



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



In the matter of:)	
)	
)	ISCR Case No. 22-01125
)	
Applicant for Security Clearance)	

Appearances

For Government: Jeff A. Nagel, Esq., Department Counsel
For Applicant: *Pro se*

02/15/2023

Decision

Dorsey, Benjamin R., Administrative Judge:

Applicant did not mitigate the financial considerations security concerns. He mitigated the criminal conduct, alcohol consumption, and personal conduct security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On September 9, 2022, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, financial considerations, Guideline J, criminal conduct, Guideline G, alcohol consumption, and Guideline E, personal conduct. On an unspecified date, Applicant responded to the SOR and requested a decision based on the written record in lieu of a hearing.

The Government's written case was submitted on November 2, 2022. A complete copy of the file of relevant material (FORM) was provided to Applicant, who was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns. Applicant received the FORM on November 17, 2022. As of January 9, 2023, he had not responded. The case was assigned to me on

January 26, 2023. The Government exhibits included in the FORM (Items 1-11) are admitted in evidence.

Findings of Fact

Applicant is a 46-year-old employee of a defense contractor for whom he has worked since November 2017. He received a high school diploma in 1995. He was married in 2002 and divorced in 2009. He remarried in 2010, but he separated from his second wife in 2015. He has two children, ages 19 and 16. He served on active duty with the U.S. Air Force from 1997 to 2003 and received an honorable discharge but was separated for an alcohol-treatment failure. (Items 2, 3)

In the SOR, under Guideline F, the Government alleged Applicant's eight delinquent debts totaling about \$78,000 (SOR ¶¶ 1.a through 1.h). The largest of these debts was a \$66,000 child support delinquency listed in SOR ¶ 1.b. The Government also alleged that he misused his corporate credit card from September 2015 until March 2016 (SOR ¶ 1.i) Finally, it alleged that in July 2005, he filed a Chapter 7 bankruptcy petition that was discharged in November 2005 (SOR ¶ 1.j). In his response to the SOR, Applicant admitted these allegations except for SOR ¶ 1.b, which he denied. He claimed that he brought this account current in 2016 or 2017. The Guideline F SOR allegations including SOR ¶ 1.b, are established through Applicant's admissions and the credit reports produced by the Government. (Items 3, 7-11)

Applicant provided no evidence concerning the resolution or attempted resolution of the SOR debts, except for the debt alleged in SOR ¶ 1.b. He claimed that he resolved the child support delinquency in SOR ¶ 1.b by bringing the account current in 2016 or 2017, but he provided no documents to corroborate this claim. The Government's 2018, 2019, 2021, and 2022 credit reports reflect this account as an account in collections. The 2022 credit report reflects a balance that is higher than that listed in the SOR. Any adverse information not alleged in the SOR, such as the increased balance associated with the debt listed in SOR ¶ 1.b cannot be used for disqualification purposes, however it may be considered in assessing an applicant's credibility; in evaluating an applicant's evidence of extenuation, mitigation, or changed circumstances; in considering whether the applicant has demonstrated successful rehabilitation; and in applying the whole-person concept. (ISCR Case No. 15-07369 at 3 (App. Bd. Aug. 16, 2017)). He has neither resolved, nor is he in the process of resolving, any of the SOR debts. He presented no evidence to show he has participated in financial counseling or has a working budget. He did not present evidence of his current financial situation. (Items 1, 3, 8-11)

Applicant failed to report any financial delinquencies on the Questionnaire for National Security Positions (SF 86) he submitted in January 2018. He was required to report the delinquency alleged in SOR ¶¶ 1.b. During his November 2018 security interview, he did not disclose this financial delinquency until the investigator confronted him with it. He denied that he deliberately failed to disclose the delinquent debt in SOR ¶ 1.b because he believed that the debt was not delinquent and he therefore did not need to disclose it. While he did not disclose other delinquent debts on the SF 86 that

he should have, he did disclose the derogatory financial issue listed in SOR ¶ 1.i. (Items 1, 3)

From about September 2015 until about March 2016, Applicant misused his employer-issued credit card by charging about \$2,500 to it for personal housing expenses. He claimed that he needed the money because of his separation from his spouse. He claimed that he promptly paid the money back through a loan from his retirement account. He claimed his employer did not discipline him for this misuse. He provided no documentary evidence related to this incident. (Items 1-3)

