



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



In the matter of:)	
)	
)	ISCR Case No. 20-03529
)	
Applicant for Security Clearance)	

Appearances

For Government: David F. Hayes, Esq., Department Counsel
For Applicant: *Pro se*

04/21/2023

Decision

HALE, Charles C., Administrative Judge:

This case involves security concerns raised under Guidelines H (Drug Involvement and Substance Misuse), J (Criminal Conduct), D (Sexual Behavior), and E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on May 16, 2018. On May 24, 2021, the Department of Defense (DoD) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines H, J, D, and E. The DoD acted 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).

Applicant answered the SOR on April 22, 2022, and requested a decision on the written record without a hearing. On November 8, 2022, the Defense Office of Hearings and Appeals (DOHA) requested he clarify his admissions and denials to the various SOR

allegations. He complied on November 29, 2022. Department Counsel submitted the Government's written case on December 6, 2022. On December 9, 2022, a complete copy of the file of relevant material (FORM) was sent to Applicant, who was given an opportunity to file objections and submit material to refute, extenuate, or mitigate the Government's evidence. He received the FORM on December 12, 2022, and did not respond. The case was assigned to me on March 8, 2023.

The SOR (FORM Item 1) and the Answer are the pleadings in the case. FORM Item 2 the SCA, FORM Item 3 (Interrogatories dated March 1, 2021) and FORM Item 4 (Department of Safety Case Report) are admitted into evidence without objection.

Findings of Fact

In Applicant's answer to the SOR, he admitted SOR ¶¶ 1.a, 2.b, and 4.b. He admitted SOR ¶ 4.c, but with an explanation that I construe as a denial. He denied SOR ¶ 1.b. He also admitted the cross-allegations at SOR ¶¶ 2.a, 3.a, and 4.a, also with explanations. His admissions are incorporated in my 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 a 49-year-old aviation mechanic employed by a defense contractor since July 2005. (Item 2 at 7, 13.) He has held a security clearance since 2008. (Item 2 at 32.) He married in October 1995 and divorced in May 1998. He has two adult children. (Item 2 at 17 and 20-21.)

April 2017 arrest and charge of possession of marijuana (SOR ¶¶ 1.a, 2.a, 4.a and 4.c). Applicant admitted in his Answer to being arrested and charged with possession of marijuana. In his SCA he admitted to pleading guilty to possession of a controlled substance and noted that the possession of marijuana charge was dropped. He stated in his SCA that "there is a plea of guilty as I was not allowed to plead no contest." (Item 2 at 27-28.) He was sentenced to 18 months of community supervision, to participate in 50 hours of community service, and pay a fine of \$968. (Item 2 at 26, 27, 28, and 29.) He stated in his background interview he did not know the entirety of what he was charged with possessing but then admitted he pled guilty because he was advised he was fortunate to not have a felony charge. (Item 3 at 5-6.) He states in his SCA this charge was false and the person who accused him of sexual assault could not recant this offense because they could risk being charged with a crime. (Item 2 at 37.)

April 2017 use and/or possession of marijuana with vary frequency while granted access to classified information (SOR ¶¶ 1.b, 4.a). Applicant pled guilty to possession of marijuana in his residence. (Item 2 at 9.) The police recovered a bag of marijuana in plain view, along with a water bong in the master bedroom. The police recovered a vaporizer bong hidden behind a closed master bathroom door. (Item 4 at 57.) The police deployed a trained narcotics dog who alerted in several areas of the home and Applicant's vehicle. (Item 4 at 16, 57.) The police recovered marijuana in the kitchen refrigerator, kitchen freezer, and in a downstairs bedroom. The police also recovered drug

