



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



In the matter of:)
)
) ISCR Case No. 20-00129
)
Applicant for Security Clearance)

Appearances

For Government: Jeff Kent, Esq., Department Counsel
For Applicant: Ronald C. Sykstus, Esq.

09/15/2022

Decision

MURPHY, Braden M., Administrative Judge:

On two occasions in 2017, Applicant took a prescription Tylenol pill that she had been given by a friend. She did not disclose this conduct on security clearance applications and interviews. I conclude that her lack of disclosure was not deliberate because it was based on her sincere and reasonable belief that her conduct did not constitute “misuse” of the prescription pill in question, and, thus, was not reportable. Personal conduct allegations of deliberate falsification and deliberate intention to mislead the government are not established. I regard Applicant as a credible, sincere witness. She also presented strong whole-person evidence of her work ethic, judgment, trustworthiness and reliability. Personal conduct security concerns are resolved in Applicant’s favor. Applicant’s eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted security clearance applications (SCAs) on December 11, 2017 and March 7, 2019. On May 21, 2020, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant alleging security concerns under Guideline E (personal conduct). The DOD took the action 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 Security Executive Agent Directive 4, National Security Adjudicative Guidelines (AG) (December 10, 2016), effective on June 8, 2017.

Applicant answered the SOR on May 28, 2020, and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). The case was initially assigned to another DOHA administrative judge on October 25, 2021. DOHA issued a notice scheduling the hearing for May 20, 2022, to occur in person at a geographic location near where Applicant lives and works. The case was assigned to me on May 10, 2022, after the initial administrative judge became unavailable.

The hearing convened as scheduled. Department Counsel submitted Government's Exhibits (GE) 1 through 4. GE 1 through 3 were admitted without objection. Applicant's counsel objected to admission of GE 4, which is a report prepared by another government agency (AGA) regarding a polygraph and related interview of Applicant, including a statement by Applicant. Counsel's objection was sustained in part and overruled in part, and GE 4 was only partially admitted. (Tr. 16-29) Applicant submitted Exhibits (AE) A through D, all of which were admitted without objection. Applicant, her husband, and two other witnesses testified. The record closed on the date of the hearing. DOHA received the transcript on June 7, 2022.

Amendment to the Statement of Reasons

SOR ¶ 1.b was amended at the hearing to conform to the record evidence, which reflects that the date of Applicant's polygraph interview was December 21, 2017, not December 27, 2017, as alleged. (Tr. 20-23, 27; GE 4)

Findings of Fact

Applicant admitted SOR ¶ 1.a and denied SOR ¶¶ 1.b-1.e, all with explanations. Her admissions are incorporated into the findings of fact. After a thorough and careful review of the pleadings and the record evidence, I make the following additional findings of fact.

Applicant is 33 years old. She and her husband met in college, married soon thereafter, and have been married for 11 years. They have two young children. (Tr. 31-32; GE 2) Applicant attended college on a full scholarship and graduated with a bachelor's degree in 2011. (Tr. 33) She later returned to the same university and earned a second bachelor's degree, *summa cum laude*, in engineering, in December 2018. (Tr. 40; AE A) Applicant is now employed by her *alma mater* as a research engineer. (Tr. 33; AE B-AE D)

In early fall 2017, with the demands of her studies and raising a child, social opportunities were rare. One evening, she and her husband went out drinking with friends. They got a babysitter and travelled by ride-sharing. A neighbor gave Applicant some prescription Tylenol or similar product for her to use the next morning if she drank too much and woke up with a headache. (Tr. 44-46, 68-69)

Applicant used one of her friend's prescription pills the next morning. She took another of the pills after a Christmas party about four months later, in early December 2017. Applicant knew that the pills had been prescribed to her friend, and not to her. (Tr. 45-47, 60-62; Answer) (SOR ¶ 1.a)

During Applicant's second stint in college, she had a scholarship under which she was required to intern for a state, local, or federal government agency. Her university is in a rural area of her home state, so opportunities for such internships were rare, and she was married with a young child, so traveling long distance for the internship was not a viable option. Through a campus job fair, she learned of the opportunity to intern for an AGA. She was required to submit an SCA and sit for a polygraph interview, in December 2017. (Tr. 41-43, 48; GE 2, GE 4) This was the first SCA Applicant had prepared. (Tr. 87-88)

Applicant's December 11, 2017 SCA included the following question:

Misuse of Prescription Drugs: In the last seven (7) years, have you intentionally engaged in the misuse of prescription drugs, regardless of whether or not the drugs were prescribed for you or for someone else?

