



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
) USN-M 22-02458-R
)
Applicant for Security Clearance)

Appearances

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

03/31/2023

Decision

MASON, Paul J., Administrative Judge:

Based on the record as a whole, Applicant’s evidence in mitigation is insufficient to overcome the security concerns remaining under drug involvement (Guideline H) criminal conduct (Guideline J). Applicant’s eligibility for access to classified information is denied.

Statement of the Case

On October 4, 2022, Department of Defense Consolidation Adjudication Services (DoD CAS) revoked Applicant’s eligibility for access to classified information and Applicant appealed that revocation under the provisions of DoDM 5200.02. On December 2, 2022, the Under Secretary of Defense (Intelligence & Security), Ronald S. Moultrie issued a memorandum indicating that any individual whose clearance eligibility was revoked or denied between September 30, 2022, and December 2, 2022, shall be afforded the opportunity to pursue the Defense of Hearings and Appeals (DOHA) hearing and appeals process set forth in DoD Directive 5220.6. As a result of Under Secretary Moultrie’s Memo, Applicant was given an opportunity to receive the process set forth in DoD Directive 5220.6, and Applicant elected that process on February 5,

2023. Although he is not currently employed in a position requiring access to classified information, jurisdiction continues under Paragraph 4.4 of the Directive under these unique circumstances.

On January 19, 2023, after this case was assigned to me, a notice of hearing was sent to Applicant scheduling a hearing on February 8, 2023, via Microsoft Teams Teleconference Services; the hearing was held as scheduled. The Government's 13 exhibits (GE) 1-13 were admitted in evidence. Applicant's objections to GE 8 and 13, and the Motion in Limine, will be discussed below in Rulings on Evidence. The motion is marked as Hearing Exhibit (HE) 1. Applicant's four exhibits (AE) A-D have been remarked as five exhibits (AE A-E) to account for the one-page February 2022 court record (AE D) that was overlooked. AE A-E were admitted without objection. On February 21, 2023, Applicant provided post-hearing documentation (AE F) consisting of a record of five urinalysis tests and results processed between October 2021 and July 2022, which were entered into evidence without objection. I have also marked and entered into evidence *sua sponte* AE G, Applicant's one-page email dated February 5, 2023, providing his response to the Motion in Limine and statements regarding fentanyl's window of detection in the human body. The hearing transcript (Tr.) was received on February 17, 2023.

Rulings on Evidence

Applicant objected to GE 8 (Arrest report for domestic assault, dated February 24, 2022, resulting in ¶ 2.a protection order) because he did not confess to an "assault" in describing how he made contact with his four-year-old child. Instead, he characterized his conduct as disciplining his child. (Tr. 21) The arresting officer testified at the February 2023 security clearance hearing that on February 24, 2022, the day of the arrest, Applicant explained that he was disciplining the child, and that is how the marks appeared on the child's body. (Tr. 36-37) Applicant's objection is overruled.

Applicant also objected to GE 13, an email statement by the same officer who arrested him in February 2022, whom Applicant encountered outside a courtroom on April 7, 2022. (Though there is no direct evidence indicating that the encounter related to Applicant's pending domestic assault or protection order (PO) cases, I find that the interaction demonstrated Applicant's hostile attitude toward the arresting officer.) This officer testified about their April 7, 2022 encounter outside a courtroom. Applicant's objection to GE 13 (Tr. 24) and the potential testimony of the arresting officer (Tr. 32) was based his belief that the officer's testimony would not be objective because the officer was under investigation by internal affairs division of his employer. (Tr. 32) I overruled Applicant's objections and advised him he could cross examine the officer to test the veracity of his testimony. (Tr. 24, 33)

On February 4, 2023, the Government filed a Motion in Limine to Exclude the Polygraph Report, an exhibit (AE B) submitted by Applicant on December 23, 2022. (Tr. 25) The primary reason for the motion was that polygraph results are inadmissible in DOHA proceedings. ISCR Case No. 15-07539 at 5, note 3 (App. Bd. Oct 18, 2018) See

also ISCR Case No. 94-1057 (August 11, 1995) at p.6 (citing *Wyrick v. Fields*, 459 U.S. 42, 48 n.* (1982) However, statements made during the polygraph examination are admissible. Even if the results were admissible, Department Counsel emphasized that Applicant's responses to the three questions asked by the polygrapher were structured incorrectly as the questions were focused on Applicant's knowing use of fentanyl rather than his knowing use of a controlled substance. I rule that the polygrapher's results assessment, the last entry on page 1, his opinions, pages 6 through 8, and the polygrapher's background, including how the report should be handled, page 9, will not be considered. I will evaluate Applicant's responses to the questions in light of the record evidence. ISCR Case No. 02-31428 (App. Bd. January 20, 2006) See also Tr. 25-30.

