



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



In the matter of:)
)
) ISCR Case No. 21-02424
)
Applicant for Security Clearance)

Appearances

For Government: John Lynch, Esq. Department Counsel
For Applicant: *Pro se*

01/24/2023

Decision

MURPHY, Braden M., Administrative Judge:

During interviews conducted by another government agency (AGA) in 2015 and 2018, Applicant admitted to engaging in a variety of instances of poor judgment, alleged in the Statement of Reasons (SOR) under Guidelines D and G, and cross-alleged under Guidelines J and E. The Guideline G concerns are mitigated due to the passage of time. Applicant did not provide sufficient information to mitigate the Guideline D, J, and E concerns. Applicant’s eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) in June 2019, in connection with his employment in the defense industry. On January 20, 2022, following a background investigation, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (CAF) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline D (sexual conduct), Guideline G (alcohol consumption), Guideline J (criminal conduct), and Guideline E (personal conduct). The CAF issued the SOR under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended;

Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program*, dated January 2, 1992, as amended (Directive); and the Security Executive Agent Directive 4 (SEAD 4) *National Security Adjudicative Guidelines* (AG), which became effective on June 8, 2017.

Applicant answered the SOR on April 28, 2022, and requested a decision by an administrative judge from the Defense Office of Hearings and Appeals (DOHA) based on the administrative (written) record, in lieu of a hearing. On June 16, 2022, Department Counsel submitted the Government's File of Relevant Material (FORM), including documents identified as Items 1 through 5. DOHA mailed the FORM to Applicant on June 17, 2022, and he received it in June 30, 2022. He was afforded an opportunity to note objections and to submit material in refutation, extenuation, or mitigation, within 30 days from receipt of the FORM. Applicant did not respond to the FORM or note any objections to the Government's evidence.

The case was assigned to me on August 16, 2022. Government Items 1 and 2, the SOR and the Answer, are the pleadings in the case. Items 3, 4, and 5 are admitted without objection.

Findings of Fact

In his Answer to the SOR, Applicant denied SOR ¶¶ 1.a, 1.b, and 2.b. He admitted SOR ¶ 2.a. He did not answer the cross-allegations at SOR ¶¶ 3.a and 4.a. He included a brief narrative statement with his answer. Applicant's admission is incorporated into the findings of fact. After a thorough and careful review of the pleadings and exhibits submitted, I make the following additional findings of fact.

Applicant is 47 years old. He was married from 1999 until August 2013, when he and his wife divorced. They have four children, all born between 1999 and 2005. Applicant has been employed in the defense industry since about 2007, in the field of logistics. He has worked for his current employer since August 2018. (Item 3)

On his June 2019 SCA, Applicant disclosed prior U.S. Government background investigations in 2007 and 2012. He also disclosed that, in about January 2018, he had a security clearance eligibility or access authorization denied, suspended, or revoked, by an AGA. He reported that he had held a clearance without incident since 2007, but that the AGA had revoked his access to a particular facility, following an inconclusive polygraph result. (Item 3 at 38-39)

Government Item 4 is a Clearance Decision Statement (CDS) from the AGA, dated May 9, 2018. The CDS notes as background that Applicant had held access to sensitive compartmented information (SCI) since March 2008 through AGA 1, and then was indoctrinated for SCI access with AGA 2 in September 2014, pending final adjudication. (Item 4 at 1)

Applicant was interviewed by AGA 2 counterintelligence representatives in September 2014 and January 2015 without incident. (Item 4 at 1) During a third interview, in February 2015, he revealed the following security-significant information:

- Applicant advised that he solicited and paid a prostitute for oral sex three times, once in the early 2000s, once in 2009 or 2010, and once in spring 2013. On each occasion, he went to an area known to be frequented by prostitutes. A female approached his car at a stop light and he allowed her to get in. They drove to an alley and she performed oral sex on him, for which he paid \$20. (Item 4 at 2) (SOR ¶¶ 1.a, 3.a, 4.a)
- Applicant reported a history of excessive alcohol consumption. His alcohol consumption was moderate until 2011 or 2012, when it increased significantly after he learned of his wife's infidelity. He would become intoxicated twice weekly by drinking whiskey and vodka. On one instance in winter 2012, he passed out on the street in front of his house. He awoke in bed after someone helped him inside. (Item 4 at 2) (SOR ¶¶ 2.b, 4.a)
- Applicant also acknowledged that on five or six occasions between 1990 (when he was underage) and 2014, he operated a motor vehicle while knowingly intoxicated. On two occasions in December 2014, he consumed whiskey while driving. (Item 4 at 2) (SOR ¶¶ 2.a, 3.a, 4.a)

