



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



In the matter of:)	
)	
)	ISCR Case No. 22-01548
)	
Applicant for Security Clearance)	

Appearances

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

03/21/2024

Decision

RICCIARDELLO, Carol G., Administrative Judge:

Applicant failed to mitigate the security concerns under Guideline J, criminal conduct, Guideline E, personal conduct, and Guideline F, financial considerations. Eligibility for access to classified information is denied.

Statement of the Case

On December 12, 2022, the Department of Defense (DOD) issued to Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline J, criminal conduct, Guideline E, personal conduct, and Guideline F, financial considerations. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the DOD on June 8, 2017.

On February 7, 2023, Applicant answered the SOR and requested a hearing before an administrative judge. The case was assigned to me on January 9, 2024. The

Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on January 17, 2024, scheduling the hearing for February 8, 2024. I convened the hearing as scheduled. The Government offered exhibits (GE) 1 through 13. There were no objections, and the exhibits were admitted in evidence. The Government also requested I take administrative notice of certain state statutes, which were marked as Hearing Exhibit I. In addition, the Government provided a demonstrative exhibit listing the SOR allegations and the exhibits that corresponded to each allegation. There were no objections and GEs 1-13 were admitted in evidence. Applicant testified and offered Applicant Exhibits (AE) A through N in evidence. AE A through AE G are included in his answer to the SOR. There were no objections, and they were admitted in evidence. DOHA received the hearing transcript (Tr.) on February 20, 2024.

Procedural Matters

The Government moved to withdraw SOR ¶ 1.n. There was no objection, and the motion was granted.

The Government requested I take administrative notice of specific state criminal traffic statutes for the purposes of showing that they are misdemeanor offenses. The offenses that are misdemeanors are: driving while revoked; violation of registration provisions; reckless driving; and operations of vehicle without financial responsibility. He also cited a case regarding the constitutionality of the statutes: *State v. Sullivan, 201 N.C. App. 540, 687 S.E. 2d 504, 2009 N.C. App. Lexis 2326 (2009), cert. denied, 562 U.S. 1138, 131 S. Ct. 937, 178 L. Ed. 2d 754, 2011 U.S. Lexis 574 (2011)*, which states that these statutes bear a real and substantial relationship to public safety. It particularly noted that if a person does not wish to comply with the statutory requirements, he may exercise his right to travel in a variety of other ways, but he cannot operate a motor vehicle on the public highways. (HE I)

Findings of Fact

Applicant admitted the allegations with clarifications in SOR ¶¶ 1.a through 1.g, 1.i, 1.j, 1.m, 2.a through 2.q, 3.a, 3.c through 3.f. He denied SOR ¶¶ 1.k, 1.l, and 2.r in part, and 3.b and 3.g. His admissions are incorporated into the findings of fact. After a thorough and careful review of the pleadings, testimony, and exhibits submitted, I make the following findings of fact.

Applicant is 40 years old. He received his high school equivalency diploma in 2001. He never married. He has two children ages 18 and 14 from previous relationships. He has worked for a federal contractor since September 2021. He estimated his gross salary for 2023 to be between \$45,000 and \$50,000. (Tr. 15-18, 26-27; GE 1, 2)

Criminal Conduct Allegations

In March 2004 Applicant worked at a McDonald's located on a military base. He was a shift manager. He quit the job but retained the key to open the building. He illegally

entered the building at night when it was closed and stole about \$1,200. He was arrested and charged with larceny. He was found guilty of the offense and ordered to pay restitution. He was barred from entering the military base. (SOR ¶ 1.m) (Tr. 41-43; GE 4, 5).

In December 2004 and in January 2005, Applicant was charged with failure to appear before a court and found guilty of both charges. (SOR ¶¶ 1.l, 1.k) (GE 4)

In April 2005, Applicant was arrested and charged with assault on a female. He pleaded guilty to the charge. (SOR ¶ 1.j) He and the mother of his daughter got into an altercation. He was interviewed by a government investigator in February 2019 about the incident, and he said it was an unfortunate event but that he did nothing wrong. He failed to tell the investigator that he had slapped the woman. He testified that the woman broke his car window, and he reacted. (Tr. 19, 37-39; GE 4, 5)

In June 2005, Applicant was charged with driving while his license was revoked, a misdemeanor. (SOR ¶ 1.i) In November 2005, he was found guilty. (SOR ¶ 1.g) (GE 5)

In August 2005, Applicant was found guilty of a parole violation that was part of his sentence for the March 2004 larceny conviction alleged in SOR ¶ 1.m. (SOR ¶ 1.h) (GE 5)