Summary of SOR Allegations

Guideline H (Drug Involvement)

At the outset, since Applicant did not provide a response to the SOR, his responses will be based on his testimony and the exhibits he submitted at and after the hearing. SOR 1.a - Drug test results dated November 2, 2021, disclosed that Applicant tested positive for fentanyl, a Schedule II drug, during a urinalysis drug test conducted on October 12, 2021. Applicant's illegal drug use occurred after he was determined to be eligible for a secret security clearance on February 11, 2013. Applicant admitted he took the urinalysis test, but the positive test result showing the presence of fentanyl was wrong, as he had not ingested the drug. (Tr. 54) He believed the positive test results for fentanyl represented a testing error by the laboratory. (AE A)

SOR 1.b - On an SF Form 86 (security clearance application), signed by Applicant on December 2, 2009, he disclosed under Section 22 (police record) that he was arrested in July 2009 for marijuana possession and use. Under Section 23 (illegal use of drugs or drug activity), Applicant disclosed that he used marijuana about six times from May to July 2009. He admitted that he was arrested in July 2009 for marijuana possession and that he used marijuana up to six times between May and July 2009. (GE 1 at 28-31; Tr. 52)

Guideline J (Criminal Conduct)

SOR 2.a (Criminal Conduct) – An operations center continuous evaluation report, dated May 3, 2022, disclosed that Applicant received a protection order (PO) from a city police department on March 11, 2022. The PO was scheduled to expire on March 11, 2023. Applicant admitted this allegation.

SOR 2.b - Drug test results dated November 2, 2021, disclosed that Applicant tested positive for fentanyl, a Schedule II drug, during a urinalysis conducted on October 12, 2021. Applicant's denial of Guideline H also applies to Guideline J.

SOR 2.c - In Applicant's SF 86, dated December 2, 2009, he disclosed under Section 22 (Police Record) an arrest for marijuana in July 2009. Under Section 23

(Illegal Use of Drugs), he disclosed that he used marijuana about six times from May to his arrest in July 2009 for possession of marijuana. Applicant's drug abuse in the 2009 time period also constitutes criminal conduct.

Findings of Fact

Applicant is 34 years old and has three of his five children from his estranged wife who he filed for divorce from in December 2021. (Tr. 50-51) He has a high school diploma (GE 1 at 10), and attended college briefly in 2008. He received vocational training as a hydraulic repair technician and was employed as a structural mechanic in the United States Navy (USN) since February 2010. He received his security clearance in February 2013. He is scheduled to resume his college education by enrolling for the spring semester of 2023, and is pursuing an associate degree in social science. (Tr. 6-7) Applicant is currently unemployed. (Tr. 6-7, 51-52)

SOR 1.a (Drug Involvement) – On October 12, 2021, Applicant submitted to a urinalysis test. His drug test results dated November 2, 2021 registered positive for fentanyl, a Schedule II drug. (GE 2 at 1) Email correspondence dated November 3, 2021, provided by Applicant's security management office indicated that none of his prescription records would generate positive results for fentanyl. (AE 2 at 2-3) His other urinalysis test results in 2022 were negative except for the November 2, 2021 result. (GE 2 at 4) Documentation shows the chain of custody in the processing and handling of the urine sample from October 12, 2021 through October 20, 2021. The date the test results were processed by the Armed Forces Medical Examiner System was October 25, 2021. The urine specimen was kept in frozen storage until February 2023. (GE 2 at 5-9; GE 9 at 5-6; AE F at 2)

When Applicant took the urinalysis on October 12, 2021, he was assigned to the Norfolk Naval Hospital awaiting a medical separation from the Navy. His job was to check the credentials of people entering the hospital. Because of a compromised immune system, he had to stop working in that position. (Tr. 52-53)

After receiving the positive urine test result on November 3, 2021, Applicant indicated that he provided another urine sample for a second test on the same day or the next day. Common sense should have convinced Applicant to seek a retest of the original urine sample. The results of the second test of the other sample were negative, but he did not submit the documented results of the test. If the results had been positive, Applicant surmised he would have been informed because fentanyl only remains in the system for about 72 hours. (Tr. 66-70; AE G) No documentation addressing the retest, or a blood test administered by the drug and alcohol awareness program manager about a week later, was submitted.

