. Applicant hired an attorney and attended the hearing in November 2017. Two witnesses to the incident appeared in court and Company C took the position that its employees were at risk of being harmed by Applicant. The court issued a three-year restraining order prohibiting Applicant from having contact with Company C and four of its employees. He was also ordered to sell any firearm he possessed to a licensed gun dealer or to turn it or them into the police within 24 hours. The restraining order expired in November 2020. Applicant testified in the DOHA proceeding that he did not own any firearms at the time of the workplace incident or at the time of the court hearing. After the court hearing, Applicant was required to undergo a mental evaluation at a military hospital. He was accompanied by base police and local city police officers, indicating that a criminal investigation into the incident was ongoing. As discussed below, a criminal charge was filed in court against Applicant on November 28, 2017. (Tr. at 50-55; GE 1 at 34; GE 3 at 3; GE 4 at 1-4.)

1.d Applicant failed to list the criminal charge filed against him in November 2017 (discussed in detail below under Guideline J, Paragraph 2.a) in response to questions in Section 22 – Police Record of his May 2019 e-QIP. The questions asked if he had “been issued a summons, citation, or ticket to appear in court in a criminal proceeding against [him]” in the prior seven years and if he had been “charged, convicted, or sentenced of a crime in any court” in the past seven years. The Government alleged that Applicant’s omissions were deliberate. Applicant did not respond to this allegation in the Government’s Amendment. As a result, I regard his non-response as a denial. (SOR 1.d; GE 1 at 33.)

At the hearing, Applicant at first claimed he misunderstood the e-QIP questions. On further examination, he testified that he was not aware of the warrant or the criminal charge until he received the SOR. There is no evidence in the record to contradict his testimony. In fact, the investigator’s summary of Applicant’s multiple interviews in 2019 (GE 2) makes no mention of any criminal citation or charge. Applicant is reported to have discussed at length during the interview the civil restraining order court proceeding. This exhibit suggests that even the interviewer was unaware of the pending criminal proceeding because he or she asked no questions about it. (Tr. at 37-48; GE 2 at 2-4.)

Paragraph 2 (Guideline J, Criminal Conduct)

The Government alleged in this single allegation that in November 2017 Applicant was charged with the offense of Criminal Threat of Death or Great Bodily Injury and then failed to appear in court as required. The SOR further alleged that the warrant remained outstanding as of the date of the SOR, *i.e.*, September 1, 2020 (SOR 2.a). In his Answer, he admitted this allegation, but asserted that the warrant was subsequently resolved. The details are as follows:

2.a After Applicant’s October 2017 verbal altercation with a co-worker and his termination from Company B, the police interviewed Applicant at his residential facility. As noted, he was taken to a hospital for a mental evaluation in November 2017. On November 28, 2017, a criminal charge was filed in court against Applicant. He was charged with the crime of Criminal Threat of Death or Great Bodily Injury. On March 15, 2018, Applicant failed to appear in court to respond to the charge and an arrest warrant was issued on March 20, 2018. His bail was set at \$15,000. He testified that he was never advised that he had to appear in court. He clarified his testimony by stating that he was never advised of the charge against him and he was never given a summons to appear in court on a criminal charge. He claimed that he first learned about the warrant when he received the SOR. He then hired an attorney, paid his bail, and received a court date. He provided with his Answer a court document (AE D) that reflects that his attorney appeared in court on June 3, 2021, over three years after the original court date. The exhibit also provides that the charge filed against Applicant was as stated above. The State 1 criminal statute and related information provided by the Government for administrative notice purposes established that this charge was a misdemeanor. AE D further evidences that he pled guilty to a different charge. Applicant testified that he pled guilty to Breach of the

Peace. He paid a fine of \$149 on June 16, 2021. The arrest warrant was resolved with his guilty plea. He testified that he has had no subsequent issues with the police. (Tr. at 37-47; GE 5 at 2-4; AN I at 1-2; AE D.)

Paragraph 3 (Guideline F, Financial Considerations)

The Government alleged in this paragraph that Applicant is ineligible for a clearance because he is financially overextended and therefore potentially unreliable, untrustworthy, or at risk of having to engage in illegal acts to generate funds. The SOR identifies six past-due or charged-off debts owed by Applicant totaling about \$35,500 (SOR 3.a through 3.f). In his Answer, Applicant admitted each of the allegations and provided some additional information. The Government alleged two additional debts in the Amendment (SOR 3.g and 3.h) totaling an additional amount of about \$21,000. The existence and amounts of all eight debts are supported by the Government's credit reports in the record, dated January 20, 2022; April 23, 2020; and June 8, 2019. The current status of each of the delinquent debts alleged in the SOR is the following:

3.a Auto loan account charged off in the approximate amount of \$20,174. Applicant's vehicle was repossessed after he stopped paying on the auto loan due to lack of income. After his discharge from the Navy in 2012, Applicant was attending college classes full time and was living off his military pension, monthly VA disability payments, and the GI Bill payments. He was homeless for a long period and was going through a divorce. The debt was charged off in 2014. Applicant has made no efforts to repay the debt. This debt is unresolved. (Tr. at 59-62; GE 7 at 2; GE 8 at 4.)