The word "misuse" is not otherwise defined in the SCA. Applicant answered "No," and thereby did not disclose her use of her friend's prescription Tylenol in August and December 2017. (GE 2 at 32) (SOR ¶ 1.e)

Applicant participated in a polygraph interview ten days later. The questions she was asked in the polygraph are redacted in GE 4, as are the technical results. GE 4 contains a statement from Applicant, which she signed after the polygraph, in answer to more specific questions from the polygrapher. In the statement, Applicant acknowledged:

I have withheld information about reckless behavior about [sic] texting while driving. I minimized the number of times I have texted while driving..."

I have driven while intoxicated while in college in the years 2008-2010. This happened less than five times total over the span of those years.

I said I did not use a prescription drug for which I did not have a prescription in my PSI [Personal Subject Interview]. I have used a friend's prescription Tylenol to help with a hangover on two different occasions, once in August and once in the beginning of December of 2017. I took one pill on each occasion. (GE 4 at 5)

Applicant's statement in Government Exhibit 4 is the basis for SOR ¶ 1.b, which alleges that she made false statements in her polygraph interview in concealing her 2017 misuse of prescription drugs, texting while driving, and driving while intoxicated.

Applicant testified that among the questions she was asked during the polygraph interview was "Have you ever done something that would be considered illegal?" She did not initially consider texting while driving to be something for which she could be arrested. (Tr. 49-51, 86-87) She said that she acknowledged that she had probably driven under the influence of alcohol on a few occasions during her first stint in college, but had never been arrested, charged, or ticketed. (Answer; Tr. 55-56)

Applicant said that the polygrapher asked her in the post-polygraph interview whether she had ever illegally used drugs. She said no. He asked her if she had ever used a prescription drug or taken medicine that was not hers. She then disclosed that she had used a neighbor's prescription drug, as noted. (Tr. 54-55)

Applicant said the polygrapher told her that using a friend's prescription drug would not have been "bad enough" to have made her "fail" a question on the polygraph. (Tr. 55, 59, 92) She said she was never told by the polygrapher that what she did qualified as "misuse" of a prescription drug, requiring disclosure. (Tr. 59) She testified that the polygrapher told her that, in preparing her post-interview statement, to "overestimate" the number of times she might have done these things, in case it came up in the future. (Tr. 55-58)

Applicant acknowledged that she found the experience of taking the polygraph exam intimidating and she was nervous. She described the experience and its aftermath as "extremely traumatic" and upsetting. (Tr. 70, 85)

Applicant submitted a second SCA in March 2019, in connection with her current position. (GE 1) This SCA asked the same question about "Misuse of Prescription Drugs" as on GE 2, quoted above. As before, Applicant answered "No." (GE 1 at 34) (SOR ¶ 1.c)

Applicant denied intentionally attempting to conceal the truth about her use of the someone else's prescription drug. (Tr. 60, 64-65, 85) She said she had not seen a copy of the polygraph report before submitting her second SCA. (Tr. 71) She also said she relied on the explanation from the polygrapher in not subsequently disclosing her use of the prescription drug on the 2019 SCA. (Tr. 92-93) Applicant said she "read through every question again" in preparing GE 1. (Tr. 94)

Applicant testified that she read the question (on both SCAs) as requiring disclosure of prescription drugs that she was hiding, or was addicted to or overusing. (Tr. 59, 64-65) She did not believe what she did was "intentional misuse of prescription drugs." (Answer) She said, "I didn't see this as misuse." (Tr. 45, 84) The term "misuse" to her meant addiction or overuse, even of one's own prescription. (Tr. 75, 89-91) For instance, she said, "I've heard of my husband's [football] teammates that are actually addicted to pain meds. That is the image that [I] conjured up in my head. It never crossed my mind." (Tr. 75) (Applicant's husband played college football, was drafted by a professional franchise, and had a brief pro football career.) (Tr. 35-37) With that background, Applicant did not see taking two pills of someone else's prescription Tylenol as a reportable misuse.