Applicant filed a Chapter 7 bankruptcy petition in July 2005. The bankruptcy court granted him a Chapter 7 discharge in November 2005. There is no evidence in the record as to the reason he filed bankruptcy or the amount of the debt that was discharged. (Item 7)

Applicant attributed his financial problems to his 2015 separation from his spouse and the financial burden of his child support payments. He claimed that he is paying about \$3,500 per month for child support, which is more than he earns. He claimed that he is trying to have his ex-wife agree to a lower amount. He provided no documentary evidence of the amount of his monthly obligation, how much he earns per month, or any efforts to resolve the issue. (Items 1-3, 8-11)

Applicant's estranged spouse alleged that in about November 2015, Applicant threatened to harm her repeatedly over the telephone. She alleged that he hacked her e-mail account and sent sexually explicit photographs of her to her work colleagues and her lawyer. She also alleged that he posted sexually explicit photographs of her online. She alleged that she feared for her safety because of Applicant's actions and statements towards her. In December 2015, based upon these allegations, she filed a petition for injunction for protection against domestic violence against Applicant. On February 24, 2016, a court awarded his estranged spouse a final judgment of injunction for protection against domestic violence ("protection order" or "PO") against Applicant. Applicant was provided notice and an opportunity to be heard at the hearing, but he did not attend. The court found that Applicant's estranged spouse had been a victim of domestic violence or that she had reasonable cause to believe that she was in imminent danger of becoming a victim of domestic violence by Applicant. In his response to the SOR, Applicant admitted sending an unspecified "e-mail," but denied improperly accessing her e-mail account because they both had access to one another's accounts. He also denied sending sexually explicit photographs of his estranged wife. (Items 1, 5)

In about June 2010, Applicant was arrested and charged with battery against his then-girlfriend (now estranged spouse). He was found guilty, sentenced to a month in jail, placed on probation for a year, and was ordered to attend anger management courses. He claimed that he has fulfilled all the requirements of his conviction. The arrest and conviction resulted from him throwing a beer can at the victim that hit her in the face. He also pushed her out of a chair. He had been drinking alcohol at the time. Immediately following this incident, she agreed to allow him to drive her to a hotel. However, while she was in the car, she became fearful of him again and jumped out of

the car while it was at a stoplight. At a minimum, he committed the crime of battery and engaged in domestic violence while he was consuming alcohol. (Items 1, 3, 4, 6)

In August 2010, Applicant was charged with driving with a suspended license. He believed that his license was suspended for his failure to pay child support obligations. He was found guilty of this charge. He admitted to the conduct but claimed that he did not realize that his license was suspended. In March 2011 he was charged with violating the terms of his probation because of driving on a suspended license. He was found guilty of violating the terms of his probation. In December 2011, he was again charged with driving on a suspended license. (Items 1, 3, 4, 6)

In November 2010, Applicant was charged with violating the terms of his probation when he tested positive for methamphetamine after taking a court-ordered drug test. He claimed that he tested positive because he took some of his wife's prescription Adderall. He did not have a prescription for Adderall when he tested positive. He was found guilty of violating the terms of his probation. (Items 1, 3, 6)

In about September 2007, Applicant was charged with misdemeanor driving under the influence of alcohol (DUI). The charges were ultimately dismissed after Applicant paid fines and attended court-ordered alcohol treatment classes. I consider his payment of fines and attendance of treatment classes as an admission of the underlying criminal conduct. (Items 1, 3, 6)

In about January 2004, Applicant was driving with an open container of alcohol in his car. He was charged with a moving violation and pleaded guilty. He was required to pay fines and he did so. (Items 1, 3)

Between about June and July 2002, Applicant attended command-directed alcohol counseling and treatment while he was in the military. These counseling sessions were about eight hours daily and lasted about four weeks. During this treatment and counseling, he was diagnosed with alcohol abuse. Despite this treatment, he was administratively separated from the Air Force in February 2003 for alcohol rehabilitation failure. (Items 1, 3)

In about May 2002, Applicant was arrested and charged with battery against his first wife. He pleaded no contest and was placed on probation and required to pay fines. He was also required to complete an anger management course. He and his ex-wife engaged in a physical confrontation when both had been consuming alcohol. Applicant has fulfilled all the requirements that resulted from his pleading no contest. (Items 1, 3, 5, 6)

In about April 2000, Applicant was arrested and charged with disturbing the peace outside of a restaurant. He was making threats and appeared to be under the influence of alcohol. He pleaded no contest and paid required fines. As part of his sentence, he was ordered not to return to the restaurant. (Items 1, 4, 6)