After receiving the positive test results on November 2, 2021, Applicant retained a polygrapher and took a polygraph test on November 23, 2021 (AE B at 1), to verify the accuracy of his positive urine test results dated November 2, 2021. His purpose for taking the test was to support his claim that he did not knowingly take the

fentanyl drug. In his responses to three questions posed by the polygrapher during the examination, he indicated that he did not knowingly ingest the drug or any narcotic during the month of October 2021.

On November 24, 2021, Applicant underwent a hair follicle test where a sample of his underarm hair was examined. Applicant was bald when he was arrested in February 2022 (GE 8 at 4), and at the security clearance hearing in February 2023. Between November 24 and December 3, 2021, the hair was tested and determined to be negative for fentanyl. The test was conducted by a laboratory, and the results were reviewed and certified. (AE C) No additional information, i.e., chain of custody evidence to ensure the integrity of the hair sample, was submitted regarding the hair follicle test. There is no indication that Applicant's photograph was taken at the time the hair was removed.

On September 15, 2022, an administrative separation board of the USN met to hear Applicant's case and then make findings and render a recommendation of whether to retain, separate, or suspend Applicant. Among the five exhibits presented by the government was a positive urinalysis and technical review of the analysis. By a preponderance of the evidence, the board found the evidence did not support Applicant's separation from the service. A transcript of the proceedings, as well as the board's findings and recommendations, were not included in the exhibit. (GE 9 at 1-6)

SOR 1.b – Applicant signed an SF 86 (security clearance application) on December 2, 2009. Under Section 22 (Police Record), he disclosed that he was arrested in July 2009 for marijuana possession. Under Section 23 (Illegal use of Drugs), he disclosed that he used marijuana up to six times between May and July 2009. He was charged with possession of marijuana in July 2009. (GE 1 at 29-30; Tr. 52, 54-56)

SOR 2.a (Criminal Conduct) – A continuous evaluation report, dated May 3, 2022, indicates that Applicant received a protection order (PO) by a judge in a domestic relations court in Norfolk, Virginia on March 11, 2022, after a hearing. The PO was set to expire on March 11, 2023. (GE 3) Applicant testified that his wife informed the domestic relations judge at the March 2022 PO hearing that she feared for the safety of the children, and she stated to the police that she feared for her own safety. Applicant did not believe that his wife told the judge that he had assaulted her. The PO was issued by the juvenile judge who determined that Applicant excessively disciplined his children. Applicant appealed the March 2022 PO, and a hearing was scheduled for April 28, 2022 to determine whether the PO should be modified. When he did not appear for the hearing, the original protection order was continued to "remain in full force and effect" until the March 2023 expiration date. (GE 10); Tr. 60-61)

At the time of the February 2023 security clearance hearing, Applicant was aware that under the continuing restrictions of the PO, he still could not have contact with his estranged wife or children. Applicant's last contact with his wife and children was in February 2022. (Tr. 58-62)

The basis for the PO was a criminal charge dated February 24, 2022, lodged by Applicant's estranged wife against him for domestic assault and battery of Applicant's four-year-old child. The officer who participated in the February 2022 domestic assault arrest, the PO, and the April 7, 2022 encounter outside the domestic relations courtroom, also testified at the February 2023 security clearance hearing. (GE 8 at 7-12, 10; Tr. 30-31) The arresting officer testified that he has been on the city police force for three years. On February 24, 2022, he was dispatched to Applicant's family residence where the alleged assault occurred. He observed certain minor injuries on one of Applicant's children, a four-year-old child. Applicant's wife informed the officer that Applicant physically assaulted the child. Applicant stated to the officer that he was disciplining the child and explained that was how the marks appeared on the child's body. While the officer did not remember whether Applicant had consumed alcohol at the time he imposed the discipline, the information is noted in his report. Applicant was arrested for domestic assault and battery. (GE 4; GE 8 at 14; Tr. 35-37; AE D)

The officer testified that, as a result of a bench trial, the juvenile court judge found Applicant guilty of domestic assault of a family member. (Tr. 39) Applicant appealed the verdict to the Circuit Court and was found not guilty and the case was dismissed in November 2022. The court records show the case was dismissed. (GE 4; Tr. 37-39; AE D)

