



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



In the matter of:)
)
-----) ISCR Case No. 22-02484
)
Applicant for Security Clearance)

Appearances

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

11/09/2023

Decision

WESLEY, ROGER C. Administrative Judge

Based upon a review of the case file, pleadings, and exhibits, Applicant mitigated drug concerns. Eligibility for access to classified information or to hold a sensitive national security position is granted.

Statement of the Case

On January 5, 2023, the Department of Defense (DoD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant detailing reasons why under the drug involvement and substance misuse guideline the DoD could not make the preliminary affirmative determination of eligibility for granting a security clearance, and recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. The action was taken under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); *Defense Industrial Personnel Security Clearance Review Program*, DoD Directive 5220.6 (January 2, 1992) (Directive); and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017.

Applicant responded to the SOR in February 2023, and requested a hearing. The case was assigned to me on June 5, 2023. A hearing was scheduled for August 23, 2023, and initially heard on the date as scheduled. Because Applicant had not received the Government's exhibits by the time of the hearing, the hearing was adjourned and rescheduled for August 30, 2023. Within the seven days allotted for resending the Government's exhibits, the Government furnished Applicant the documents it intended to submit at the rescheduled hearing.

At the rescheduled hearing, the Government's case consisted of four exhibits (GEs 1-4) that were admitted without objection. Applicant relied on one witness (herself) and 12 exhibits (AEs A-N) that were admitted without objection. The transcript (Tr.) covering the rescheduled hearing was received on September 12, 2023.

Procedural Issues

Before the close of the hearing, Applicant requested the record be kept open to permit her the opportunity to supplement the record with a transcript of her administrative separation board proceeding in 2021. For good cause shown, she was granted 30 days to supplement the record. Department Counsel was afforded two days to respond. Within the time permitted,

Within the time permitted, Applicant supplemented the record with a letter explaining her unsuccessful efforts to obtain official documentation of her administrative board proceeding convened in 2021. Applicant's submission was admitted without objections as AE O. On my own initiative, I admitted DoD instruction 1010.16, entitled *Technical Procedures for the Military Personnel Drug Abuse Testing Program* (effective June 15, 2020) for consideration, after copying the parties and receiving no objections, as hearing exhibit HE 1.

Summary of Pleadings

Under Guideline H, Applicant allegedly received a General Under Honorable Conditions discharge from her Air Force National Guard unit after testing positive for THC during a random urinalysis screening conducted in approximately February 2021. The allegations were cross-alleged under Guideline E.

In Applicant's response to the SOR, she admitted the allegations with explanations. She claimed that she was aware of the requirements needed to retain the security clearance she was granted while holding a security clearance. She claimed, too, that the THC she tested positive for in February 2021 came from a vape pen she mistakenly accepted from her mother-in-law and used.

Claiming important lessons learned from accepting vape pens from others while not being more careful about checking the contents before using the device, she without strangers, she aimed to be more vigilant in the future in her efforts to ensure such an incident never happens again. And, she claimed she never had an intention to use illegal drugs of any kind and has no intention of using them in the future.

Findings of Fact

Applicant is a 30-year-old employee of a defense contractor who seeks a security clearance. The admitted allegations are incorporated and adopted as relevant and material findings. Additional findings follow.

Background

Applicant has never entered into a civil marriage or legally recognized civil union, but has cohabited with another since August 2021 and considers herself married, although not legally married. She has no children. (GE 1) She earned a high school diploma in May 2011 and completed military training classes between May and November 2013 without earning a degree or diploma. (GE 1) Between November 2015 and May 2016, she attended military university classes without earning a degree or diploma. (GE 1) Applicant enlisted in the U.S. Air Force (AF) in March 2013 and served three years of active duty before receiving an honorable discharge in December 2016. (GE 1) She enlisted in the AF National Guard in her state of residence in December 2016 and served four and one-half years of Active Reserve duty. (GE 1) In May 2021, she received a general discharge under honorable conditions after testing positive for THC during a random urinalysis screening conducted in approximately February 2021. (GE 1)