Applicant drinks beer about one to two times per week. He claimed that he drinks about one to two beers when he drinks. He claimed that he does not drink to the point of intoxication, but he also reported that he was last intoxicated on December 31, 2021. He intends to continue to drink beer at his current level of consumption. He claimed that he does not have a problem with alcohol and that his drinking does not have any effect on his work, home life, friendships, judgment, or physical or emotional well-being. (Item 3)

Under Guideline J, the Government alleged Applicant's arrests and underlying conduct, the entry of the PO and underlying conduct, and his probation violations and underlying conduct (SOR ¶¶ 2.a through 2.g). Under Guideline G, the Government alleged Applicant's 2002 alcohol counseling, his "alcohol abuse" diagnosis, his separation from the military for alcohol rehabilitation failure, and his 2004 citation for driving with an open alcohol container (SOR ¶¶ 3.a through 3.c). It also cross-alleged his 2002 arrest for battery, his 2007 arrest for DUI, and his 2010 arrest for battery, along with the underlying conduct (SOR ¶ 3.d). Under Guideline E, the Government alleged that Applicant falsified his SF 86 because he failed to list his delinquent child-support account in it (SOR ¶ 4.a). It also cross-alleged the delinquent child-support account, his misuse of his employer-issued credit card, his arrests (and the underlying conduct), his probation violations (and the underlying conduct), the entry of the PO (and the underlying conduct), and it cross-alleged SOR ¶¶ 3.a through 3.c (SOR ¶ 4.b). (Item 1)

Policies

This case is adjudicated under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG), which became effective on June 8, 2017.

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 to be 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, administrative judges apply the guidelines 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(c), 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.”

Under Directive ¶ E3.1.14, the Government must 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.” The applicant 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.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F, Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

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 personnel 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.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. The following are potentially applicable in this case:

- (a) inability to satisfy debts;

(c) a history of not meeting financial obligations; and

(d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust.

Applicant had several delinquent debts totaling about \$78,000. His child support balance, which is the most significant of these debts, has been delinquent for several years. Applicant misused his employer-issued credit card, which constitutes employee an intentional financial breach of trust. He needed bankruptcy protection in 2005, so he had earlier financial difficulties. The evidence is sufficient to raise the above disqualifying conditions.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable:

(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, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances; and

(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 to resolve the issue.

It has been about 17 years since Applicant filed bankruptcy and there is no evidence that he has filed again. I find that a bankruptcy filing is unlikely to recur and find in Applicant's favor with respect to SOR ¶ 1.j. It has been about seven years since he misused his employer's credit card. He promptly paid back the money that was owed. I find that this behavior happened so long ago that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, and good judgment. I find in Applicant's favor with respect to SOR ¶ 1.i.

There is no documentary evidence in the record of payments to or payment arrangements with creditors for the SOR debts. Applicant claimed that he brought the child support account current in 2016 or 2017. This is a reasonable basis to dispute the legitimacy of the debt. However, he did not provide documents to substantiate the

dispute, such as proof of payment or an acknowledgement from the creditor that the account was current. He did not provide evidence of actions he took to resolve the dispute. It is reasonable to expect Applicant to present documentation about the resolution of specific debts. See, e.g., ISCR Case No. 15-03363 at 2 (App. Bd. Oct. 16, 2016).

As there is no documentary evidence to show that the SOR debts were resolved or appropriately disputed, I cannot find that Applicant has acted responsibly under the circumstances. Likewise, I cannot find that he has made a good-faith effort to repay overdue creditors or otherwise resolve debts. He has not provided evidence to show a track record of financial responsibility. Applicant's financial issues are ongoing and I cannot find that they are unlikely to recur. He has not mitigated the financial considerations security concerns.

Guideline J, Criminal Conduct

The security concern for criminal conduct is set out in AG ¶ 30:

Criminal activity creates doubt about an Applicant'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 is potentially applicable:

(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 has been charged with numerous criminal offenses. For most of these offenses there is sufficient evidence of criminal conduct, as he pleaded guilty or no contest, the victim made a credible allegation against him, or there were police reports. The evidence is sufficient to raise the above disqualifying condition.