The arresting officer in the domestic assault case testified that he had an encounter with Applicant on April 7, 2022. (GE 13, email dated January 31, 2023) The exhibit indicates that while waiting outside the domestic relations courtroom, Applicant directed some vulgar language at the officer, the police profession in general, and made threatening statements to the officer. The officer had done nothing to provoke the antagonistic behavior by Applicant. In recounting the events during the February 2023 hearing, the officer testified he was walking down the hall towards the courtroom, when Applicant stopped him. The officer indicated that Applicant used profane language in the manner described in GE 13. Applicant objected to the officer's testimony claiming that the officer's account of the events outside the courtroom never occurred. Later during the officer's testimony indicating that he had done nothing to provoke the hostility, Applicant accused the officer of having sexual relations with Applicant's wife. (Tr. 40-41)

On cross-examination, Applicant asked the officer whether he was aware of what constitutes domestic assault of a child in the state where Applicant was arrested. The officer explained that because he was only "mildly aware" of the domestic assault of a child, he contacted the special crimes detectives before the arrest. (Tr. 42) The officer confirmed that in November 2022, Applicant was ultimately found not guilty of the domestic assault. (Tr. 43)

SOR 2.b – Drug test results dated November 2, 2021, disclosed that Applicant tested positive for fentanyl, a Schedule II drug, during a urinalysis drug test conducted on October 12, 2021. Applicant's illegal drug use occurred after he was determined to be eligible for a secret security clearance on February 11, 2013.

SOR 2.c - Applicant admitted that he used marijuana several times in 2009. In July 2009, he was charged with simple possession marijuana and false declaration of ownership in pawn (a false declaration of ownership of property to a pawnshop). Applicant was charged with the false declaration offense (a felony) after he tried to sell some stolen gold rings to a pawnshop. The judge dismissed both charges when Applicant indicated his intention to enter the USN. (GE 1 at 29-30; GE 7 at 2; GE 11; Tr. 52, 54-56)

In September 2012, Applicant left three of his young children unattended in his car while he went shopping in a military store. He acknowledged to law enforcement that he left the children in his car and indicated he would not repeat his conduct. He was taken to Captain's Mast and was awarded 45 days restriction, reduction in grade, and pay forfeiture, with the entire sentence suspended. (GE 5; Tr. 62-64) This 2012 offense, which is not alleged in the SOR, will be considered under the whole-person section of this decision. See ISCR Case No. 12-09719 at 3 (App. Bd. April 6, 2016)

Character Evidence

Applicant's DD Form 214 reflects the following medals, badges, ribbons, and citations: 1 Armed Forces Medal; 4 Navy Good Conduct Medals; 1 Navy Pistol Marksmanship Ribbon; 2 Navy and Marine Corps Achievement Medals; 1 National Defense Service Medal; and 1 Global War on terrorism Citation. In October 2022, Applicant received an honorable discharge and was transferred to the permanent retired list. (AE E)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. These guidelines, which are not inflexible rules of law, should be applied with common sense and the general factors of 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(d) 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 applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion in seeking a favorable security decision.

Analysis

Drug Involvement and Substance Misuse

The security concern under the Drug Involvement/Substance Abuse Guideline is set forth 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.

AG ¶ 25. Conditions that could raise a security concern and may be disqualifying include:

- (a) any substance misuse (see above definition);
- (b) testing positive for an illegal drug;
- (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.

SOR 1.a (Drug Involvement) - Applicant's positive urinalysis test results in November 2021 activate AG ¶¶ 25(a) and 25(b). The evidence also triggers AG ¶ 25 (c) because misusing an illegal drug involves possession of the drug. Applicant's misuse of the drug in October 2021 while possessing a security clearance invokes AG ¶ 25 (g).

In denying he used fentanyl, Applicant claims the positive urinalysis was the result of a testing error during the processing of the urine sample. Significantly he provided no evidence demonstrating that the test was performed incorrectly or unsatisfactorily.

Applicant's use of marijuana up to six times between May 2009 and his arrest in July 2009 for marijuana possession, falls within the parameters of AG ¶¶ 25 (a) and 25 (c).

AG ¶ 26. Conditions that could mitigate security concerns include:

(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 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.