In November 2005, Applicant was issued a notice of a probation violation and his probation was extended (SOR ¶ 1.g). In July 2007, Applicant was found guilty of a probation violation that was associated with his April 2005 assault on a female offense alleged in SOR ¶ 1.j. He was sentenced to 50 days in jail. Applicant had been ordered to attend an anger management class. He testified that he did not attend the class because he did not think he needed it and decided not to go. He served 40 days in jail. He never took the anger management class. (SOR ¶ 1.f) (Tr. 39-41; GE 5)

In May 2009, Applicant was charged with fictitious/altered title/registration card/tag, a misdemeanor. He had purchased a motorcycle. He did not have the title and attempted to retrieve it from the seller, but he had passed away. He requested a new title from the Department of Motor Vehicle. He drove the motorcycle without the proper registration and took license plates from another vehicle and put them on his motorcycle. He was aware that his conduct was illegal. (SOR ¶ 1.e) (Tr. 35-36; GE 5, SOR answer at Exhibit (Ex.) D)

In April 2014, Applicant was charged with reckless driving-wanton disregard, a misdemeanor, and speeding. In March 2016, he was charged with operating a vehicle without insurance, a misdemeanor and following too closely. He admitted he did not have insurance for the motorcycle he was driving. He said he was careless in not getting it. (SOR ¶¶ 1.c and 1.d) (Tr. 35; GE 5; SOR answer at Ex. D)

In June 2019, Applicant was arrested and charged with assault on a female, the mother of his child. He pleaded not guilty and was found not guilty. He testified that the

woman stabbed him five times. He said she was arrested and convicted of assault. (SOR ¶ 1. b) (Tr. 18-21, 30-34; GE 5, SOR answer at Ex. D)

In May 2022, Applicant was charged with operating a vehicle without insurance, a misdemeanor, canceled/revoked/suspended certificate/tag, a misdemeanor, and failure to maintain lane control. Applicant admitted he did not have insurance. He had no excuse and was aware of it at the time, but he needed to drive. The tags for his car were expired or canceled. He provided a letter from his attorney that confirmed he pleaded guilty to improper equipment and the paid court costs and a fine. (SOR ¶ 1.a) (Tr. 29-30; AE C)

Personal Conduct Allegations

The Office of Personnel Management (OPM) conducted an investigation regarding Applicant's failure to disclose on numerous official government documents that he had been terminated from a job due to absenteeism. The investigation found that Applicant intentionally provided false information about his employment. A copy of the notice of disciplinary action and termination letter he received from his employer for excessive absenteeism shows he signed it and dated the letter in July 2017. Applicant denied he intentionally falsified the government documents. The SOR alleged the specific documents were a June 2018 resume, a July 2018 Optional Form 306, a September 2018 Optional Form 306, a September 2018 security clearance application (SCA) and a November 2018 SCA. I was provided a copy of the November 2018 SCA and the September 2018 Optional Form 306. I was not provided copies of the other documents alleged in the SOR. My findings are based only on the two documents provided. The documents show he did not disclose on these documents that he was terminated from his employment. (Tr. 47-49; GE 1, 3, 6, 7)

Applicant's testimony was that it was a misunderstanding, and he did not believe he was terminated. He said he thought it was a "mutual separation." He said he stands by his belief he left by mutual agreement but understands now he was terminated. On his November 2018 SCA he was asked if in the past seven years he had left a job after being fired; quit after being told he would be fired; by mutual agreement following charges or allegations of misconduct; or mutual agreement following notice of unsatisfactory performance. He responded "no." The September 2018 Optional Form 306 asked a similar question, if in the past five years he had been fired for any reason, quit after being told he would be fired, leave any job by mutual agreement because of specific problems or been debarred from Federal employment. He responded "no." I did not find Applicant's explanations credible. I find he intentionally failed to disclose on his November 2018 SCA and September 2018 Optional Form 306 that he was terminated from a job. (Tr. 47-49; GE 1, 3, 6, 7)

In January 2020, OPM directed that Applicant be separated from government employment and debarred from government employment for three years for falsifying government documents. In March 2020, his debarment was reduced to 18 months. (SOR ¶ 2.a) (Tr. 47-49; GE 1, 3, 6, 7)

In March 2020 and February 2017, Applicant was charged with improper equipment, speedometer, or other traffic violation. He was convicted of improper equipment, speedometer in August 2021 and June 2017, respectively. (SOR ¶¶ 2.b and 2.e) (Tr. 49GE 4)