Applicant had a fourth interview in July 2015. It revealed no security significant information. He had a fifth interview in December 2018 that revealed the following information:

- Applicant reiterated facts about his prior solicitations of prostitutes, as discussed above, and added that he had consumed alcohol in his car, while driving, prior to the 2013 solicitation. He also disclosed that he similarly solicited and paid a prostitute for oral sex, once in 2015, twice in May or June 2017, and once in July 2017, under similar circumstances to those as previously described during his third interview. (Item 4 at 3-4) (SOR ¶¶ 1.a, 3.a, 4.a)
- Applicant also acknowledged searching for prostitutes on the internet in January, August, October, and November 2017. On one occasion, he exchanged one text message with someone, but had second thoughts and did not follow through. (Item 4 at 3-4) (SOR ¶¶ 1.b, 4.a)
- Applicant said he had not consumed alcohol to intoxication since August 2013, and had not driven while impaired by alcohol since December 2014, when he drove after consuming one mixed drink. His alcohol use since August 2013 had remained consistent and "extremely light." (Item 4 at 4)

AGA 1 subsequently rescinded Applicant's classified access and he was debriefed in September 2017. (Item 4 at 1) A sixth interview, in February 2018, revealed no information of significance. (Item 4 at 4)

As part of an interrogatory from DOHA, Applicant was given the opportunity to review, correct, and adopt as accurate the summaries of his interviews with the AGA investigators, discussed above. In his December 2021 response, Applicant affirmed their accuracy without further comment. (Item 5)

Applicant also affirmed the accuracy of the summary of a security clearance background interview he had in September 2019 following his June 2019 SCA with an agent of the U.S. Office of Personnel Management (OPM). During that interview, he discussed the fact that he was subject to two polygraph interviews with the AGA. He asserted that he was told that one of the interviews was inconclusive, and that he passed the other one. He acknowledged that, in January 2018, he was told that the AGA had revoked his access. Unlike in his interviews with the AGA, in his September 2019 OPM interview, Applicant did not address his prior engagement with prostitutes or his history of alcohol involvement. (Item 5 at 8)

In his December 2021 interrogatory response, Applicant provided updated information about his alcohol consumption. He said he no longer consumed alcohol and did not intend to do so in the future. He said the last time he drank to intoxication was "years ago" after he learned of his wife's infidelity. He could not recall the last time he drove under the influence of alcohol. He denied having been charged with any DUI or DWI offenses and none were revealed elsewhere in the record. Applicant also said he had not solicited or engaged in sexual acts with a prostitute since July 2017. (Item 5)

Under Guideline D, Applicant denied SOR ¶ 1.a, which alleged that between 2010 and July 2017, he engaged in sexual activity with prostitutes while granted access to classified information. He also denied SOR ¶ 1.b, which alleged that during 2017, he searched internet personal ads for prostitutes on multiple occasions. (Item 2)

Under Guideline G, Applicant admitted SOR ¶ 2.a, which alleged that, from summer 2014 to December 2014, he drove on multiple occasions while under the influence of alcohol, and while consuming alcohol. He denied SOR ¶ 2.b, which alleged that from late 2011 to about September 2013, he drank alcohol to intoxication about twice a week, and that once in 2012, he was so intoxicated that he passed out on the street in front of his home. (Item 2) Applicant did not answer the cross-allegations, under Guidelines J and E. (Item 2)

Applicant offered no explanation or specifics in answering the SOR allegations, except the following statement:

This was coerced by the polygrapher. What I did do was from the past where I made mistakes like any human being. I had something serious going on, which I explained to the gentleman who was very

unprofessional. I DO NOT request a hearing. (Item 2) (Emphasis in original)

Applicant did not elaborate and did not respond to the Government's FORM, so he provided no additional information in mitigation.

Policies

It is well established that no one has a right to a security clearance. As the Supreme Court has noted, "the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials." *Department of the 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 D: Sexual Behavior

AG ¶ 12 expresses the security concern for sexual conduct:

Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

AG ¶ 13 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

- (a) sexual behavior of a criminal nature, whether or not the individual has been prosecuted;

- (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and

- (d) sexual behavior of a public nature or that reflects lack of discretion or judgment.

