



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



In the matter of:	)	
	)	
	)	ISCR Case No. 21-02271
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Patricia M. Lynch-Epps, Esq., Department Counsel  
For Applicant: Daniel P. Meyer, Esq.

08/10/2023

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**Decision**

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LOUGHRAN, Edward W., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline E (personal conduct) and Guideline F (financial considerations). Eligibility for access to classified information is denied.

**Statement of the Case**

On January 12, 2022, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines E and F. Applicant responded to the SOR on April 24, 2022, and requested a hearing before an administrative judge. The case was assigned to me on April 6, 2023.

The hearing convened as scheduled on June 1, 2023. Government Exhibits (GE) 1 through 8 were admitted in evidence without objection. Applicant testified but he did not submit any documentary evidence beyond what was attached to his SOR response. The record was held open for Applicant to submit additional documentary evidence. He submitted 67 pages of documents that I have marked collectively as Applicant's Exhibit (AE) A and admitted without objection.

## Findings of Fact

Applicant is a 44-year-old employee of a defense contractor. He has worked for his current employer since 2020. He served on active duty in the U.S. military from 1997 until he was honorably discharged in 2001. He earned two associate degrees in 2003, a bachelor's degree in 2006, a master's degree in 2008, and additional post-graduate education towards a doctorate. He is a widower after his wife passed away last year. He has a 13-year-old child. (Tr. at 16-20, 27; Applicant's response to SOR; GE 1)

Applicant has a problematic educational and employment history, including while working part-time at colleges as an adjunct professor. While attending college in 2003, he was asked to resign from a student government position after someone alleged that he made a terroristic threat, presumably similar to a school shooting (SOR ¶ 1.a). Applicant admitted that he was asked to resign, but adamantly denied that he ever made any such threat. He was allowed to continue to attend school and earned two associate degrees in 2003, and he was hired to work at the college in 2020. (Tr. at 31-32, 62-68; Applicant's response to SOR; GE 1, 2)

SOR ¶ 1.b alleges that Applicant left his employment in 2004 "under unfavorable circumstances, including verbal harassment." Applicant admitted that he left the job in 2004, but he stated that he was the one who was verbally harassed. There is no evidence in the record to counter his statement. (Tr. at 68-73; Applicant's response to SOR; GE 2)

Applicant attended a university from 2004 to 2008, earning his bachelor's degree in 2006 and his master's degree from the same university in 2008. SOR ¶ 1.c alleges that Applicant was terminated from his employment at the university in 2005 "for failing to keep regular office hours as directed." Applicant denied the allegation. He stated that he was on a work-study program with the university, and there were only so many hours that he could work throughout the year. He was told he reached the end of his hours, and he was told not to come to work anymore. There is no evidence in the record to counter his statement. (Tr. at 73-75; Applicant's response to SOR; GE 1, 2)

Applicant was in a doctoral program at a university from 2010 through 2013. He failed a course due to plagiarism (SOR ¶ 1.d). (Tr. at 20, 75-79; Applicant's response to SOR) He admitted the allegation with the following explanation:

This case was truly an accident. I did a block quote but forgot the in-line citation after the block quote. I did reference the information location in my references. This however was not good enough for my appeal, as they stated it is a Doctoral program and I should have known better.

Mitigation: I learned from this mistake and am very cautious about complete and accurate citations on all my documents. (Applicant's response to SOR)

SOR ¶ 1.e alleges that in 2010, Applicant was fired from his employment at a technical institute for cause. He admitted that he was let go from the institute, but he asserted it was in retaliation by his supervisor. Applicant stated that he filed an Equal Employment Opportunity (EEO) complaint against his supervisor, who came into Applicant's classroom, dropped his pants, and adjusted his private parts in front of Applicant and two or three students. He stated that the supervisor later called him and told him not to come to work anymore. In his February 2020 Questionnaire for National Security Positions (SF 86), he wrote that the reason he left the employment was "Personal." (Tr. at 79-84; Applicant's response to SOR; GE 1, 2)

SOR ¶ 1.f alleges that in 2013, Applicant was terminated from his employment at a technical university "for unfavorable conduct." Applicant denied he was terminated and asserted that he quit the job. There is no evidence in the record to counter his statement. In his February 2020 SF 86, he wrote that the reason he left the employment was "Personal." (Tr. at 84-88; Applicant's response to SOR; GE 1, 2)

Applicant was terminated from his employment at a college in 2015 (SOR ¶ 1.g). In his 2020 SF 86, he stated that he left the job "by mutual agreement following charges or allegations of misconduct." He explained:

Filed a grievance against a coworker. I was asked not to talk to her and her with I. We both communicated with each other and they wanted to terminate me and not her. This is under investigation with EEOC for discrimination and retaliation charges against [college]. (GE 1)

Applicant asserted that he filed an EEO complaint against a colleague after she harassed him. He stated that his wife was a student, he and the colleague were discussing students, and the colleague "said some pretty nasty things about [his] wife to [him], which [he] didn't appreciate." The dean of the college and the academic vice president directed him not to have any conversation with his colleague unless another person was present. He violated the directive, but he stated it was in public, it had to do with a student who had a knife, and she was the only staff member available to discuss it. (Tr. at 20-22, 88-94; Applicant's response to SOR; GE 1, 2)

Applicant worked for a defense contractor from July 2017 to July 2019. He was terminated after an investigation found that he violated the company's workplace harassment and bullying policy in that he "engaged in repeated unwelcomed conversations of a personal nature." The company found that two employees in two different cities had similar complaints against Applicant. It noted that he denied he engaged in the behavior, but witnesses confirmed the allegations. Additionally, the company found that "[w]itnesses identified by [Applicant] that could corroborate he did not engage in this behavior actually corroborated the allegations made by the [complaining employee]." (Tr. at 98-106; Applicant's response to SOR; GE 1, 2, 4, 5)

The company reported that “[w]itnesses confirmed they were subject to or personally witnessed [Applicant] exhibiting the following behavior:

- Openly sharing unsolicited comments about his personal life as he’s not happy with his wife, his wife is lazy, he filed for divorce, wife spends his money, and he wants more kids but not with his wife.
- In many cases, immediately upon meeting employee' or interns [Applicant] sent a Facebook friend request to them.
- Openly shared with employees that he is in love with [employee from city where Applicant worked] and he could see himself with her after his divorce was final.
- Sent [complaining employee’s name redacted] flowers to the office then observed her from security cameras to see her reaction when flowers delivered.
- Rated employees by their appearance.
- Shared another “hypothetical” situation with a female intern asking if she would take a trip with him and sleep in the same room with him.
- Asked all the interns for their addresses in the event something happens to them.
- Witnesses stated they are reluctant to advise [Applicant] that they are uncomfortable with his repeated unwelcomed comments because they feared retaliation.

\* \* \*

- [Applicant] acted as a mentor to an intern in [city in another state]. [Applicant] reached out to the intern through Facebook and encouraged the intern to relocate to [city where Applicant worked]. When the intern rejected his offer to relocate, [Applicant] removed the intern from the Cyber shared site.
- Witnesses indicated that [Applicant] mentioned he liked the appearance of certain females, [two complaining witnesses’ names redacted] included. (GE 5)

The first complaining employee reported that she began her internship at the defense contractor in June 2019. Other interns attended a welcome lunch hosted by Applicant about two weeks earlier. Applicant invited her to a welcome dinner about two days after she started her internship. He picked her up at the hotel, but she was surprised that he knocked on her hotel room door. He had previously asked all the interns to give him their addresses “just in case something happened.” They went to his car where his wife and child was sitting in the back seat, leaving the front seat for the intern. (GE 5)

After dinner, Applicant drove everyone back to his home where he gave the intern a tour of his home. His wife and child stayed home when he left to drive the intern back to her hotel. He drove around the city before taking her back to her hotel. She reported that he told her how his wife was annoying, they were going to get a divorce, his wife was boring, he was done with her, and she spent all his money. He described the ideal person he wanted to get with would be in her late 20s with a child. She was in her late 20s with a child, and she felt he was describing her. He then said something to the effect that hypothetically, if he and the intern got together, he would treat her son as his own. He then asked her if she wanted him to continue to drive and see more of the city. She responded that she needed to get home because she was tired. He said he was wide awake. She again said she wanted to go home. He then drove her back to the hotel. (GE 5)

Applicant adamantly denied he harassed any employee. He wrote:

I admit I was fired, but it was a stretch to call it harassment and bullying. The first problems with HR on this site was when I asked them for an ADA accommodation for my diabetic needles to have a sharps container in the bathroom. They told me that it was too expensive for them to do and did not fit ADA. I filed an EEO complaint that they denied this simple accommodation request. After that time, I was under scrutiny for everything. In June 2019, my wife and I were with one of my interns at Target. I accidentally bumped shoulders with her, and she called it sexual harassment. They never did vet her side of the story against mine, nor did they ask my wife who was right there when it happened. They just assumed it to be true and fired me for it.

