



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



In the matter of:	)	
	)	
	)	ISCR Case No. 23-00135
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Dan O’Reilly, Esq., Department Counsel  
For Applicant: *Pro se*

01/10/2024

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**Decision**

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BENSON, Pamela C., Administrative Judge:

Applicant mitigated the foreign influence security concerns arising from his family members in Bangladesh. He did not provide sufficient evidence to mitigate the financial considerations and personal conduct security concerns. Eligibility for access to classified information is denied.

**Statement of the Case**

On February 6, 2023, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines F (financial considerations), E (personal conduct), and B (foreign influence). This action was taken 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 implemented by the DOD on June 8, 2017. On May 9, 2023, Applicant responded to the SOR and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA).

On October 12, 2023, DOHA issued a notice scheduling the hearing for November 8, 2023. The hearing proceeded as scheduled. Applicant testified and submitted six documents, labeled as Applicant Exhibits (AE) A through F. Department Counsel submitted three documents, labeled as Government Exhibits (GE) 1 through 3. I admitted all proffered exhibits into evidence without objection. During the hearing, I invited Applicant to provide missing bank statements from his AE F and to complete a Personal Financial Statement (PFS). I also requested Department Counsel submit a current credit report since the one in evidence (GE 3) was over a year old. I held the record open until November 29, 2023. Department Counsel submitted a current credit report, marked as GE 4, and I admitted it into evidence without objection. Applicant did not submit the missing bank statements, and he did not complete the PFS provided to him.

During the hearing, Department Counsel also submitted materials for administrative notice concerning Bangladesh, which I admitted as Administrative Notice (AN) I, without objection. The administrative notice materials are included in the record to show the basis for concluding that the noticed facts are well known, generally accepted within the U.S. government, and are not subject to reasonable dispute. The Defense Office of Hearings and Appeals (DOHA) received the transcript on November 16, 2023. The record closed on November 30, 2023.

### **Findings of Fact**

In his Answer, Applicant admitted all of the SOR allegations charged under Guideline B concerning his family members in Bangladesh, and he denied all of the allegations cited under Guidelines F and E. After a thorough and careful review of the pleadings and exhibits, I make the following findings of fact:

Applicant is 40 years old. He was born in Bangladesh. In 2006 he obtained his bachelor's degree from a university in that country, and in June 2006, he married his wife. In 2007, he moved to the United States, and in 2013, his wife and their older son moved to the U.S. He has two sons, ages 9 and 14, and his youngest son has been diagnosed with autism. His youngest son requires a special diet and expensive medication that is not covered by insurance. In 2012, Applicant became a naturalized U.S. citizen. When the COVID-19 pandemic hit the U.S. in March 2020, Applicant was unable to work and received unemployment until 2021. Since 2022 he has been employed by a government contractor as a testing engineer. His current salary is \$97,000. His wife does not work. This is Applicant's first application for a DOD security clearance. (Tr. 39-48; GE 1; SOR response)

### **Financial Considerations**

Applicant began to experience financial difficulties after their second baby was born in 2014. His wife was unemployed, and he relied on several credit cards to pay their monthly household expenses. In 2016, their younger son was diagnosed with severe autism. At that time, they spent a significant amount of money for his treatment. Applicant made minimum payments on the credit cards, the outstanding balances accumulated,

and in 2019, he was no longer able to make the minimum payments and the accounts became past due.

Applicant testified that he hired a consumer debt resolution company (A) in 2019, but he only included a portion of his delinquent accounts in the resolution plan. He provided some bank statements that showed he made monthly payments of \$907 in October and November 2019, March 2020, May through December 2020, and in June, July, October, and November 2022. It appears he completed the program in May 2023. There is no information showing which delinquent creditors were included in this agreement, and which accounts were settled or satisfied while he was enrolled in the program. During the hearing, I offered Applicant the opportunity to provide more information on this matter while the record was held open. He did not submit additional documentation. (AE E, AE F; Tr. 50-55)

The SOR was issued in February 2023. Applicant provided documentation that in March 2023, he entered into a repayment agreement with another consumer debt resolution company (B). In this agreement he was to begin making monthly payments of \$325 in March 2023, with his last payment scheduled for February 2026. There is no supporting documentation to show what delinquent debts were included in the program or whether Applicant made any of these payments. (AE D)