In July 2019, December 2014, April 2014, September 2012, October 2011, October 2010, August 2010, April 2008, February 2008, and December 2004, Applicant was charged and convicted of speeding. In February 2015, after his speeding conviction, the Department of Motor Vehicles placed him on probation for obtaining two convictions for speeding within 12 months. (SOR ¶¶ 2.c, 2.f, 2.g, 2.h, 2.i, 2.j, 2.k, 2.n, 2.o, 2.q) (Tr. 49-51; GE 4)

In March 2019, Applicant was charged with a traffic violation in connection with a vehicle accident. (SOR ¶ 2.d) (GE 4, 5)

In November 2008 Applicant was charged with driving with no/expired operator's license and failure to wear a seat belt. Later in November 2008 he was again charged with no operator's license. In March 2009 he was convicted of both offenses. (SOR ¶¶ 2.l and 2.m) (GE 4, 5)

In November 2006, Applicant was charged with expired registration card/tag and expired/no inspection. In about February 2007, he was convicted of both offenses. (SOR 2.p) (GE 5)

Financial

The SOR alleged seven delinquent debts totaling approximately \$28,719. Applicant resolved the debt in SOR ¶ 1.a (\$138) in August 2023, after receipt of the SOR (AE I). He has a payment agreement to pay \$36 a month for SOR ¶ 1.g (\$362). He provided proof he has made four payments since December 2023. (AE I, J) He has three delinquent debts from approximately 2009 or 2010 owed to a credit union in the amounts of \$8,282, \$8,246, and \$10,131. (SOR ¶¶ 3.c, 3.d, 3.e). He testified that at this time, he does not intend to pay these debts because he does not have the money. He said he would pay them, if he had the money. He testified that he got behind on these debts when he broke up with his younger daughter's mother. He also has a medical debt for \$513 (SOR ¶ 1.b) and a cell phone bill for \$1,047 (SOR ¶ 1.f) that are unpaid. He testified that he has a history of some negative debts, but he also has a history of paying his debts too. He provided a document to show he had a large car repair expense. He took a loan from his pension plan to pay it. (Tr. 21-25, 55, 57-63; GE 10-13; AE N)

His latest credit report from January 2024 reports that since receiving the SOR, he has incurred three more delinquent debts, including one for a car repossession for \$14,367. Applicant was asked if he had filed his past income tax returns, and he testified that he has not yet filed his 2022 income tax return but intended to do so with his 2023 returns. (Tr. 63-71; GE 13)

I have not considered for disqualifying purposes any derogatory information that was not alleged in the SOR. I may consider it in the application of mitigating conditions, in making a credibility determination, and in my whole-person analysis.

Applicant testified that he takes full responsibility for his conduct over the past 20 years, including his financial problems. He said he has changed and is trying to get his life together. He said many of the criminal charges and violations were many years ago and he has done good things since getting in trouble. He provided character letters. In them, he is described as admirable, dependable, honest, kind, generous, responsible, hardworking, caring, professional, courteous, disciplined, proficient, knowledgeable, dedicated, proficient and honorable. (Tr. 18-19, 75-76; AE B, H)

Policies

When evaluating an applicant's national security eligibility, the administrative judge must consider the AG. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are 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, these guidelines are applied 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." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Directive ¶ E3.1.15 states an "applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining 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 that an applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that 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 J: Criminal Conduct

The security concern for criminal conduct is set out 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 guideline notes several conditions that could raise security concerns. I have considered all of the disqualifying conditions under AG ¶ 31, and the following is potentially applicable:

- (a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual’s judgment, reliability, or trustworthiness; and
- (b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

Applicant has a long history of criminal conduct beginning in 2004 and continuing to May 2022. In 2004, he failed to return a key he was entrusted with when he worked at McDonald’s and broke into the store at night and stole \$1,200. In 2005, he pleaded guilty to assaulting the mother of one of his daughters. He has been charged and found guilty twice for failing to appear in court as ordered. Three times he has been found guilty of probation violations, including once for intentionally failing to attend an anger management class, where he was ordered to serve 50 days in jail. Applicant also has been charged with misdemeanor offenses involving the operation of his vehicle without insurance, reckless driving-wanton disregard (speeding), fictitious/altered title/registration card, and driving with a revoked license. The above disqualifying conditions apply.