paraphernalia. Applicant states in an interrogatory response that “any and all paraphernalia was isolated to back room where [his girlfriend] was allowed to smoke only and outside.” (Item 3 at 2.) He said he was not aware of the marijuana in the refrigerator until it was reported to him. (Item 3 at 2.) He initially denied knowledge of any drugs in his home until the interviewing agent asked about the drugs found in plain view. (Item 3 at 5.) The arrest complaint was for a “State Jail Felony” in the 1st degree for the marijuana seized in freezer. (Item 4 at 38.) A second arrest complaint, for a class A misdemeanor, was issued for other forms of marijuana found in the house. (Item 4 at 40.) Applicant was ordered as part of his sentence to participate in the state’s drug offender program. (Item 2 at 28.) During his background interview he told the investigator he pled guilty to the misdemeanor charges in 2018 to avoid being charged with felony offenses. (Item 3 at 6.) He stated he passed his employer’s drug tests. (Item at 6.) He was granted a clearance in July 2011. (Item 2 at 32.)

April 2017 arrest and charges of aggravated assault with a deadly weapon and sexual assault. (SOR ¶ 2.b, and, as to the arrest and charge of sexual assault, SOR ¶ 3.a) Applicant admitted to being arrested and charged for the offenses of aggravated assault with a deadly weapon and sexual assault. He denied the underlying conduct, noting that the alleged victim recanted her statement and that the grand jury returned a “No Bill.” (Answer). The alleged victim reported the sexual assault in April 2017 and told the police the incident took place in March 2017. The police officer noted while taking the statement the alleged victim described an assault with a pistol that had taken place in January 2017. (Item 4 at 57.) Police recovered two firearms in an upstairs workout room closet with various magazines as well as a 9mm pistol with one magazine loaded. (Item 4 at 57-58.) The inventory description lists two locations where the 9mm pistol was recovered, the vehicle’s side door pocket and the upstairs workout room. (Item 4 at 58.) The grand jury returned a “No Bill” on both charges. (Item 2 at 28.)

SOR ¶ 4.b: failed to report [or] failed to fully disclose to Facility Security Officer. Applicant admitted in his Answer and during his background interview he did not fully disclose the sexual assault allegation when asked. (Item 3 at 6.) He states in his Answer he thought because the security officer was a woman, and by her demeanor, he was being judged. In his Answer, he admits he did not fully disclose because he did not know how to explain to the woman “what did not happen versus what was already implied.” In his Answer he states he did call the same day because he knew he needed to relay what he did not provide and explain why he felt intimidated. He requested a male security officer be at next meeting. He adds he provided all the information he failed to provide at the next meeting. During his background interview he told the investigator he would have reported the additional charges at the correct time had the security official been a male. (Item 3 at 6.)

SOR ¶ 4.c: Failure to disclose April 2017 drug arrest on his SCA. Applicant denied he deliberately falsified his answer to Question 23 of his SCA, which asked whether he had used or otherwise been illegally involved with a drug or controlled substance not previously listed, on the basis he had already addressed the April 2017 incident in the SCA. He addressed the conduct in his SCA responses. (Item 2 at 27-28.)

Applicant did not respond to the FORM, so he did not provide any updated evidence to be considered in mitigation. He also provided no character evidence for consideration under the whole-person concept.

Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531.

Analysis

Guideline H, Drug Involvement and Substance Misuse

The concern under this guideline is set out in AG ¶ 24:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any "controlled substance" as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

Applicant's admissions and the record establish the following disqualifying conditions under this guideline, as detailed in AG ¶ 25:

- (a) any substance misuse (see above definition);
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and
- (f) any illegal drug use while granted access to classified information or holding a sensitive position.

Applicant admitted possessing marijuana in April 2017, the offense for which he was arrested and charged. (SOR ¶ 1.a). AG ¶ 25(c) applies.

SOR ¶ 1.b alleges not only that Applicant used or possessed marijuana in April 2017, but also that he did so while granted access to classified information. The portion

of this allegation concerning marijuana possession (without regard to classified access) is established but is also covered in SOR ¶ 1.a, above.