Two months later, in May 2023, Applicant joined debt resolution company (C) to obtain debt settlements from his remaining delinquent creditors alleged in (SOR ¶ 1.a), a department store account in the amount of \$8,203; (SOR ¶¶ 1.d and 1.i), credit card accounts with the same creditor in the amounts of \$3,799 and \$825, respectively; and (SOR ¶ 1.e), for a bank credit card referred for collection in the amount of \$3,442, for a combined total of \$16,269. He was to make monthly payments of \$300 beginning in May 2023 for an estimated 42 months. Based on the current credit report obtained in November 2023, it does not appear Applicant made the monthly payments per the terms of the agreement since several of the delinquent account balances remained unchanged after the SOR was issued in February 2023. Only one debt alleged in SOR ¶ 1.d was reduced by \$59. He did not provide supporting documentation while the record was held open to provide verification of monthly payments. These delinquent accounts remain unresolved. (AE B, GE 3, GE 4)

The November 2023 credit report showed that the debts alleged in SOR ¶¶ 1.b, 1.g, and 1.h (unpaid credit cards and another department store account with a combined total of \$10,212), had been settled for less than the full balance. These debts are resolved. The remaining delinquent accounts alleged in SOR ¶¶ 1.c and 1.f, (a collection account and a retail merchant account totaling \$6,000), did not appear on the current credit report. Although there is no documentation in the record to show that these debts were resolved, I have credited Applicant with the resolution of these debts based on his testimony and assurances that these debts were included in the first consumer debt resolution company's agreement he hired in 2019. (GE 4; Tr. 75)

## Personal Conduct

Applicant completed a security clearance application (SCA) in June 2022, and he certified with his signature that all of his responses were truthful and accurate. In response to **Section 26 – Financial Record: Delinquency Involving Routine Accounts: In the past seven (7) years**, [have you] defaulted on any type of loan; had bills or debts turned over to a collection agency; ... been over 120 days delinquent on any debt not previously entered”; Applicant answered “No.” He deliberately falsified this information when he failed to disclose his delinquent debts from the past seven years, as required. (SOR ¶ 2.a.) In his SOR response and during the hearing, he stated that because he had arranged to pay his delinquent debts through a consumer debt resolution company, he thought his denial on the SCA was appropriate. He said he did not fully understand the question and had no intention of omitting his delinquent financial obligations. (SOR response; Tr. 55-60)

Department Counsel questioned Applicant about his background interview with an authorized DOD investigator in August 2022. Applicant had verified with the investigator that all of the information he provided in his SCA was accurate. When the investigator confronted him about a charged-off debt with a department store in the amount of \$8,203, Applicant had disagreed with the information and stated that he was unaware of the account. (Tr. 57-59)

The following relevant information was developed during the hearing:

**Department Counsel:** ...at the time of the interview you knew you had this [department store] credit card that was delinquent; right?

**Applicant:** Yes.

**Department Counsel:** So, why did you tell the investigator that you disagreed and that you were not aware of the account?

**Applicant:** Again, sir, I'm so foolish that I write, not write this time true. I was thinking that company take care of my credit cards. So, was telling me, like, everything they will take care of. I don't have to worry about anything.

**Department Counsel:** ... So, one of the big things we care about in these security clearance hearings is truthfulness. And it looks like that you purposely lied to the investigator. Did you lie to the investigator?

**Applicant:** On that one I can say yes, I lied on that. Now I understand, sir. But for this lying, I just begging you, ma'am, like please pardon me about like please pardon me about that. I agree with you, like, I was lying that time because of my misunderstanding, too. (Tr. 59-60)

**Admin. Judge:** All right. So, in regard to Guideline E, you said you admitted that you lied about your finances; correct?

**Applicant:** Yes.

**Admin. Judge:** Okay. Did you lie when you filled out your security clearance application? You knew you were supposed to list that, but you didn't; correct?

**Applicant:** Yes.

**Admin. Judge:** Okay. And then when you met with the investigator during your background interview, when she confronted you with all these delinquent debts you lied to her about your debt situation; correct?

**Applicant:** Yes. (Tr. 80-81)

On the basis of this testimony, I find that Applicant admitted that he deliberately failed to disclose his debts on his SCA. Although not alleged in the SOR, Applicant also admitted lying to the investigator during his background interview about his debts.