Applicant denied both SOR ¶¶ 1.a and 1.b under Guideline D. This puts the burden on the Government to establish the allegations. Both allegations, however, are established by their reference in Item 5, the summaries of Applicant's interviews with the AGA investigators in which he disclosed the conduct. Further, Applicant also adopted those interview summaries as accurate in his interrogatory response to DOHA, without comment. His assertion in his answer that he was "coerced" by the polygrapher is insufficient to overcome the evidence that he accepted the resulting interview statements as accurate in his interrogatory response. SOR ¶¶ 1.a and 1.b are therefore established.

There is sufficient evidence to find that Applicant engaged the sexual services of prostitutes on multiple occasions between 2010 and 2017. Accordingly, his conduct, as

alleged in SOR ¶ 1.a, satisfies AG ¶¶ 13(a), 13(c), and 13(d). The fact that Applicant was granted access to classified information at the time, as also alleged, is established, but that circumstance, while also poor judgment, does not fall squarely within the language of any disqualifying condition under Guideline D.

For several reasons, SOR ¶ 1.b is not established as a Guideline D security concern. Since Applicant never actually engaged the services of any prostitutes when he searched the internet for them, his internet searches themselves would not constitute security-significant sexual behavior unless it involved minors, and there is no such indication here. Only once did he get as far as exchanging a text message. He then had second thoughts, and broke off contact. No Guideline D disqualifying conditions apply to SOR ¶ 1.b.

AG ¶ 14 sets forth the potentially applicable mitigating conditions for sexual conduct:

(b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or judgment; and

(c) the behavior no longer serves as a basis for coercion, exploitation, or duress.

Applicant's actions put him in position where he might have been subject to coercion, exploitation, or duress. He disclosed his engagement with prostitutes during more than one AGA interview, but did not disclose his actions during his most recent 2019 background interview with the OPM. He persisted in failing to accept responsibility for his actions by denying the related allegations in the SOR. Thus, he did not fully establish that his behavior no longer serves as a basis for coercion, exploitation, or duress. AG ¶ 14(c) only partially applies.

Applicant engaged the services of prostitutes for money on multiple occasions between 2010 and 2017, conduct which occurred both during his marriage and several years after his marriage ended. The fact that he held a security clearance, while not a disqualifying factor, further weighs against mitigation. Significantly, his activity continued after he disclosed it during his 2015 AGA interview, and it resumed as recently as 2017, during the investigation and adjudication of his clearance with the AGA. Even though more than five years have passed, I cannot conclude that Applicant's actions happened so long ago, so infrequently, or under such unusual circumstances, and no longer casts doubt on his current reliability, trustworthiness, or judgment. AG ¶ 14(b) does not apply.

Guideline G: Alcohol Consumption

The security concern for alcohol consumption is set forth in AG ¶ 21:

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.

The guideline notes several conditions that could raise security concerns under AG ¶ 22. The following disqualifying conditions are applicable in this case:

- (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 an 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.

Applicant was a moderate drinker until about 2011, when his drinking increased after he learned of his wife's infidelity. His increased drinking continued until about 2014. During this period, on one occasion in 2012, he passed out in front of his house. SOR ¶ 2.b is established by its reference in the AGA interview summaries, which he adopted without reservation in his interrogatory response. Applicant drove while impaired or intoxicated by alcohol on multiple occasions. In 2014, he consumed alcohol while he was driving. Even if his actions did not lead to charges or citations, they are security significant, as alleged and established in SOR ¶ 2.a. AG ¶¶ 22(a) and 22(c) apply.

Conditions that could mitigate alcohol consumption security concerns are provided under AG ¶ 23. The following are potentially applicable:

- (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; and
- (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.

Applicant's excessive alcohol consumption was limited to the period between 2011 and 2014, when he used alcohol to cope with his wife's infidelity, and as his marriage was ending. Since then, Applicant has established a pattern of moderate consumption. His excessive alcohol consumption was situational and based upon

circumstances not likely to recur. There is no indication of a current pattern of security significant alcohol consumption. AG ¶¶ 23(a) and (b) apply.

Guideline J: Criminal Conduct:

AG ¶ 30 expresses the security concern for 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 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

(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's acknowledged actions with prostitutes and his drinking and driving constitute criminal conduct even though no arrests, charges, or citations resulted. He engaged the services of prostitutes for money, drove while under the influence and while intoxicated, and consumed alcohol while driving. AG ¶¶ 31(a) and 31(b) both apply to the cross-allegation set forth in SOR ¶ 3.a.

AG ¶ 32 sets forth the potentially applicable mitigating conditions:

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

(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.

