



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



In the matter of:)
)
) ISCR Case No. 22-01152
)
Applicant for Security Clearance)

Appearances

For Government: Tara Karoian, Esq., Department Counsel
For Applicant: Sean Rogers, Esq.

10/18/2024

Decision

HARVEY, Mark, Administrative Judge:

Security concerns arising under Guideline H (drug involvement and substance misuse) are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On September 24, 2021, Applicant completed and signed an Electronic Questionnaires for Investigations Processing (e-QIP) or security clearance application (SCA). (Government Exhibit (GE) 1) On January 9, 2024, the Defense Counterintelligence and Security Agency (DCSA) Consolidated Adjudication Services (CAS) issued a statement of reasons (SOR) to Applicant, and on June 10, 2024, the Defense Office of Hearings and Appeals (DOHA) issued an amended SOR. The SORs were issued under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR and Amended SOR detailed reasons why the DCSA CAS and DOHA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral

to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR and Amended SOR set forth security concerns arising under Guideline H. (HE 2, HE 4) On April 5, 2024, Applicant provided a response to the SOR and requested a hearing. (HE 3) On June 10, 2024, Department Counsel was ready to proceed.

On June 25, 2024, the case was assigned to me. On July 12, 2024, DOHA issued a notice, setting the hearing for August 15, 2024. (HE 1) The hearing was held as scheduled.

Department Counsel offered two exhibits into evidence; and Applicant offered 20 exhibits into evidence. (Transcript (Tr.) 14-16; GE 1-GE 2; Applicant Exhibit (AE) A-AE T) Applicant objected to the admissibility of GE 2, summarized results of Applicant's personal subject interview. (Tr. 9) Department Counsel did not oppose Applicant's objection, and I sustained the objection to admissibility of GE 2. (Tr. 10) There were no other objections, and I admitted the other proffered exhibits into evidence. (Tr. 14, 16; GE 1; AE A-T) On August 23, 2024, DOHA received a transcript of the hearing. The record closed on September 16, 2024. (Tr. 191) No post-hearing documents were received.

Procedural Issues

Department Counsel moved to amend SOR ¶¶ 1.a and 1.b, there were no objections, and I granted the motions. (Tr. 8-9, 14)

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, he admitted in part the SOR allegations in ¶¶ 1.a, 1.b, 1.c, and 1.d. (HE 3) He also provided extenuating and mitigating information. His admissions are accepted as findings of fact. Additional findings follow.

Applicant is a 45-year-old employee of a large defense contractor. (HE 3 at 6-7) He has made significant contributions to his employer's business goals. (HE 3 at 7-10; AE J-R) He has held a public trust position since December 2021. (Tr. 86, 96-99) In 2002, he received a bachelor's degree. (AE G) He attended several post-graduate educational institutions. (AE G) After around July 2022, Applicant was not interested in seeking a security clearance. (Tr. 87) Additional information about his professional background is in his resume. (AE J)

Drug Involvement and Substance Misuse

Before working for a defense contractor, Applicant worked in an area where imagination and creativity were prized, and use of illegal drugs was common. Applicant did not believe use of illegal drugs adversely affected his life. (Tr. 26-27) He has never been arrested. (Tr. 27) He has never been addicted to illegal drugs. (Tr. 30) He never

used illegal drugs while in a sensitive position, as defined in his SCA, or while having access to classified information. (Tr. 32; GE 1) His current employer prohibits the use of illegal drugs. (Tr. 58) He volunteered in his community.

SOR ¶ 1.a alleges Applicant used marijuana with varying frequency from about August 1994 to at least April 2021. (HE 2) The Amended SOR alleges he used marijuana with varying frequency from about August 1994 to at least December 2023. (HE 4) SOR ¶ 1.b alleges Applicant used psilocybin with varying frequency from about August 1997 to at least December 2019. (HE 2) The Amended SOR alleges he used psilocybin mushrooms with varying frequency from about August 1997 to at least December 2023. (Tr. 14; HE 4)