Applicant said she was also an athlete in college and was subject to drug testing, so she has long been aware of the need to avoid using drugs illegally. (Tr. 34, 54) She has never used any illegal drugs. (Tr. 45)

Applicant also did not disclose on her 2019 SCA that she had a prior background investigation. (GE 1 at 35) (This was not alleged in the SOR). When asked why she did not, she said that when she was told that when she did not get the internship with the AGA, that the background investigation had ceased. She therefore believed that, a background investigation “never really took place.” (Tr. 71-72) In her view, “I had no kind of idea as to whether or not it was ever formally investigated, and so I looked at those questions. And I was like, well. I cannot say yes because I don’t know. . . And so I kept it as no.” (Tr. 95) Applicant made a similar statement in her interrogatory response to DOHA, in which she authenticated and adopted her 2019 interview summary, with corrections. (GE 3) She wrote, “I do not know if a formal background investigation was initiated.” (GE 3 at 10)

The summary of Applicant’s August 2019 background interview, following her second SCA, indicates that she was asked if: 1) she had used illegal drugs or misused prescription drugs; 2) her use of alcohol has had a negative impact on her life; 3) she had ever been involved in criminal activity; or 4) she had intentionally withheld any information or intentionally provided false or misleading information. The interview summary reflects that “Subject provided a NO answer to each question.” (GE 3 at 3) Applicant was then confronted with evidence of the polygraph examination and its details. (GE 3 at 3-4)

SOR ¶ 1.d alleges that Applicant falsified material facts to the investigator in failing to acknowledge her misuse of prescription drugs. In answering SOR ¶ 1.d, Applicant denied any intent to falsify. She testified:

At this point I still 100 percent believed that I did not intentionally engage in the misuse of prescription drugs. The words that stand out to me [are] ‘intentionally’ and ‘misuse.’ I, what came to . . . my mind is not at all what I did. No one at any point has said you should have . . . worded that differently. That counts as that. Why didn’t you realize that? I read the question and I said, No. I did not believe that I intentionally engaged in the misuse. I took one at two different points in time, and it did not qualify to me as something that would be an issue at all. (Tr. 62-63)

Applicant said that this was, in part, because of what the polygrapher had told her. (Tr. 63) She explained in her background interview that she did not believe she misused the prescription because she followed the instructions on the label, even though it was not her prescription. (GE 6 at 4) She said in her Answer that she read the label to make sure the bottle contained Tylenol and not something else. (Answer)

As Applicant explained in her answer, until her August 2019 background interview, she did not believe that she had intentionally misused prescription pills. “After going through this process, it has become clear that, no matter the intention, any use of

prescription drugs not prescribed to you is still considered intentionally misusing prescription pills.” (Answer to SOR ¶ 1.d)

Applicant closed her direct testimony by emphasizing that she did not intend to lie or deceive. It goes against her nature and her upbringing. She was raised in a religious household, and as a mother she strives to teach the value of honesty to her young children. She has worked hard to get where she is and to go back to school with a young child was “the hardest thing I have ever done.” In retrospect she wishes she had just taken over-the-counter Tylenol. She did not think that what she did, qualified as misuse. (Tr. 66)

On one occasion in her current job, Applicant took a book home from work, without realizing that inside the book, there was a disk and the disk was labeled “secret.” When she discovered the disk, she called her security officers promptly, reported the matter, and returned the disk. She later learned that the disk had been mislabeled by another employee, and did not contain classified information. No disciplinary action was taken against her. (Tr. 77-78; GE 3 at 6)

Applicant’s husband attested that she is very truthful, and is “honest to a fault.” She carries herself with integrity and is a good mother to their children. Applicant is proud of her work and seeks to set an example for their children. He confirmed that he saw some of his teammates overuse prescription drugs on occasion. (Tr. 100-112)

Applicant’s character witness, Mr. S, retired from federal employment in 2009. In subsequent years, he worked for various contractors, as well as for the university that employs Applicant. He has held a clearance for many years. He hired Applicant after she graduated, and was her supervisor for several years. They worked together on a daily basis. He has also known her family for many years. He regards her work as outstanding. She is also highly ethical and conscientious about protecting classified information. He is aware of the allegations against Applicant alleging her untruthfulness. The allegations do not “match the person I knew and had been working with.” He has no concerns about Applicant’s access to classified information. Mr. S also shared that he is a certified trainer in something called a “Judgment Index,” a test intended to measure the test-taker’s capacity for decision-making and judgment. He said Applicant scored very well on the test. (Tr. 113-122) (The test itself is not in evidence, either generally or about Applicant in particular).