Applicant engaged in criminal conduct by soliciting and paying for the services of prostitutes from about 2010 to 2017, and he engaged in drinking and driving between about 2011 and 2014. By its very nature, criminal conduct calls into question a person's ability or willingness to comply with laws, rules, and regulations; all the more so when if

that person had been granted eligibility for access to classified information at the time. The length of time he engaged in the conduct also must be considered. In that regard, Applicant did not provide sufficient evidence to mitigate criminal conduct security concerns. AG ¶¶ 32(a) and 32(d) do not fully apply.

Guideline E: Personal Conduct

AG ¶ 15 details the security concern regarding 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:

(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;

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes: (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing; and

(g) association with persons involved in criminal activity.

SOR ¶ 4.a is a cross-allegation of all of Applicant's conduct under both Guidelines D and G (SOR ¶¶ 1.a, 1.b, 2.a, and 2.b), already discussed above. One of those allegations (SOR ¶ 1.a) is already "sufficient for an adverse determination," under both Guideline D and Guideline J, so AG ¶ 16(c) does not apply to it. However, engaging the services of prostitutes satisfies both AG ¶¶ 16(e)(1) and 16(g).

AG ¶ 16(c) is potentially applicable to the conduct in SOR ¶ 1.b (researching prostitutes on the internet and texting one of them once) since it was an act of poor judgment. However, I conclude that the fact that Applicant then changed his mind and went no further is sufficient to preclude application of AG ¶ 16(c).

This leaves Applicant's alcohol consumption and his admitted, but uncharged, drinking and driving. (SOR ¶¶ 2.a, 2.b) That conduct was mitigated under Guideline G, but remains potentially disqualifying under Guideline E given the poor judgment involved, so AG ¶ 16(c) applies.

In addition, SOR ¶¶ 1.a., 2.a, and 2.b, as cross-alleged in SOR ¶ 4.a, also satisfy the general personal conduct security concern of AG ¶ 15 due to Applicant's repeated instances of poor judgment and failures to comply with rules and regulations that are clearly established.

AG ¶ 17 details the personal conduct mitigating conditions. The following warrant discussion:

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

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

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

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

(g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

AG ¶ 17(c) applies to the cross-allegations of Applicant's alcohol involvement, but does not apply to Applicant's engagement with prostitutes under Guideline E for the same reasons AG ¶ 14(b) does not apply under Guideline D. Similarly, AG ¶ 17(e) does not fully apply for the same reasons as set forth in AG ¶ 14(c).

AG ¶ 17(d) does not fully apply because even though Applicant disclosed his engagement with prostitutes in his AGA interviews, he did not disclose it during his 2019 background interview or admit the related allegation in the SOR. As with AG ¶ 17(c), it also does not fully apply because he did not provide sufficient evidence to establish that his conduct will not recur.

AG ¶ 17(f) does not apply. Applicant did not establish that the information was unsubstantiated or from a source of questionable reliability.

AG ¶ 17(g) applies because Applicant's engagement with prostitutes has ceased. It was not unwitting, however, and, as addressed above, Applicant's actions occurred under circumstances that cast doubt upon his reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

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 Guidelines D, G, J, and E in my whole-person analysis. Since Applicant elected a decision on the written record, in lieu of a hearing, I did not have the opportunity to ask him questions about his conduct and his efforts towards rehabilitation. I also had no opportunity to observe Applicant's demeanor, and thus, to assess his credibility. Applicant has engaged in a pattern of extremely poor judgment, both while granted eligibility for classified access and while his clearance eligibility was being investigated and adjudicated. I have also considered Applicant's actions not only as individual acts, but as a pattern of troubling conduct. Applicant did not provide sufficient evidence to establish that he has mitigated the security concerns in this case. He has not shown that it is clearly consistent with the national interest to grant him eligibility for access to classified information. Overall, the record evidence leaves me with questions and 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:

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|---------------------------|-------------------|
| Paragraph 1, Guideline D: | AGAINST APPLICANT |
| Subparagraph 1.a: | Against Applicant |
| Subparagraph 1.b: | For Applicant |
| Paragraph 2, Guideline G: | FOR APPLICANT |
| Subparagraphs 1.a-1.b: | For Applicant |
| Paragraph 3: Guideline J: | AGAINST APPLICANT |
| Subparagraph 3.a: | Against Applicant |
| Paragraph 4: Guideline E: | AGAINST APPLICANT |
| Subparagraph 4.a: | Against Applicant |

Conclusion

In light of all of the circumstances presented, it is not clearly consistent with the interests of national security to grant Applicant access to classified information. Eligibility for access to classified information is denied.

Braden M. Murphy
Administrative Judge