Applicant began using marijuana when he was 14 years old. (Tr. 61) In his September 24, 2021 SCA Applicant said, “I have been a fairly consistent user of cannabis throughout much of my life, but over the past year [2021] have tapered off and switched to [cannabinoids or] CBD. (Tr. 60; GE 1 at 39) He said he used drugs “to relax and unwind, relieve anxiety, help with sleep, or help with creativity, Frequency - 1 - 2x/week, but have not used in 6 months, have switched to CBD.” (GE 1 at 39) The last time that Applicant smoked marijuana was around April 2021. (Tr. 35) He switched to tetrahydrocannabinol (THC)-free CBD. (Tr. 60-61)

In his SCA, Applicant also said, “I have experimented with psilocybin recreationally on and off in my life. [M]y use has tapered off over the past few years.” (GE 1 at 40) The frequency of his psilocybin use was experimental, about one to two times per year.” (Tr. 70; AE B at 40) He estimated that he used psilocybin a total of about 10 to 20 times from 1997 to 2019. (Tr. 70; GE 1 at 40) In his SCA, he said that he did not intend to use marijuana or psilocybin mushrooms in the future. (Tr. 71; SCA at 39-40) He meant that he did not intend to engage in recreational use of these drugs in the future. (Tr. 72) He did not use illegal drugs recreationally after completion of his SCA. (Tr. 103)

Applicant accepted the manufacturer’s statement that the CBDs he purchased were THC-free. (Tr. 64-65) He used THC-free CBDs about once a week. (Tr. 66) He maintains friendships and infrequently associates with marijuana users. (Tr. 52) On February 5, 2024, and July 11, 2024, he submitted hair follicles for drug testing, and all tests were negative for the presence of illegal substances. (Tr. 53; HE 3 at 6; AE F; AE T) A February 8, 2024 substance use assessment of Applicant did not diagnose him with a substance use disorder. (Tr. 53; HE 3 at 5; AE D) Applicant has attended mental-health counseling. (AE E)

In his SOR response, Applicant said he used psilocybin, marijuana, and THC products “recreationally and therapeutically between approximately August 1994 and December 2023.” (HE 3 at 3) Around September 2023, he took some micro-doses of psilocybin and small amounts of THC, primarily to help with sleep, control of his thoughts, and anxiety. (Tr. 39-40, 61) He believes that taking small amounts of THC is therapeutic and does not have psychoactive effects. (Tr. 40) In his state, micro-doses of psilocybin and therapeutic marijuana use have been decriminalized. (Tr. 40-42) He had chronic

insomnia starting in early 2022. (Tr. 33) He took CBDs to help with anxiety and insomnia. (Tr. 33-34)

In 2023, Applicant was feeling lonely, isolated and some displacement. (Tr. 36-37) In September 2023, a man living with Applicant, who suffered from depression, committed suicide. (Tr. 38, 87) In September 2023, Applicant decided to resume THC and psilocybin use for therapeutic reasons. (Tr. 88-89) From September 2023 to December 2023, he used a micro-psilocybin dose about once or twice a week during the day, and a CBD with a small amount of THC every other night for sleep. (Tr. 90-93) His use of psilocybin and THC was based on his personal research and not based on medical advice. (Tr. 90) His use of psilocybin may have been criminal under state law because the psilocybin he used was not medically supervised. (Tr. 90)

Applicant realized in November 2021 that his use of illegal drugs such as marijuana and psilocybin violated federal law and was incompatible with holding a security clearance. (Tr. 104) He believed he may have held a sensitive position when he was using illegal drugs in 2023. (Tr. 104-105) Applicant said in his SOR response:

[he] very much regrets his decision to use [psilocybin,] marijuana and THC products, but emphatically denies that this is evidence of a current pattern or of habitual drug use. He further disagrees that his history of use of [psilocybin,] marijuana and THC products rises to the level of a security concern that can reasonably form the basis of a security clearance denial or revocation. (HE 3 at 3)

Applicant has never received a urinalysis test for the presence of illegal drugs in his body. (Tr. 45, 57) His last use of micro-doses of psilocybin and therapeutic THC were in December of 2023. (Tr. 46) He uses other therapies and prescription drugs to help him sleep and manage his anxiety. (Tr. 47, 94-95)

SOR ¶ 1.c alleges and Applicant admitted that he used ecstasy with varying frequency from about August 1998 to at least April 2018. (HE 2; HE 3 at 3-4) He used ecstasy about 10 times in his life. (Tr. 73)