Since June 2021, Applicant has worked for her current employer as a simulator technician. (GE 1) Previously, she worked for another defense contractor as a simulator technician. Between December 2016 and May 2021, she was employed as a full-time military technician for her Air National Guard unit. Applicant held a security clearance throughout her active-duty AF career. (GE 1-4 and AEs A-B and D; Tr. 13-14)

Applicant's positive drug test

During her three years of active AF duty, Applicant never used illegal drugs (marijuana included) and was randomly tested for illegal drugs five to six times without any positive test results. (Tr. 33-34) Drug testing was also a requirement for her current job, which she passed in 2021. (Tr. 33)

In February 2021, Applicant tested positive for THC in her system during a random urinalysis screening in February 2021. (GEs 1-2) How much THC was found in her system is unclear, as no documented test findings were supplied by either the Government or Applicant. As the direct result of her positive drug test, she received a General Discharge Under Honorable Conditions. (GEs 1-2) Applicant does not deny her positive drug test; she only disputes any inferred pre-test knowing and intended ingestion of THC.

More specifically, Applicant denied any intentional or knowing receipt and use of marijuana or other illegal drugs containing THC in either February 2021, or at any time preceding or after her positive drug test. (GEs 1-2 and AE D; Tr. 33-38) She assured

she borrowed a vape pen from her mother-in-law during a visit to her home while her husband was away on AF deployment. (Tr. 43-44) The mother-in-law told Applicant she used the vape pen to mitigate her back pain. (Tr. AE C; Tr. 42) Detecting no scent and finding no reason to believe the vape pen might contain a substance other than nicotine, she accepted the vape pen from her mother-in-law and inhaled one time. (Tr. 41-42) Unbeknownst to her, the vape pen contained THC. (GEs 1-2 and M; Tr. 40) While the vape pen did not taste right to her in the one time she inhaled from the pen, she encountered no symptoms that would have prompted her to believe she might have inhaled a controlled substance. (Tr. 42-43)

Applicant was corroborated on her account of innocence by her mother-in-law who denied any knowledge of THC contents in the vape pen she furnished Applicant. (AE C; Tr. 35) While Applicant could not attest to her mother-in-law's overall character (claiming she regularly acts without consideration of others), she did not deny or question the truthfulness of her mother-in-law's own denial of any knowledge of the contents of the vape pen. (Tr. 35) Since the incident, her mother-in-law moved back to her previous state of residence. Because of some of the character questions Applicant harbored about her mother-in-law, she has kept her communications with her to a minimum. (Tr. 35)

While acknowledging her smoking from the vape pen loaned her by her mother-in-law and later testing positive for THC (i.e., 34 ng/mL) in her system in a conducted random drug test, she denied knowing at the time that the substance she inhaled contained THC. (Tr. 38) While she didn't challenge the sufficiency of the test results, she never offered any specific detailed knowledge of DoD's testing criteria when asked. (Tr. 38)

Without the full testing details of Applicant's February 2021 randomized drug-testing results and administrative record of the Air National Guard separation proceedings, testing results detailing the percentage of THC content in her blood stream cannot be reliably traced and evaluated. DoD's Technical procedures for its drug testing program prescribes two check points for testing an applicant's THC level in a randomized drug test. (HE 1) One records the initial screening level of THC in the applicant's blood stream and refers any testing of a subject's THC concentration test results exceeding the 50 ng/mL cutoff level to further testing for a confirmatory test cutoff concentration level. See *DoD Instruction 1010.16, supra*. For confirmatory test cutoff concentrations, the test cutoff concentration is only 15 ng/mL (HE 1)

Whether Applicant's reported 34 ng/mL THC content from her February 2021 urinalysis represented her initial screening result or an ensuing confirmatory test result is unclear. Applicant admitted only that her reported 34 ng/mL test result exceeded a 15 ng/mL limit when asked, without clarifying whether her reported 34 ng/mL test results represented the initial screening results or the confirmatory results. (Tr. 38) Without documented test results and the transcript of the Administrative Separation Board's proceedings, findings on the core issue of whether Applicant knowingly and consciously ingested THC from her borrowed vape pen cannot reliability determined. Although DOHA fact finders are not estopped from making favorable findings on issues of

knowledge and intent that presumably run contrary to the findings of a separation board, they are constrained to respect a separation board's findings unless challenged by facts that clearly warrant different results. Without the Administrative Separation Board's findings and transcript to review the Board's findings must be respected and adopted.