SOR 1.a - Applicant's positive fentanyl test results occurred less than two years ago. There is no evidence of the duration or circumstances of his use of the drug. His use of fentanyl while holding a security clearance raises concern about his reliability, trustworthiness, and good judgment. AG ¶ 26(a) does not apply. AG ¶ 26(b) does not apply because Applicant did not acknowledge his fentanyl use and provided no evidence to establish AG¶¶ 26(b)(1), 26(b)(2), or 26(b)(3).

Applicant relies on the November 23, 2021 polygraph and the hair follicle test results to support his denial of fentanyl use. His negative answers to the three polygraph questions carry little weight because of Applicant's obvious interest in the outcome of the examination, and ultimately, in the renewal of his security clearance. Similarly, I do not place much weight in the hair follicle test results because of the lack of evidence verifying the chain of custody of the specimen between the time the sample was collected and the production of the test results.

The September 2022 administrative board decision recommending that Applicant not be separated from the service, could have been made for a variety of reasons. However, there is no documentation of a record or findings and recommendations to enlighten me on what those reasons were. Accordingly, I cannot

assign much weight to the board decision. In sum, insufficient time has passed to mitigate Applicant's fentanyl use.

SOR 1.b – Applicant's marijuana use is mitigated because of the passage of at least 13 years since his last use of the drug.

Criminal Conduct

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

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 potential disqualifying conditions under AG ¶ 31 are:

(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 charged, prosecuted or convicted; and

(c) individual is currently on parole or probation.

SOR 2.a - On February 24, 2023, Applicant was arrested and charged with domestic assault of his four-year-old child. The arrest was based on visible bruises on the victim and the statements by Applicant's former wife indicating her fear for family members. Because he was unsure of what constituted domestic assault, the arresting officer consulted the special crimes unit of the police department. As a result of his former wife's statements of fear for the children's safety, a juvenile court judge entered a PO against Applicant on March 11, 2022. The PO was scheduled to expire after the security clearance hearing on March 11, 2023. Applicant's domestic assault on a family member was a credible allegation resulting in a lower court conviction that was reversed later in November 2022 by the higher court. AG 31 (b) applies. Due to the recent expiration of the PO, insufficient time has passed to remove AG ¶ 31(c) as a disqualifier.

SOR 2.b - Applicant's drug involvement leading to positive test for fentanyl on November 2, 2021, is cross alleged under criminal conduct even though Applicant was not formally charged with a crime. The positive fentanyl test in November 2021 establishes a credible allegation of fentanyl use under AG ¶ 31(b).

Applicant's drug involvement with marijuana about six times from May 2009 to his arrest in July 2009 for possession of the drug is cross-alleged under criminal conduct. AG 31(b) applies.

AG ¶ 32 lists the pertinent mitigating conditions that may be applicable in this case:

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

(d) there is evidence of successful rehabilitation; including, but 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.

SOR 2.a - There is evidence that Applicant has been complying with the conditions of the PO. Applicant's good performance record is demonstrated by the citations and awards that he has received while in the USN. He plans to resume his education in the spring of 2023 by seeking an associate degree in social science. But the most persuasive evidence of reform and rehabilitation begins with the complete acceptance of past adverse conduct to prevent a recurrence in the future. Mitigating evidence under AG ¶ 32(d) is limited.

SOR 2.b - Applicant's positive test for Fentanyl occurred less than two years ago. He has submitted no evidence to indicate that the testing of the urine sample was executed incorrectly or incompetently. Conversely, AG ¶ 32(a) applies to mitigate Applicant's marijuana use because of at least 12 years of abstinence.

Whole-Person Concept

I have examined the evidence under the specific guideline (financial considerations) in the context of the nine general factors of the whole-person concept 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 access to classified information must be an overall common-sense judgment based upon careful consideration of the guidelines and the whole-person concept.

Applicant has been in the USN almost 13 years. In that time, he earned several awards, medals and ribbons for his service to the United States. However, in November

2021, Applicant tested positive for fentanyl. He presented no evidence that established that the test was improperly or unreliably performed. Though he submitted evidence of negative urine tests taken before and after the positive test, he provided no evidence of a retest of the original urine specimen that was retained in frozen storage until February 2023. Considering the entire record, including the disqualifying and mitigating evidence, and the anger management issues that surfaced during the security clearance hearing, Applicant has not met his ultimate burden of persuasion under the drug involvement and criminal conduct guidelines.

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 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:	Against Applicant
Subparagraph 2.c:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is denied.

Paul J. Mason
Administrative Judge