Mr. M formerly worked as a contractor at Applicant’s work site, and he was a supervisor of Applicant’s from 2019 to 2021. They had daily contact. He felt she did excellent work, including in a role as a project lead. He is also a retired Navy senior chief petty officer (E-8), and he has held a security clearance for many years. He is aware of the government’s security concerns in the case. He would believe Applicant if she said she was not lying. He has no concerns about her having access to classified information. (Tr. 123-131)

Applicant's performance evaluations in recent years (2018-2021) rate her as exceeding expectations. She is described as an invaluable, exceptional member of her team, a charismatic leader and project manager. She is highly motivated and task oriented. (AE B-AE D)

Policies

It is well established that no one has a right to a security clearance. As the Supreme Court has held, "the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials." *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988).

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant's eligibility for access to classified information.

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 the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny 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 that "[a]ny 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. Likewise, I have not drawn inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an "applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel and has the ultimate burden of persuasion to obtain a favorable security 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 access to classified information. 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 of potential, rather than actual, risk of compromise of classified information.

Analysis

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern for personal conduct:

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 conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

(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 national security eligibility or trustworthiness, or award fiduciary responsibilities;

(b) deliberately providing false or misleading information or omitting information, concerning relevant facts to an employer, investigator, [or] security official, . . . in making a recommendation relevant to a national security eligibility determination, or other official government representative; and

(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.

On two occasions in late 2017, Applicant took prescription Tylenol that had not been prescribed to her, but to the friend who gave it to her. Though she did not recognize it at the time, she later came to realize that taking someone else's prescription drug, regardless of the type of medication or purpose for which it is used, constitutes misuse of a prescription drug, even if it is a dated, isolated instance, does not constitute "overuse," or lead to addiction. SOR ¶ 1.a, which Applicant admitted, alleges her conduct as a security concern. It was alleged under Guideline E for personal conduct, and not elsewhere, such as under Guideline H (drug involvement and substance misuse) or Guideline J (criminal conduct). AG ¶ 15(c) therefore applies to SOR ¶ 1.a.

Applicant did not disclose her two-time “misuse” of a prescription Tylenol pill on two SCAs and in two subsequent interviews. The remaining allegations concern whether or not she engaged in deliberate falsification or attempts to mislead. In each instance, Applicant denied the allegations of intentional falsification. This puts the burden on the Government to show, in each instance alleged, that she was acting with deliberate intent.

In each instance, Applicant steadfastly answered and explained that she did not believe what she did constituted “misuse” of a prescription drug, since she took a single pill of common medication (Tylenol) on two isolated occasions. She did not believe her actions were reportable since they were not “overuse” or addictive behavior. In part, her view was colored by her experience as a former college athlete and as the wife of a college and professional football player, someone who had seen his teammates overuse prescription pills and painkillers. I found Applicant’s interpretation credible and plausible, given her life experience and inexperience with security clearance investigation processes. She also explained that her later responses were impacted by what she said was the polygrapher’s explanation that taking someone else’s prescription pill was not “bad enough” to lead to a failed question on the polygraph (and thus, by extension, did not constitute a security concern).

SOR ¶ 1.e alleges that Applicant deliberately failed to disclose her 2017 misuse of prescription drugs on her December 2017 SCA. Applicant did not believe that what she did constituted misuse of prescription drugs. She did not intend to falsify her answer to the relevant question on GE 2 in 2017. AG ¶ 16(a) is not established. SOR ¶ 1.e is found for Applicant.

SOR ¶ 1.b concerns alleged falsifications during the polygraph interview in December 2017. The specific questions Applicant was asked are redacted from GE 4, as are the technical results. Under Appeal Board precedent, I am not permitted to consider the results of a polygraph report. See ISCR Case No. 15-07539 at 5, n. 3 (App. Bd. Oct. 18, 2018) (“The actual polygraph results are not disclosed in the record, and, in any event, are not proper matters for our consideration. Statements made in response to questioning during a polygraph examination are admissible, although the results of the exam itself are not.” See, e.g., ISCR Case No. 02-31428 at 4 (App. Bd. Jan. 20, 2006)).