Applicant denied using marijuana on this occasion, and his answer did not address the status of his access to classified information at the time. Further, eligibility for access to classified information and the granting of access to classified information are not synonymous concepts. They are separate determinations. The issuance of a security clearance is a determination that an individual is eligible for access to classified national security information up to a certain level. Security clearance eligibility alone does not grant an individual access to classified materials. In order to gain access to specific classified materials, an individual must have not only eligibility (i.e., a security clearance), but also must have signed a nondisclosure agreement and have a “need to know.” See Executive Order 13526, dated December 29, 2009, at § 4.1. See ISCR Case No. 20-03111 (App. Bd. Aug 10, 2022).

SOR ¶ 1.b, Applicant’s use of marijuana in April 2017 is not established. AG ¶ 25(a) does not apply. Further, it is not established that he had access to classified information at the time. AG ¶ 25(f) does not apply, and SOR ¶ 1.b is concluded for Applicant.

The following mitigating conditions are potentially applicable as detailed in AG ¶ 26 to SOR ¶ 1.a:

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

(b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to: (1) disassociation from drug-using associates and contacts; (2) changing or avoiding the environment where drugs were used; and (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility.

AG ¶ 26(a) is not established. Applicant’s possession of marijuana may have ended in 2017 when he was arrested and later pled guilty to possession of a controlled substance. The marijuana and drug use paraphernalia found throughout his home contradicts his statements that the marijuana belonged to someone else, and that the person kept and used the marijuana in a limited area. His actions cast doubt on his reliability, trustworthiness, and good judgment.

AG ¶ 26(b) is partially established. Applicant admitted to possessing the marijuana but denied any use. The marijuana and drug use paraphernalia found throughout his home contradicts his statements that the marijuana belonged to someone else. He

acknowledged he pled guilty to the misdemeanor charges to avoid being charged with felony offenses. His responses were inconsistent and did not provide sufficient evidence to establish that the security concern regarding his drug involvement is mitigated.

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.

The following disqualifying condition is potentially applicable as detailed in AG ¶ 31:

(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.

State law enforcement executed a search of Applicant's home and arrested him based upon allegations of aggravated assault and sexual assault from the woman who resided in his home, as well as for possession of marijuana. The above disqualifying condition applies.

The following mitigating conditions are potentially applicable as detailed in AG ¶ 32:

(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.

AG ¶ 32(a) and (d) do not apply for the same reasons set forth under Guidelines H (SOR ¶ 1.a) above and E (SOR ¶ 4.a) below. Applicant's criminal conduct is serious. He has recent rehabilitative steps, but completing a treatment program, and court-ordered community service and supervision are insufficient given the record evidence. I have unmitigated concerns. His criminal conduct continues to cast doubt on his current

reliability, trustworthiness, good judgment, and willingness to comply with laws, rules, and regulations. The above mitigating conditions, individually or collectively, are insufficient to alleviate those concerns. He needs to establish a longer record of accomplishment of responsible behavior and compliance with rules, regulations, and the law before his criminal conduct can be considered mitigated.

The aggravated assault and sexual assault charges were dropped after a grand jury returned a “No Bill” to these offenses. AG ¶ 32(c) applies to SOR ¶ 2.b.

Guideline D: Sexual Behavior

The concern under this guideline is set out in AG ¶ 12:

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.

The sexual assault charge, alleged as part of SOR ¶ 2.b under Guideline J (criminal conduct) is cross-alleged under Guideline D as sexual conduct (SOR ¶ 3.a). The following disqualifying conditions are potentially applicable as detailed in AG ¶ 13:

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

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

14: The following mitigating conditions are potentially applicable as detailed in AG ¶

(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.

State law enforcement arrested Applicant based on the allegations of the woman he lived with. He acknowledges he had a relationship with his accuser and that she lived in his home. The charges were ultimately dropped after a grand jury returned a “No Bill”

to these offenses. He no longer has a relationship with his accuser which could make him to be vulnerable to coercion, exploitation, or duress. The behavior no longer serves as a basis for coercion, exploitation, or duress, AG ¶¶ 14(b) and 14(c) are applicable.