Mitigation: Going-forward I will still stand up for my EEO rights and refuse to put myself in any situation where I would be a target of false allegation attacks. (Applicant's response to SOR)

Applicant asserted that he was terminated for a false allegation that he inappropriately touched an intern when all he did was accidentally bump her shoulder. There is nothing in the company's records to indicate that an offensive touching was ever alleged against Applicant. He asserted that it was the intern's idea to have dinner instead of lunch, which he agreed to but thought it best to bring his wife and child. He stated that she told him her room number. He went into the lobby, and her room was right by the lobby, so he knocked on her door. (Tr. at 24-25, 98-106, 141-143)

Applicant stated that while they were at dinner, he and his wife discussed their marriage, his wife's spending habits, and a possible divorce. He mentioned at dinner that if they did divorce and he remarried, he would want someone younger, about the intern's age, and one who already had children, so that he would not have to start all over again. He stated that the intern came into his home when he dropped his wife and child off. He then drove straight to her hotel and did not have any personal conversations in the car. He stated that his wife sent flowers once to one of his

colleagues on the anniversary of the death of the colleague's father. (Tr. at 106, 110-112, 143-145; Applicant's response to SOR)

I did not find Applicant credible. I find that the company's investigation into his conduct is more reliable than Applicant, and that he committed the conduct alleged in the report of the investigation.

Applicant filed a Chapter 13 bankruptcy case in March 2008. He completed the plan, and his remaining dischargeable debts were discharged in June 2013. His wife filed her own Chapter 7 bankruptcy case in about 2011, and her debts were also discharged. (Tr. at 117-122; Applicant's response to SOR; GE 6)

Applicant and his wife filed a Chapter 7 bankruptcy case on August 14, 2019. Under Schedule D, Creditors Who Have Claims Secured by Property, the petition listed a mortgage loan of \$88,474 (the house was valued at \$134,227) and auto loans of \$46,644 and \$34,468 (the 2017 vehicles were valued at \$25,000 each). Under Schedule E/F, Creditors Who Have Unsecured Claims, the petition listed \$2,357 owed to the IRS and \$153,180 owed to other creditors. The petition listed that both Applicant and his wife were unemployed, with \$2,098 from his Department of Veterans Affairs (VA) disability benefits as their only income. Their monthly expenses were also calculated at \$2,098. Their dischargeable debts were discharged in November 2019. (Tr. at 122; Applicant's response to SOR; GE 6)

Applicant had financial problems before he was terminated from his job in July 2019. He had \$2,357 in unpaid federal taxes for tax year 2015. He and his wife bought two new vehicles in 2017 with loans for both vehicles with balances that still totaled about \$80,000 when the bankruptcy petition was filed. It was reported in May 2019 that a credit union filed a lawsuit against him for more than \$10,000 for an unpaid credit card. He retained a debt relief company to assist him in resolving about \$28,000 to \$30,000 in credit card debt. He asserted that he did not realize that the company was not paying his debts. Also, his wife was spending beyond what they could afford. (Tr. at 25-26, 50, 122-135, 145-149; Applicant's response to SOR; GE 3, 4)

Applicant's tax debt for 2015 was paid in February 2020, when \$2,298 was withheld from his refund for 2019 and applied to the taxes owed for 2015. (GE 3) His current finances appear stable. His most recent credit report does not list any delinquent debts. It lists \$34,167 in federal student loans that are paused due to COVID relief, and an auto loan that was opened in September 2022 with a high balance of \$86,385, with monthly payments of \$1,580 for 83 months and a balance of \$83,831. The most recent balance was \$81,758. He stated that the amount is high because he traded in his late wife's vehicle, and it had about \$15,000 in negative equity that was rolled into the new loan. He initially testified this was the only vehicle he purchased since the bankruptcy. He then admitted that he and his late wife bought and sold an additional three vehicles since the bankruptcy. He now has the new vehicle and another vehicle that is owned without a loan or lien. (Tr. at 47-48, 135-141; Applicant's response to SOR; GE 3, 8; AE A)

Applicant is active in his church and his community. He submitted letters attesting to his excellent job performance and strong moral character. He is praised for his responsibility, trustworthiness, judgment, truthfulness, intelligence, honesty, work ethic, reliability, professionalism, and integrity. He is recommended for a security clearance. (Applicant's response to SOR)

## **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 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 or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security clearance 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:

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;

(2) any disruptive, violent, or other inappropriate behavior;

(3) a pattern of dishonesty or rule violations; and

(4) evidence of significant misuse of Government or other employer’s time or resources; 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.

I am unable to find by substantial evidence that Applicant committed disqualifying personal conduct as alleged in SOR ¶¶ 1.a, 1.b, 1.c, and 1.f. Those allegations are concluded for Applicant.