I therefore have considered Applicant’s post-polygraph statement in weighing her intent. I conclude that she did not intend to provide deliberately false or misleading information. She believed that what she did was not “misuse” of a prescription drug. This belief was sincere, reasonable, and plausible.

SOR ¶ 1.b also alleges that Applicant deliberately failed to disclose certain instances of texting while driving and possible driving while intoxicated or driving under the influence of alcohol, years before while in college. The questions asked by the polygrapher are not in the record, so it is difficult to establish Applicant’s intent. In addition, I am unable to determine the criminality of such conduct without further evidence. I conclude that deliberate falsification and intention to mislead is also not established. AG ¶ 16(a) is not established. SOR ¶ 1.b is found for Applicant.

SOR ¶ 1.c alleges that Applicant deliberately failed to disclose her 2017 misuse of prescription drugs on her March 2019 SCA. The wording of the question on GE 2 is identical to the wording on GE 1. Applicant prepared this SCA after her polygraph interview, and she said she read over each question again before answering it on the second SCA. However, Applicant did not believe that what she did constituted misuse of prescription drugs, so she believed it was not reportable. She did not intend to falsify her answer to the relevant question on GE 2 in 2017. AG ¶ 16(a) is not established. SOR ¶ 1.c is found for Applicant.

The summary of Applicant's August 2019 background interview, following her second SCA, indicates that she was asked if she had used illegal drugs or misused prescription drugs. Applicant believed that she had not misused prescription drugs. She therefore did not intend to provide false or misleading information to the investigator by not disclosing her use of someone else's prescription Tylenol.

SOR ¶ 1.d alleges that Applicant falsified material facts to the investigator in failing to acknowledge her misuse of prescription drugs. Applicant denied the allegation, stating again that she did not think what she did constituted misuse, so she did not intentionally make a false or misleading statement to the investigator. I therefore conclude that Applicant's explanation is reasonable and plausible, and that she did not deliberately falsify or intend to mislead the investigator in not disclosing the prescription use. AG ¶ 16(a) is not established. SOR ¶ 1.d is found for Applicant.

The Government did not allege that Applicant deliberately lied or made a misleading statement to the investigator in failing to disclose a prior investigation. That cannot be considered disqualifying conduct. Further, Applicant's explanation for her belief, while incorrect, is also a reasonable and plausible explanation, particularly since whatever investigation the AGA might have undertaken, ended after the polygraph.

Since I conclude that Applicant did not deliberately intend to falsify her answers either on her SCAs or in the subsequent interviews with respect to the issue of misusing a prescription drug, no disqualifying conditions apply to SOR ¶¶ 1.b-1.e.

AG ¶ 17 sets forth the potentially applicable mitigating conditions under Guideline E. Of those, only one is potentially applicable to SOR ¶ 1.a:

(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.

Applicant's two instances of taking someone else's prescription Tylenol in 2017 are mitigated as minor, dated and isolated incidents that have not been repeated, and does not reflect poorly on her current reliability, trustworthiness, or good judgment. AG ¶ 17(c) applies to SOR ¶ 1.a.

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 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 eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guideline E in my whole-person analysis.

Applicant has an excellent academic and professional track record. She has an excellent work ethic, is well-regarded at work, and is highly recommended by her colleagues and supervisors, who attest to her leadership skills, and her judgment, trustworthiness, and reliability.

During Applicant's hearing and testimony, I had the opportunity to observe her demeanor and assess her credibility, which plays a large part on my decision. I do not believe she intended to deceive or mislead the government. She made a mistake in taking someone else's prescription Tylenol but did not believe that doing so constituted "misuse" of the prescription. Her explanation was sincere, plausible, and credible. Moreover, I credit Applicant testimony about the disk that was labeled "secret." She recognized that he had a duty to report the matter to proper authorities, and she did so promptly and correctly.

I conclude that Applicant provided sufficient credible evidence to resolve personal conduct security concerns. Overall, the record evidence leaves me with no questions or doubts as to Applicant's eligibility for access to classified information.

Formal Findings

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

Paragraph 1: Guideline E: FOR APPLICANT

Subparagraphs 1.a-1.e: For Applicant

Conclusion

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

Braden M. Murphy
Administrative Judge