When asked about what she faced from the convened Administrative Separation Board, Applicant replied that the Board was interested in two issues: whether she intentionally smoked marijuana and if so, whether she should be separated. (Tr 52) While she believed that some of the Board members were not convinced she knowingly ingested THC from a borrowed vape pen, she came away from the hearing with the impression that the Board's legal office could not excuse her from any imputed knowing ingestion of THC and mandated her separation without breaking precedent with an exception. (Tr. 53-56)

Convinced her chain of command believed her and worked to retain her, her command, she acknowledged her command's ultimate reliance on its furnished legal advice and issuance of a General Discharge Under Honorable Conditions to Applicant in May 2021. (Tr. 53-54) Without the transcript of the Board's proceedings to validate her recited understanding of what transpired in the proceedings, her understanding of what transpired in the proceedings cannot be substituted for the Board's implicit findings of knowing use of a substance containing THC.

With no administrative record to verify and validate Applicant's impressions, the most that can be inferentially drawn from Applicant's Administrative Separation Board's findings is that the Board hearing her claims found enough wrongful or reckless use of her borrowed vape pen to warrant a general discharge under honorable conditions. (GEs 1-2 and AE D) Because she did not elect to appeal the Board's general discharge findings to the Air Force's board of correction, the Administrative Separation Board's findings and conclusions were finalized. (Tr. 57)

When the concentration of THC in tested urine exceeds 50 ng/mL, most tests will yield a positive result according to data compiled by the Centers for Disease Control and Prevention. See <https://www.cdc.gov>. In defense of her assurances that she did not knowingly ingest THC-laced content with the vape pen furnished her, she claimed she found the pen to have "no scent" and produced no sense of drug intoxication. (GE 1) Only after she was randomly tested for illegal drugs days later did she learn that her borrowed vape pen contained THC. (GEs 1-2 and AE O) To reinforce her own understanding of typical symptoms of intoxicating use of marijuana products, she cited a study from the National Library of Medicine that identified some typical symptoms associated with ingested high doses of marijuana. (AE G)

Besides denying any knowing and intended ingestion of THC from the vape pen she was provided in February 2021, Applicant cited the legalization of marijuana in her state of residence, while acknowledging its illegality under federal law and DoD drug policy constraints. (GEs 1-2) What this illustrates is Applicant's understanding of the comparative legal criteria to be applied when assessing the credibility of her claims that

she had no pre-test knowledge of the THC contents in the vape pen she was furnished by her mother-in-law.

What the comparison of her understanding of the respective federal and state laws does not answer is the question of what criteria should be used to assess her own credibility. Should credibility inferences of actual knowledge or intention to use a THC-laced product be drawn based on the consideration and weighing of Applicant's subjective claims of a lack of knowledge and intent, or should a more objective civil standard be used that takes account of all of the surrounding circumstances?

Using an accepted DOHA blend of personal subjective knowledge and intention accounts of the applicant assessed along with all of the surrounding circumstances, Applicant's credibility is firmly established in the accounts she has given with the aid of corroborating sources. Even without an administrative record of the detailed test results and ensuing Administrative Separation Board proceedings to fully assess and evaluate the merits of a discharge based solely on her positive test results, Applicant can be presumed to have offered a consistent account of her lack of knowledge and intent to the administrative separation board (even if ultimately rejected by the board).

Endorsements

Applicant's chain of command and current supervisors and coworkers hold Applicant in high esteem and confidence. (AEs H-N) Uniformly, they credit her with an exemplary work ethic, honesty, professionalism, trustworthiness, and overall outstanding character. Her references expressed knowledge of her positive drug test without covering the details. (AEs H-N; Tr. 24-25) Applicant earned numerous awards recognizing her AF contributions. (Tr. 19)

Policies

By virtue of the jurisprudential principles recognized by the U.S. Supreme Court in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988), "no one has a 'right' to a security clearance." 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. Eligibility for access to classified information may only be granted "upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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, these guidelines are applied 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, reliable information about the person, past and present, favorable and unfavorable.