SOR ¶ 1.d alleges and Applicant admitted he used cocaine with varying frequency from about August 2000 to at least September 2018. (HE 2; HE 3 at 4) Applicant said he used cocaine four times. (Tr. 29, 73-74)

Applicant used ketamine two or three times in his life. (Tr. 74) His ketamine use is not alleged in the SOR, and it will not be considered for disqualification purposes. (Tr. 74-75)

Applicant made the following pledge:

I, [Applicant], wish to proudly and confidently state that I pledge to continue to remain free from all drugs, including CBD and marijuana, and refrain from any and all substance abuse. Furthermore, I fully acknowledge, understand,

and embrace that any future involvement with drugs or misuse of same will be grounds for revocation of my security clearance and any national security eligibility. I further agree to submit to random urinalysis inspections to prove my compliance and adherence to the above. (HE 3 at 5; AE C)

Character Evidence

Applicant provided eight written character statements, and six witnesses made statements on his behalf at his hearing. (Tr. 106-168; AE K-AE R) The statements are from coworkers, family, and friends. Some friends or coworkers have known him for more than 20 years. The general sense of the character evidence is that Applicant is talented, generous, exceptionally creative, friendly, intelligent, diligent, dedicated, honest, professional, and trustworthy. He has the potential to make significant contributions to the national defense. Their statements support his access to classified information.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the

President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Drug Involvement and Substance Misuse

AG ¶ 24 provides the security concern arising from drug involvement and substance misuse stating:

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 provides conditions that could raise a security concern and may be disqualifying in this case:

- (a) any substance misuse (see above definition);

(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.

The record establishes AG ¶¶ 25(a) and 25(c). AG ¶ 25(f) is not established because it is unclear whether Applicant's position from September to December 2023, when he used THC and psilocybin was a "sensitive position" as contemplated in the Directive. Additional discussion of the disqualifying conditions is in the mitigation section, *infra*.

AG ¶ 26 lists four conditions that could mitigate security concerns:

(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;

(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 and 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;

(c) abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and

(d) satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in

Egan, supra. “Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.” Directive, Enclosure 2, [App. A] ¶ 2(b).

Possession of Schedules I, II, and III controlled substances is a federal criminal offense (Schedule III substances may be possessed with a lawful prescription). Schedules I, II, III, IV, and V, as referred to in the Controlled Substances Act, are contained in 21 U.S.C. § 812(c). Marijuana, psilocybin, and ecstasy are Schedule I controlled substances; cocaine is a Schedule II controlled substance; and ketamine, is a Schedule III controlled substance. See Drug Enforcement Administration, Schedules, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf. (HE 5)

The Security Executive Agent (SecEA) promulgated clarifying guidance concerning marijuana-related issues in security clearance adjudications as follows:

[Federal] agencies are instructed that prior recreational marijuana use by an individual may be relevant to adjudications but not determinative. The SecEA has provided direction in [the adjudicative guidelines] to agencies that requires them to use a “whole-person concept.” This requires adjudicators to carefully weigh a number of variables in an individual’s life to determine whether that individual’s behavior raises a security concern, if at all, and whether that concern has been mitigated such that the individual may now receive a favorable adjudicative determination. Relevant mitigations include, but are not limited to, frequency of use and whether the individual can demonstrate that future use is unlikely to recur, including by signing an attestation or other such appropriate mitigation. Additionally, in light of the long-standing federal law and policy prohibiting illegal drug use while occupying a sensitive position or holding a security clearance, agencies are encouraged to advise prospective national security workforce employees that they should refrain from any future marijuana use upon initiation of the national security vetting process, which commences once the individual signs the certification contained in the Standard Form 86 (SF-86), Questionnaire for National Security Positions.

Security Executive Agent Clarifying Guidance Concerning Marijuana for Agencies Conducting Adjudications of Persons Proposed for Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position (Dec. 21, 2021) at 2 (quoted in ISCR Case No. 20-02974 at 3-4 (App. Bd. Feb. 1, 2022)).

Applicant frequently possessed and used marijuana or THC and psilocybin including during the period September to December 2023. In his SCA he said he did not intend to use marijuana and psilocybin in the future. His decisions to repeatedly possess and use marijuana and psilocybin after completion of his SCA are an indication he lacks the qualities expected of those with access to national secrets.