Guideline E, Personal Conduct

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

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 information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are established for SOR ¶¶ 4.a and 4.b.

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

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

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information; and

(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.

SOR ¶ 4.a cross-alleges Applicant's two arrests (alleged under other guidelines,

as noted above) as a personal conduct security concern as well. Applicant's conduct reflects questionable judgment and an unwillingness to comply with rules and regulations. It also created vulnerability to exploitation, manipulation, and duress. AG ¶ 16(e) is therefore applicable. AG ¶ 16(c) is not applicable because Applicant's conduct is sufficient for an adverse determination under other guidelines. However, the general concerns about questionable judgment and an unwillingness to comply with rules and regulations contained in the general personal conduct security concern of AG ¶¶ 15 is established.

SOR ¶ 4.b alleges that Applicant failed to fully disclose the April 2017 incident as required by National Industrial Security Program Operating Manual, Chapter 1, Section 3, paragraph i-300 to his security officer. In order to find against him under this specific question, the Government must prove by substantial evidence that he intentionally failed to report. The record reflects he did report the incidents and supplemented his initial report shortly after his initial meeting to address a concern he had omitted certain information. The Government did not prove that he intentionally misled the security officer. There is insufficient evidence to establish the specific question alleged in SOR ¶ 4.b. AG ¶¶ 16(a) and 16(b) are not applicable to that question. SOR ¶ 4.b. is concluded for Applicant.

SOR ¶ 4.c alleges that Applicant failed to disclose material facts on his SCA in "failing to disclose" that he used marijuana or was otherwise "involved" with a drug or controlled substance while in possession of a security clearance. Applicant denied using marijuana in April 2017, the time of his marijuana-related arrest (SOR ¶ 1.a), and he disclosed the arrest itself on his SCA. AG ¶ 16(a) is not established and SOR ¶ 4.c. is concluded for Applicant.

In order to mitigate SOR ¶ 4.a, Applicant has the burden of establishing one or more of the mitigating conditions under AG ¶ 17. AG ¶¶ 17(c) and 17(d) may have some applicability. They provide:

(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; and

(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.

As to SOR ¶ 1.a, Applicant acknowledges his arrests and charges but denies the underlying conduct despite pleading guilty. He accepted the state's plea agreement to avoid a felony charge. AG ¶ 17(c) is not applicable.

The relevant issue under AG ¶ 17(d) is whether those steps are sufficient to reasonably conclude that the behavior is unlikely to recur. Applicant denies the underlying

conduct despite pleading guilty. He was prompted by the interviewing investigator to acknowledge the drugs and drug paraphernalia recovered in his house. He states he only pled guilty because he could not plead no contest. He has not expressed remorse. It is difficult to find that he is fully rehabilitated when he refuses to accept responsibility for his actions. The personal conduct security concerns are not fully mitigated. AG ¶ 17(d) is not applicable.

Under the same rationale discussed above for criminal conduct, Applicant's conduct continues to cast doubt on his current reliability, trustworthiness, and good judgment. Personal conduct security concerns are not mitigated.

Whole-Person Concept

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall common sense judgment based upon careful consideration of the guidelines and the whole-person concept. In applying the whole-person concept, an 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. An 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.

I have incorporated my comments under Guidelines H, J, D, and E in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003). Applicant blamed his accuser for the drugs found in his house. He pled guilty to possession of marijuana in his residence. The amount of marijuana and the locations of the marijuana and the drug paraphernalia found throughout his home show his statements about the marijuana and the drug paraphernalia belonging to someone else lack credibility. His initial denial of knowledge of any drugs in his home until the interviewing agent asked about the drugs found in plain view further demonstrates a lack of sincerity.

After weighing the disqualifying and mitigating conditions under Guidelines H, J, D, and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by his conduct.

Formal Findings

I make the following formal findings on the allegations in the SOR:

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

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

Charles C. Hale
Administrative Judge