## **Foreign Influence**

SOR ¶ 3.a stated that Applicant's father is a citizen and resident of Bangladesh. Applicant testified that his father passed away in February 2023. This allegation is resolved in favor of Applicant. (Tr. 60-61; SOR response)

Applicant's brother and three sisters are citizens and residents of Bangladesh. (SOR ¶ 3.b) Applicant stated that his brother is 55 years old and is employed as a sales manager in food supplies. He has never been affiliated with the Bangladesh military or government. Applicant speaks with his brother every week through Facebook Messenger. He last saw his brother in person in 2019 on a trip to Bangladesh. At one point Applicant gave his brother approximately \$500 after he requested the funds to repair their father's home. (Tr. 61-65, 72-73)

Applicant's oldest sister is a housewife. She is not affiliated with the Bangladesh military or government. He rarely communicates with her and the last time he saw all of his sisters in person was when he traveled to Bangladesh in 2019. His middle sister and younger sister are employed as teachers for primary schools. Teaching positions are affiliated with the Bangladesh government because the schools are managed by the government. The last time he communicated with these sisters was approximately six months ago. His siblings have never been threatened by any Bangladesh authorities and they live in safe locations. (Tr. 65-70)

The SOR alleges that his mother-in-law is a citizen of Bangladesh. (SOR ¶ 3.c) Applicant stated that his mother-in-law is a green card holder and lives with his family in the U.S. about six months out of the year. She returns to Bangladesh to reside for the remaining six months. (Tr. 70-71)

Applicant currently rents a home now, but he hopes to buy a home in the U.S. in the near future. He has a 401(k) retirement fund with his current employer worth about \$10,500. He does not have any assets in Bangladesh. (Tr. 73-75)

### **Administrative Notice**

Bangladesh obtained its independence from Pakistan in 1971 and pursuant to its constitution of 1972, it became a parliamentary democracy. Relations with Bangladesh and the United States are excellent, and Bangladesh has become a valuable United States ally in the Global War on Terrorism. However, its human rights record has worsened over the years. Incidents causing injury and death derived from hate-based communal protests and political differences occurred, with some violent extremist group involvement. Some of the security forces have been accused of conducting extra-judicial killings, arbitrary arrest and detention, and other human rights violations. The United States Department of State advises United States citizens to exercise caution in Bangladesh due to crime, terrorism, and kidnappings. (AN 1)

### **Policies**

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel." The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government

reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

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

## **Analysis**

### **Guideline F: Financial Considerations**

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

Failure to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

Conditions that may raise financial considerations security concerns are provided 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.

The SOR alleged and the Government established that Applicant had nine delinquent accounts totaling approximately \$34,200. AG ¶¶ 19(a) and 19(c) apply.

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

- (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 resolve or is under control;

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

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

Applicant bears the burden of production and persuasion in mitigation. An applicant is not held to a standard of perfection in his or her debt-resolution efforts or required to be debt-free. "Rather, all that is required is that an applicant act responsibly given his circumstances and develop a reasonable plan for repayment, accompanied by 'concomitant conduct,' that is, actions which evidence a serious intent to effectuate the plan." ISCR Case No. 15-02903 at 3 (App. Bd. Mar. 9, 2017). See, e.g., ISCR Case No. 13-00987 at 3, n. 5 (App. Bd. Aug. 14, 2014).

Applicant attributed his financial delinquencies to a period of unemployment during the pandemic and the expenses associated with the treatment and medication for his son's medical condition. Notwithstanding these events that impacted his finances, Applicant must demonstrate that he acted responsibly under the circumstances. He admitted that he hired a consumer debt resolution company in 2019 to assist him with his delinquent creditors, which demonstrates responsible behavior, but he did not include all of his delinquent accounts with this company. He successfully completed the terms of the agreement with this debt resolution company.

After receipt of the SOR, Applicant retained first one (B), and then another consumer debt resolution company (C) to assist him with four SOR accounts totaling over \$16,200. Beginning in May 2023, he was to make monthly payments of \$300 for an estimated 42 months. The November 2023 credit report does not show that Applicant abided by the terms of his repayment agreement since three of the four SOR account balances remained unchanged, and one creditor account had been reduced by \$59. He did not provide supporting documentation while the record was held open to provide verification of systematic monthly payments from May 2023 through November 2023. Applicant did not demonstrate that he acted responsibly to address his financial delinquencies. He did not provide sufficient evidence to mitigate the financial considerations security concerns.



## **Guideline E: Personal Conduct**

AG ¶ 15 expresses the security concern for personal conduct:

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 provide truthful and candid answers during national security investigative or adjudicative processes. ...