The AGs list guidelines to be considered by judges in the decision-making process covering DOHA cases. These AG guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual's reliability, trustworthiness, and ability to protect classified information. The AG guidelines include conditions that could raise a security concern and may be disqualifying (disqualifying conditions), if any, and all of the conditions that could mitigate security concerns, if any. These guidelines must be considered before deciding whether or not a security clearance should be granted, continued, or denied. Although, the guidelines do not require judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in arriving at a decision.

In addition to the relevant AGs, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in ¶ 2(a) of the AGs, which are intended to assist the judges in reaching a fair and impartial, commonsense decision based on a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a sufficient period of an applicant's life to enable predictive judgments to be made about whether the applicant is an acceptable security risk.

When evaluating an applicant's conduct, the relevant guidelines are to be considered together with the following ¶ 2(d) factors: (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 of the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Viewing the issues raised and evidence as a whole, the following individual guidelines are pertinent herein:

Drug Involvement

The Concern: The illegal use of controlled substances, to include the misuse of 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. AG ¶ 24.

Personal Conduct

The Concern: 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 and adjudicative processes. . . AG ¶ 15.

Burdens of Proof

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 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 "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. See also Exec. Or. 12968 (Aug. 2, 1995), § 3.1.

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. 95-0611 at 2 (App. Bd. May 2, 1996).

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 ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Security concerns are raised over Applicant's receipt of a General Under Honorable Conditions discharge from her Air National Guard unit in May 2021 after testing positive for THC during a random urinalysis screening conducted in February 2021. Her reported positive drug test raises security concerns over whether Applicant's

actions reflect pattern marijuana use incompatible with the judgment, reliability, and trustworthiness requirements for gaining access to classified information.

Drug involvement concerns

Applicant's randomized positive test for marijuana in 2021 warrants the application of four disqualifying conditions (DCs) of the AGs for drug involvement. Applicable DCs are DC ¶¶ 25(a), "any substance misuse"; 25(b) "testing positive for an illegal drug"; 25(c), "illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase sale, or distribution; or possession of drug paraphernalia," and 25(f). "any illegal drug use while granted access to classified information or holding a sensitive position."

Before addressing the merits of Applicant's challenges of the allegations that she tested positive for THC during a random urinalysis screening conducted in February 2021, questions need addressing about which test results were used to find Applicant violated the DoD's drug guidelines. The SOR references a screening urinalysis that both Applicant and the Government agree registered 34 ng/m. The DoD drug-testing guidelines assign a cutoff of 50 ng/mL for initially screen-tested individuals and only refer the test results for further testing in the event the individual's urine specimen exceeds the 50 ng/mL cutoff threshold.

Referred positive tests that are confirmed are subject to a lower cutoff rate of 15 ng/mL Neither the SOR nor the evidence of record provide clarification of which testing level was used to prompt Applicant's Air National Guard to issue a general under honorable conditions discharge to Applicant in 2021. Without the necessary testing clarity, it becomes understandable for Applicant to use the screening level cutoff to emphasize the low level 34 ng/mL cutoff found in her system when initially tested. Whether testing results for Applicant's urine specimen ever achieved a below 15 ng/ml level for positive test confirmation is unclear and cannot be resolved without Applicant's documented test results.

Applicable federal law on the use of controlled substances

To prove a violation of the Controlled Substance Act (21 U.S.C. § 829(a)), the Government must establish an applicant's "knowing and intentional" violation of the Act. (CSA) While proof standards for demonstrating knowledge and intention to use THC-laced products (inclusive of marijuana) in DOHA proceedings are not totally limited to an applicant's subjective personal account, they do require consideration of circumstances surrounding the individual's use of the product that take into account the person's experience with the product (if any), visible signs or scents that the product might contain a controlled substance, the reliability of the source, and other indicators that could be expected to arouse the person's suspicions. See ISCR Case No. 22-01176 at 5, n. 2 (App. Bd. Oct. 2023) While use of a reasonable, good-faith belief standard (a recognized civil standard of proof) might be used as an aid in evaluating an applicant's claimed unknowing and unintended use of a banned THC product, it may not be used as a substitute for a subjective intent test that takes account of the applicant's personal

claims of innocence and the surrounding circumstances in making an overall credibility assessment.