The guideline also includes conditions that could mitigate security concerns arising from criminal conduct. The following mitigating conditions under AG ¶ 32 are potentially applicable:

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

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Applicant has a long history of violating the law. I have considered that some of the charges were minor motor vehicle or traffic violations, but others were charged as misdemeanors. He was convicted of larceny when he violated the trust of his former employer by using a key to gain access and steal money. He has shown an obvious disregard for complying with the law. His conduct has occurred over the past 18 years with his latest offense occurring in 2022. He failed to comply with court orders, probation terms, and traffic laws to protect the safety of others. Based on his extensive criminal conduct, I am unable to conclude future misconduct is unlikely to recur. Applicant's criminal conduct casts doubt on his reliability, trustworthiness, and good judgment. I have considered his character evidence. Despite some evidence of rehabilitation, it is insufficient to mitigate his history of criminal conduct. The above mitigating conditions do not apply.

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 information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. I find the following potentially applicable:

(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;

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

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

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual group. Such conduct includes: (1) engaging in activities which if known, could affect the person's personal, professional, or community standing.

Applicant intentionally failed to disclose he was terminated from employment on his November 2018 SCA and September 2018 Optional Form 306. Applicant was charged with misdemeanors and received citations from 2004 through 2020 that include speeding (ten times), improper equipment, no operator's license, driving no/expired license, and expired registration/car/tag expired/no inspection. Applicant's disregard for complying with the motor vehicle and safety rules raises questions about his judgment, trustworthiness, reliability, and willingness to comply with rules and regulations. AG §§ 16(a), 16(d) and 16(e) apply.

Applicant's Guideline J, criminal conduct (SOR §§ 1.a through 1.m) was cross-alleged under the personal conduct guideline in SOR § 2.r. His conduct reflects questionable judgment and an unwillingness to comply with rules and regulations. It also creates vulnerability to exploitation, manipulation, and duress. AG § 16(e) is applicable. AG § 16(c) is not perfectly applicable because Applicant's conduct is sufficient for an adverse determination under the criminal conduct guideline. However, the general concerns about questionable judgment and an unwillingness to comply with rules and regulations contained in AG §§ 15 and 16(c) are established.

The following mitigating conditions under AG ¶ 17 are potentially applicable to the disqualifying security concerns based on the facts:

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

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

Applicant's falsifications on government documents are not minor. The sheer number of charges under criminal and motor vehicle laws since 2004 raises questions about his willingness to comply with rules and regulations. He repeatedly committed some of the same offenses and was aware his conduct was in violation of the law and not just due to negligence. The evidence is insufficient to conclude future similar conduct is unlikely to recur. Failing to be honest and disclose his past employment termination is not minor. The security clearance process relies on those entrusted with the nations secrets to be forthcoming and comply with its laws and rules. Applicant failed to do so. His long history of disregarding laws and rules casts doubts on his reliability, trustworthiness, and good judgment. The above mitigating conditions do not apply.

Guideline F: Financial Considerations

The security concern relating to the guideline 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. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

AG ¶ 19 provides conditions that could raise security concerns. The following are potentially applicable:

- (a) inability to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant has seven delinquent debts totaling approximately \$28,719 that began accumulating in 2009. There is sufficient evidence to support the application of the above disqualifying conditions.

The guideline also includes conditions that could mitigate security concerns arising from financial difficulties. The following mitigating conditions under AG ¶ 20 are potentially applicable:

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; and
- (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

Applicant addressed two small debts (SOR ¶¶1.a and 1.g) after he received the SOR. I have considered that he has paid or is paying these debts, but his failure to do so until after he received the SOR does not constitute a good-faith effort. He has not addressed the remaining delinquent debts. He says he cannot afford to pay the debts. Although, he said he had financial issues when he and the mother of his daughter separated, some of these debts were incurred in 2009 and 2010. He failed to show any effort to contact the creditors for his remaining debts. He has not provided evidence that he has acted responsibly. His debts are ongoing and recent. He has not provided evidence that he has participated in financial counseling. None of the mitigating conditions apply.

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 the 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 J, E and F in my whole-person analysis. I have also considered his positive character letters.

Applicant has not met his burden of persuasion. The record evidence leaves me with serious questions and doubts as to Applicant's eligibility and suitability for a security clearance. I conclude Applicant failed to mitigate the security concerns arising under Guideline J, criminal conduct, Guideline E, personal conduct, and Guideline F, financial considerations.

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 J:	AGAINST APPLICANT
Subparagraphs 1.a-1.m:	Against Applicant
Subparagraph 1.n:	Withdrawn
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a-2.r:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraph 3.a:	For Applicant
Subparagraphs 3.b-3.f:	Against Applicant
Subparagraph 3.g:	For 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 to grant Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

Carol G. Ricciardello
Administrative Judge