I am satisfied by substantial evidence that the job terminations alleged in SOR ¶¶ 1.e and 1.g resulted from Applicant's inappropriate conduct. He admitted to the plagiarism alleged in SOR ¶ 1.d.

Applicant adamantly denied he committed any of the conduct that resulted in his 2019 termination (SOR ¶ 1.h). As addressed above, I did not find Applicant credible. The company found that two employees in two different cities had similar complaints against Applicant. It noted that he denied he engaged in the behavior, but witnesses confirmed the allegations. Additionally, the company found that "[w]itnesses identified by [Applicant] that could corroborate he did not engage in this behavior actually corroborated the allegations made by the [complaining employee]." I find that the company's report of the investigation into Applicant's conduct is more reliable than Applicant, and that he committed the conduct alleged in that report.

Applicant's conduct reflects questionable judgment and an unwillingness to comply with rules and regulations. The conduct also created vulnerability to exploitation, manipulation, and duress. AG ¶¶ 16(d) and 16(e) are applicable.

AG ¶ 17 provides conditions that could mitigate security concerns. The following are potentially applicable:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (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; and

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

Applicant failed to accept responsibility for his conduct. I find he was untruthful throughout the security clearance process, including during the hearing. The older allegations might be mitigated if I had found him credible, but I did not. *Falsus in uno, falsus in omnibus* (false in one thing, false in everything) is not necessarily true, but it is sufficient to give pause and leave lingering doubts in a close case. Applicant's conduct continues to cast doubt on his current reliability, trustworthiness, and good judgment. None of the above mitigating conditions are applicable.

#### **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; and

(c) a history of not meeting financial obligations.

Applicant has a history of financial problems, including a Chapter 13 bankruptcy case and a Chapter 7 bankruptcy case. AG ¶¶ 19(a) and 19(c) are applicable.

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;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; and

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

Applicant completed his Chapter 13 bankruptcy case in 2013. That allegation is mitigated. His debts were discharged in 2019 through a Chapter 7 bankruptcy. The Government is not precluded from considering the negative security implications of an applicant's overall history of financial difficulties merely because the applicant exercises the right to seek a discharge of debts in bankruptcy. See, e.g., ISCR Case 08-00435 at 3 (App. Bd. Jan. 22, 2009).

Applicant attributed the Chapter 7 bankruptcy to the loss of his job in 2019. That event was caused by his conduct and was not beyond his control. Additionally, he had significant financial problems before he lost his job, including unpaid taxes from 2015. The Chapter 7 bankruptcy was filed only a few weeks after he lost the job, but the petition included a mortgage loan, two auto loans, and \$153,180 owed to unsecured creditors. AG ¶ 20(b) is not applicable.

Chapter 7 bankruptcy is a legal means of addressing one's burdensome debts, but it does not constitute a good-faith effort to repay overdue creditors or otherwise resolve debts within the meaning of AG ¶ 20(d). See, e.g., ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. Jun. 4, 2001)). AG ¶ 20(d) is not applicable.

Applicant's tax debt for 2015 was paid in February 2020, when \$2,298 was withheld from his refund for 2019 and applied to the taxes owed for 2015. His current finances appear stable, but there are warning signs. He has an auto loan with a balance of more than \$80,000 for a vehicle he bought last year. He initially testified this was the only vehicle he purchased since the bankruptcy. He then admitted that he and his late wife bought and sold an additional three vehicles since the bankruptcy. He now has the new vehicle and another vehicle that is owned without a loan or lien. It is unclear why he and his 13-year-old child have two vehicles. His financial issues are recent. They continue to cast doubt on his current reliability, trustworthiness, and good judgment. I am not convinced that financial problems are completely behind him. AG ¶ 20(a) is not

applicable. AG ¶ 20(c) is partially applicable. Financial considerations security concerns remain despite the presence of some mitigation.

### **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 have incorporated my comments under Guidelines E and F in my whole-person analysis. I considered Applicant's honorable military service, favorable character evidence, and that he is a disabled veteran. I also considered that I did not find Applicant credible and that he was dishonest throughout the security clearance process.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant did not mitigate the personal conduct and financial considerations 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 E:	Against Applicant
Subparagraphs 1.a-1.c:	For Applicant
Subparagraphs 1.d-1.e:	Against Applicant
Subparagraph 1.f:	For Applicant
Subparagraphs 1.g-1.h:	Against Applicant
Paragraph 2, Guideline F:	Against Applicant
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	Against 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.

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Edward W. Loughran  
Administrative Judge