Evidentiary sufficiency of Applicant's knowledge denials

Any inferences to be drawn of unlawful use or possession of an illegal substance (e.g., THC) must be the result of a knowing and intentional use or possession of a banned controlled substance. This requirement holds for not only criminal and civil court cases, but ISCR cases as well where all that is required to meet the Government's initial burden is the making of a *prima facie* case. See *Ruan v. United States*, 142 Sup. Ct. 2370, 12378 (2023) Plausible explanations for Applicant's positive drug test results for THC (likely from marijuana) in February 2021 are quite limited based on the evidence in the record. What is at issue is the state of Applicant's knowledge and intentions when she accepted her mother-in-law's vape pen inside her pen.

Application of the kind of subjective intent standard in Applicant's case in making a credibility assessment of her innocence still requires consideration of all of the surrounding circumstances before assigning any inferred acceptance of her account of her vape pen incident. Using this set of factors to assess the credibility of Applicant's claims of innocence, Applicant's claims of not knowing or intending to inhale THC-laced marijuana or other federally controlled substance cannot be accepted and incorporated without an administrative record (inclusive of a transcript) to verify her claims.

Still, Applicant's positive drug test in February 2021 was an isolated incident that is highly unlikely to recur in the foreseeable future, given the lessons she has learned from this experience in what has otherwise been a drug-free lifestyle (both before and after her 2021 positive drug test). With an otherwise unblemished record of abstinence from illegal drug use and a rich glossary of reassurances of reliability and trustworthiness from her supervisors and colleagues, safe predictions and be made of her avoiding illegal drugs in the future. Fully applicable to Applicant's situation is MC ¶ 26(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." With all of her character support from her prior command and current civilian supervisors and colleagues, the incident is not considered to cast doubt on her current reliability, and trustworthiness.

Personal conduct concerns

Cross-alleged under Guideline E are security concerns raised over Applicant's receipt of a General Under Honorable Conditions discharge in May 2021 based on her testing positive for THC during a random urinalysis screening in February 2021. The concerns raised are fully covered by the Guideline H assessment and are concluded to be isolated and unlikely to recur. Fully applicable to Applicant's situation is MC ¶ 17(c), "the offense is so minor, or so much time has passed, or the behavior is so infrequent, 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." By treating Applicant's positive test of THC to be isolated and unlikely to recur considering

all of the circumstance surrounding the incident itself and her overall history, a formal finding of whether knowledge and intent to use a controlled substance need not be reached and formally resolved.

Whole-person assessment

Whole-person assessment of Applicant's clearance eligibility requires consideration of whether her positive drug test and resulting General Discharge Under Honorable Conditions discharge is fully compatible with minimum standards for holding a clearance. Taking into account Applicant's credited defense contributions and her unblemished record of drug avoidance (both before and after her positive 2021 drug test) and the strong character references she has received from both members of her Air National Guard command and current employer, she is credited with making a sufficient showing of good judgment, reliability, and trustworthiness to overcome the Government's concerns about her positive drug test and resulting General Under Honorable Conditions discharge from her Air National Guard unit to satisfy minimum requirements of trust, reliability, and judgment for holding a security clearance.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person, I conclude that drug involvement and personal concerns are mitigated. Eligibility for access to classified information is granted.

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:

| | |
|---------------------------------|---------------|
| GUIDELINE H (DRUG INVOLVEMENT): | FOR APPLICANT |
| Subparagraph 1.a: | For Applicant |
| GUIDELINE E (PERSONAL CONDUCT): | FOR APPLICANT |
| Subparagraphs 2.a | For Applicant |

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Roger C. Wesley
Administrative Judge