Conditions that could mitigate criminal conduct security concerns are provided under AG ¶ 32. The following are potentially applicable:

(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;

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

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution,

compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

While acknowledging the serious and violent nature of some of his criminal actions, it has been over seven years since Applicant engaged in criminal behavior. The significant amount of time that has elapsed is persuasive evidence of successful rehabilitation, that the criminal behavior is unlikely to recur, and that it no longer casts doubt on his reliability, trustworthiness, and good judgment. The criminal conduct security concerns are mitigated.

Guideline G, Alcohol Consumption

The security concern for alcohol consumption is set out 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 are potentially 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 alcohol use disorder;

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

(d) diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder;

(e) the failure to follow treatment advice once diagnosed; and

(f) alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder.

Applicant drove while under the influence of alcohol and drove with an open alcohol container. While consuming alcohol, he breached the peace and engaged in physical violence against his spouse. He was diagnosed with "alcohol abuse." AG ¶ 22(a), AG ¶ 22(c), and AG ¶ 22(d) are established. AG ¶ 22(e) and AG ¶ 22(f) are not established. There is no evidence in the record that Applicant was advised to abstain from consuming alcohol. Therefore, there is no evidence that his current level of

consuming one to two beers once or twice a week is inconsistent with treatment recommendations.

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

It has been about 12 years since Applicant has had an alcohol-related incident such as those described in AG ¶ 22(a). This extended length of time without alcohol-related incidents provides sufficient evidence that Applicant no longer habitually consumes alcohol or "binges" on alcohol to the extent that it impairs his judgment. The 12 years that has elapsed is persuasive evidence that his excessive alcohol consumption is unlikely to recur, and that it no longer casts doubt on his reliability, trustworthiness, and good judgment. The alcohol consumption security concerns are mitigated.

Guideline E, Personal Conduct

The security concern for personal conduct is set out in AG ¶ 15:

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

The guideline notes several conditions that could raise security concerns under AG ¶ 16. The following are potentially applicable 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 security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

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

Applicant claimed that he did not divulge his delinquent child support account in his SF 86 or volunteer it during his security interview because he thought he brought the account current in 2016 or 2017. He claimed he did not know the account was delinquent or that he was required to report it. I find this explanation to be a reasonable one. I also note that Applicant listed other derogatory financial information on his SF 86 (misuse of his employer-issued credit card). This action undermines the notion that Applicant was deliberately attempting to hide derogatory information. Given these considerations, I find that there is insufficient evidence that he deliberately provided false information or concealed or omitted relevant information. AG ¶ 16(a) and AG ¶ 16(b) are not established.

Applicant has financial issues. He has committed criminal acts and alcohol was consistently involved in his criminal and other negative incidents. He was diagnosed with "alcohol abuse," and he was separated from the military because of failed alcohol rehabilitation. Applicant's financial issues are covered by Guideline F and are sufficient for an adverse determination under Guideline F. Guideline E is not established with respect to Applicant's financial issues. His criminal acts and alcohol-related issues, while covered by Guideline J and Guideline G, are not sufficient for an adverse determination under those guidelines. These issues support an assessment of questionable judgment, unreliability, unwillingness to comply with rules and regulations, or other characteristics indicating that he may not properly safeguard classified or sensitive information. AG ¶ 16(c) is raised by Applicant's criminal and alcohol-related conduct.

AG ¶ 17 provides conditions that could mitigate personal conduct security concerns. The following mitigating condition potentially applies in Applicant's case:

(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.

For the reasons I included in my analysis of the Guideline J and Guideline G mitigating conditions, such as the passage of a significant amount of time without recurrence, I conclude that Applicant's criminal and alcohol-related conduct is unlikely to recur. For these same reasons, I find that this behavior no longer casts doubt on his reliability, trustworthiness, and good judgment. Personal conduct security concerns are mitigated.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all 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 F, J, G, and E in my whole-person analysis. I have also considered Applicant's military service and his honorable discharge.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude he did not mitigate the financial considerations security concerns, but he did mitigate the criminal conduct, alcohol consumption, and personal conduct security concerns.

Formal Findings

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a-1.h:	Against Applicant
Subparagraphs 1.i-1.j:	For Applicant
Paragraph 2, Guideline J:	FOR APPLICANT
Subparagraphs 2.a-2.g:	For Applicant
Paragraph 3, Guideline G:	FOR APPLICANT
Subparagraphs 3.a-3.d:	For Applicant

Paragraph 4, Guideline E:

FOR APPLICANT

Subparagraphs 4.a-4.b:

For Applicant

Conclusion

It is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Benjamin R. Dorsey
Administrative Judge