AG ¶ 16 describes conditions that could raise a security concern and be disqualifying. The following is potentially applicable under the established facts in this case:

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

The SOR alleges Applicant deliberately falsified relevant and material information on his SCA he completed in June 2022. I find that Applicant deliberately failed to disclose his delinquent debts on his SCA. The above disqualifying condition applies.

The guideline also includes conditions that could mitigate security concerns arising from personal conduct. The following mitigating conditions under AG ¶ 17 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 happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

(d) the individual 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.

Applicant did not disclose on the June 2022 SCA that he had several delinquent accounts within the past seven years. He initially claimed that since he had joined a consumer debt resolution company in 2019, he did not believe he had to disclose his adverse financial information. When he was interviewed by an investigator shortly thereafter, she asked Applicant about a significant department store delinquent account, but he denied being aware of the account and disputed the information. He disagreed with all of delinquent accounts that were listed on his credit report. During the hearing, Applicant eventually admitted that he deliberately omitted listing his adverse financial accounts on the June 2022 SCA and that he lied during his background investigation too after being confronted by the investigator. Applicant's failure to admit information honestly and candidly about his finances to the investigator will not be considered for disqualification purposes. It will be considered in the mitigation and whole-person analysis.

In light of the deliberate omission on his SCA and Applicant's inconsistent statements during the security clearance investigation and hearing, I find that Applicant is not a credible witness. Overall, Applicant's failure to be honest and candid casts doubt on his reliability, trustworthiness, and good judgment. Personal conduct security concerns are not mitigated.

### **Guideline B: Foreign Influence**

The security concern under this guideline is set out in AG ¶ 6 as follows:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

AG ¶ 7 describes conditions that could raise a security concern and be disqualifying. The following are potentially applicable under the established facts in this case:

(a) (see previous section for format-consistency): contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if

that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; and

(b): connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

"The United States has a compelling interest in protecting and safeguarding [sensitive] information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004). To establish AG ¶ 7(a), the Government must demonstrate a "heightened risk" of exploitation due to Applicant's contacts with his family members in Bangladesh. Given the presence and activities of several terrorist organizations hostile to the interests of the United States in Bangladesh, the Government has established the requisite "heightened risk" and potential conflict of interest regarding Applicant's contacts with his brother, three sisters, and mother-in-law in Bangladesh. AG ¶¶ 7(a) and 7(b) apply.

AG ¶ 8 includes the following mitigating conditions under this guideline as potentially relevant:

(a): the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

(b): there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and

(c): contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

The U.S. government has assessed that terrorist organizations pose an ongoing threat to U.S. interests and foreigners in Bangladesh. Applicant's two sisters are employed as teachers in primary education, which is managed by the government of Bangladesh. Applicant actively maintains close relationships with his brother and mother-in-law, and to a lesser extent, his three sisters in Bangladesh. AG ¶¶ 8(a) and 8(c) do not apply.

Notwithstanding Applicant's family members in Bangladesh, he has forged deep relationships with U.S. citizens and strongly believes that he and his family are better situated in the U.S., such that he can be expected to resolve any conflict of interest in favor of the U.S. interest, should any conflict arise. He came to the U.S. 16 years ago and he hopes to purchase a home soon. AG ¶ 8(b) applies. Applicant's deep relationships forged in this country mitigate the foreign influence security concern triggered by his contacts in Bangladesh.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines F, E and B and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant's longstanding residency in the U.S., and the close relationships his family members have made here are such that any conflict of interest can be expected to be resolved in favor of the U.S. interest. I conclude Applicant mitigated the foreign influence security concerns. However, his outstanding delinquent accounts totaling over \$16,200 and the lack of supporting documentation of a good-faith repayment plan concerning these debts, combined with his admitted falsification, reflect poor judgment and casts doubt on his reliability and trustworthiness. Applicant did not provide sufficient evidence to mitigate the financial considerations and personal conduct security concerns. Eligibility for access to classified information is denied.

### **Formal Findings**

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

Paragraph 1, Guideline F:

AGAINST APPLICANT

Subparagraphs 1.a, 1.d, 1.e, and 1.i:	Against Applicant
Subparagraphs 1.b, 1.c, 1.f, 1.g, and 1.h:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	: Against Applicant
Paragraph 3, Guideline B:	FOR APPLICANT
Subparagraphs 3.a-3.c:	For Applicant

### **Conclusion**

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

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Pamela C. Benson  
Administrative Judge