Applicant's ketamine possession and use were not alleged in the SOR or Amended SOR. In ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006), the Appeal Board listed five circumstances in which conduct not alleged in an SOR may be considered stating:

(a) to assess an applicant's credibility; (b) to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole person analysis under Directive Section 6.3.

Id. (citing ISCR Case No. 02-07218 at 3 (App. Bd. Mar. 15, 2004); ISCR Case No. 00-0633 at 3 (App. Bd. Oct. 24, 2003)). See also ISCR Case No. 12-09719 at 3 (App. Bd. Apr. 6, 2016) (citing ISCR Case No. 14-00151 at 3, n. 1 (App. Bd. Sept. 12, 2014); ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006)). These non-SOR allegations will not be considered except for the five purposes listed above.

Applicant provided some important mitigating information. He voluntarily and candidly disclosed his illegal drug use on his SCA, in his SOR response, and during his hearing. His statements throughout the security clearance process have been credible and consistent. He provided 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. He does not frequently associate with users of illegal drugs.

Applicant possessed and used cocaine four times, ecstasy about 10 times, and ketamine several times; however, his possessions and uses of these illegal substances were not recent. Security concerns pertaining to these substances are mitigated.

None of the mitigating conditions fully apply. Applicant did not fulfill his promises on his SCA not to use THC and psilocybin. He decided that using these illegal drugs would be beneficial and therapeutic. He made the same promise in his SCA response about not using illegal drugs and at his hearing, and he might conclude in the future that resumption of his use of illegal drugs is necessary for his health or other reasons. Use of illegal drugs raises concerns about judgment in the context of safeguarding classified information.

I am not convinced Applicant's marijuana or THC and psilocybin possession and use "happened under such circumstances that it is unlikely to recur [and] does not cast doubt on [his] current reliability, trustworthiness, [and] good judgment." A concern remains that he will continue to use marijuana and psilocybin in the future. More time without illegal drug use is necessary to fully mitigate Guideline H security concerns.

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), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall commonsense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments under Guideline H are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is a 45-year-old employee of a large defense contractor. He has made significant contributions to his employer's business goals. He has held a public trust position since December 2021. In 2002, he was awarded a bachelor's degree. He attended several post graduate educational institutions. He has tremendous experience in the private sector that the defense contractor can use to support the national defense.

Applicant was honest and candid in his descriptions of his use of illegal drugs. He provided eight written character statements, and six witnesses made statements on his behalf at his hearing. The statements are from coworkers, family, and friends. Some friends or coworkers have known him for more than 20 years. The general sense of the character evidence is that Applicant is talented, generous, exceptionally creative, friendly, intelligent, diligent, dedicated, honest, professional, and trustworthy. Their statements support his access to classified information.

The evidence against reinstatement of Applicant's security clearance is more persuasive. Applicant has a long history of use of illegal drugs including marijuana, cocaine, ketamine, ecstasy, and psilocybin. In his September 24, 2021 SCA, he disclosed his history of use of illegal drugs, and he said he did not intend to use illegal drugs in the future. From September to December 2023, he used marijuana or THC and psilocybin because he believed those substances would help treat his insomnia and anxiety. His decisions to repeatedly possess and use substances which are illegal under federal law are an indication he lacks the qualities expected of those with access to national secrets.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. "[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant's eligibility for access to classified information." ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No. 12-00270 at 3 (App. Bd. Jan. 17, 2014)).

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence to the facts and circumstances in the context of the whole person. Applicant failed to mitigate drug involvement and substance misuse security concerns.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of true reform and rehabilitation necessary to be eligible for a security clearance. The determination of an individual's eligibility and suitability for a security clearance is not a once in a lifetime occurrence, but is based on applying the factors, both disqualifying and mitigating, to the evidence presented. Under his current circumstances, a clearance is not warranted. In the future, he may well demonstrate persuasive evidence of his security worthiness.

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
Subparagraphs 1.a and 1.b:	Against Applicant
Subparagraphs 1.c and 1.d:	For Applicant

Conclusion

Considering all of the circumstances presented by the record in this case, it is not clearly consistent with the interests of national security to grant or continue Applicant's eligibility for access to classified information. Eligibility for access to classified information is denied.

Mark Harvey
Administrative Judge