3.b Internet/TV account charged off in the approximate amount of \$1,530. This debt arose for cable services provided to a house Applicant shared with a girlfriend (Woman A) and her two children. He was deployed for three months as a civilian and sent Woman A money every month to pay the rent and the cable bill. She used the money for other purposes and left the bill for Applicant to pay, even though her name was on the account. She vacated the rental property and took the cable equipment. The debt was charged off in 2014. Applicant has made no effort to repay the debt. This debt is unresolved. (Tr. at 62-66; GE 8 at 2.)

3.c Rental account in collection in the approximate amount of \$11,537. Applicant was evicted after Woman A had vacated the property they shared. He was unsure of the timing of the eviction. He explained that he and Woman A had a "bad falling out" and he could not afford to pay the past-due rent. Applicant did not believe he should have to pay this entire bill for rent since Woman A had also signed the lease. He has made no payments on the debt. This debt is unresolved. (Tr. at 64-69; GE 8 at 7.)

3.d Cellphone account in collection in the approximate amount of \$1,664. Applicant shared this account with Woman A. She purchased phones for her children. He did not want to pay a bill that she should have paid. Without any documentary support,

he claimed he disputed the bill, but was unsuccessful. This debt is not resolved. (Tr. at 69-71; GE 8 at 8.)

3.e Medical account in collection in the approximate amount of \$317. This bill for dental services arose in 2014 or 2015. Applicant was unable to pay it at that time. In February 2021, he paid the bill. He attached proof of payment to his Answer. This debt is resolved. (Tr. at 71-7, 742; GE 7 at 1; GE 8 at 8; AE E.)

3.f Medical account in collection in the approximate amount of \$260. This bill for ambulance services arose in 2014 or 2015. Applicant was unable to pay it at that time. In February 2021, he paid the bill. This debt is resolved. (Tr. at 73; GE 8 at 8.)

3.g Loan account charged off in the approximate amount of \$11,799. In April 2021 Applicant was attempting to purchase a house and borrowed funds to buy furniture for the house. He stopped repaying the loan and is attempting to negotiate a settlement. This debt is unresolved. (Tr. at 73-77; GE 6 at 4.)

3.h Loan account charged off in the approximate amount of \$9,548. Applicant took out this personal loan in 2021 to pay for vehicle repairs. He testified that he is trying to contact the creditor to make payment arrangements, but he has not yet been successful. This debt is not resolved. (Tr. at 77-80; GE 6 at 4.)

Policies

When evaluating an applicant's suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines (AG) list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's national security eligibility.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of applicable guidelines in the context of a number of variables known as 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(b) requires, "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence

contained in the record. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14, requires the Government to 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 the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.”

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants national security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information. Finally, as emphasized in Section 7 of Executive Order 10865, “Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

Analysis

Paragraph 1 - Guideline E, Personal Conduct

The security concerns relating to the guideline for personal conduct are set out in AG ¶ 15, which states:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

AG ¶ 16 describes three conditions that could raise security concerns and may be disqualifying in this case:

(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;

(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; and

(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.

Applicant has twice been terminated from his employment. The first time in 2016 was for violating company policy (SOR 1.a), which establishes AG 16(d)(1). The second time in October 2017 was for making criminal threats, which resulted in both his immediate termination and criminal charges. AG 16(c) applies to SOR 1.b. SOR 1.c does not allege any separate personal conduct by Applicant. Instead, it alleges the actions taken by Company C to protect its employees and its workplace. That allegation is not cognizable under Guideline E. Also, the record evidence does not establish that the 2017 criminal summons or citation and later the warrant for failure to appear was ever served on Applicant. In the absence of evidence that Applicant received actual notice of the criminal summons and charge, the Government's evidence does not support the application of AG 16(a), *i.e.*, that Applicant deliberately failed to disclose the summons and charge in his 2019 e-QIP (SOR 1.d).

The guideline includes one condition in AG ¶ 17 that could mitigate the established security concerns arising from Applicant's personal conduct:

(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(c) is not applicable. Applicant's conduct is not minor or infrequent and his actions did not occur under any unique circumstances or very long ago. Under the

circumstances, he should have known to inquire of his employer about company policy before dating a military member on the base where he worked. Also, his threatening behavior in the workplace was totally inappropriate. Disagreements among co-workers are common and need to be addressed through proper channels. Threatening violence in response to an insult reveals a serious lack of judgment, which may be repeated under other circumstances. Applicant's misconduct casts doubt on his reliability, trustworthiness, and judgment.

Paragraph 2 – Guideline J, Criminal Conduct

The security concern under this guideline is set out in AG ¶ 30 as follows:

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 describes two conditions that could raise security concerns 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.

As discussed, the Government provided no evidence that the law enforcement authorities actually served Applicant with a summons or citation to appear in court on the threat charge. Accordingly, there is no evidence that Applicant knowingly failed to appear at his court date that gave rise to the issuance of an arrest warrant. Applicant denies that he was aware of either the initial court date or the warrant. Accordingly, AG ¶ 31(a) has not been established because the one criminal offense for which Applicant was charged does not constitute a pattern of minor offenses.

The record evidence establishes AG ¶ 31(b). This evidence shifts the burden to Applicant to mitigate the security concerns raised by his criminal conduct. AG ¶ 32 sets forth four mitigating conditions under Guideline J. The following two mitigating conditions have possible application to the facts in this case:

(a) so much time has passed 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

(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.

Neither of the above mitigating conditions have been sufficiently established to mitigate the security concerns raised by Applicant's threatening conduct in a Government workplace. His employer took Applicant's threat so seriously that it fired him the same day. Company C went to court to obtain a restraining order to prevent the potential for violence in its workplace presented by Applicant's threat. Some time has passed since the criminal conduct, but not enough time has passed to convincingly permit a conclusion that Applicant will not lose his temper again in the workplace or elsewhere and engage in criminal behavior. His actions cast doubt on his reliability, trustworthiness, and judgment. Moreover, Applicant presented little evidence of his rehabilitation. In fact, he does not even concede that he did anything wrong. He believes that others simply took his statements "the wrong way." There can be no successful rehabilitation if the Applicant does not even acknowledge the criminal behavior.

Paragraph 3 - Guideline F, Financial Considerations

The security concerns relating to the guideline for financial considerations are set out in AG ¶ 18, which reads in pertinent part:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personal security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

AG ¶ 19 describes two conditions that could raise security concerns and may be disqualifying in this case:

- (a) inability to satisfy debts; and
- (c) a history of not meeting financial obligations.

As of the date the SOR was issued, Applicant owed approximately \$57,000 for eight past-due debts, including one automobile repossession, substantial past-due rent,

and two recent unpaid personal loans. These facts establish the foregoing disqualifying conditions, and shift the burden to Applicant to mitigate those concerns.

The guideline includes four conditions in AG ¶ 20 that could mitigate the security concerns arising from Applicant's alleged financial difficulties:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions taken to resolve the issue.

AG ¶ 20(a) is not established. Applicant has both substantial old and recent debts. There is no evidence to suggest that future debts will be avoided. Applicant's history of many years of unpaid and unresolved financial indebtedness casts doubt on his current reliability, trustworthiness, and judgment.

AG ¶ 20(b) is partially established. Several of Applicant's debts arose when he had limited income following his retirement from the Navy. He was attending college classes full time and was unable to meet all of his financial obligations while he was unemployed. He experienced homelessness and a divorce. Once he became employed, his actions were not responsible under the circumstances. He made no effort to try to repay his delinquent debts, with the exception of two minor debts.

AG ¶ 20(d) has limited application. Applicant has only repaid two of the SOR debts. Both payments were made after he received the SOR. Moreover, he has incurred two new significant debts since receiving the SOR.

AG ¶ 20(e) also has limited application. Applicant has claimed that he has disputed some of the SOR debts, but he provided no documentary evidence to substantiate that he has a reasonable the basis to dispute the legitimacy of the debts. The mere fact that an old debt has been removed from a credit report is not evidence that it has been successfully disputed. Debts are removed from credit reports for several possible reasons

and the fact that a debt is more than seven years old and has been deleted is not evidence that the debt has been resolved in a responsible manner, such as negotiation and payment.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for national security eligibility by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(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 national security eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I have considered the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. Applicant has not mitigated the concerns under any of the three guidelines set forth in the SOR. The evidence under any one of the guidelines would alone be disqualifying. Taken together, the record evidence presents an applicant who has significant flaws in his judgment and cannot be considered to be reliable and trustworthy. Overall, the record evidence leaves me with questions and doubts as to Applicant's suitability for national security eligibility and a security clearance.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline E:	AGAINST APPLICANT
Subparagraphs 1.a and 1.b:	Against Applicant
Subparagraphs 1.c and 1.d:	For Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraphs 3.a through 3.d:	Against Applicant
Subparagraphs 3.e and 3.f:	For Applicant
Subparagraphs 3.g and 3.h:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant's national security eligibility for a security clearance. Eligibility for access to classified information is denied.

JOHN BAYARD GLENDON
Administrative Judge