



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



In the matter of:)	
)	
)	ISCR Case No. 23-01423
)	
Applicant for Security Clearance)	

Appearances

For Government: Bryan L. Farrell, Esq., Department Counsel
For Applicant: *Pro se*

10/11/2024

Decision

PRICE, Eric C., Administrative Judge:

This case involves security concerns raised under Guidelines F (Financial Considerations), G (Alcohol Consumption), H (Drug Involvement), and E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

On September 29, 2022, Applicant submitted a security clearance application (SCA). On October 19, 2023, the Department of Defense (DOD) issued to Applicant a Statement of Reasons (SOR) detailing security concerns under Guidelines F, G, H, and E. This action was taken under DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive), and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4 (SEAD 4), *National Security Adjudicative Guidelines* (December 10, 2016), for all adjudicative decisions on or after June 8, 2017.

Applicant responded to the SOR (Answer) on October 23, 2023, and requested a hearing before an administrative judge. The case was assigned to another administrative judge on June 7, 2024. On August 13, 2024, the Defense Office of Hearings and Appeals

(DOHA) issued a notice of hearing scheduling the hearing via video teleconference. The other administrative judge was unavailable to conduct the hearing on the date scheduled so the case was reassigned to me on September 10, 2024. I convened the hearing as scheduled on September 11, 2024.

Department Counsel offered Government Exhibits (GE) 1 through 5. Applicant testified but offered no documentary evidence. The record was held open until September 26, 2024, to permit Applicant to submit documentary evidence. He timely submitted Applicant's Exhibits (AE) A through K. There were no objections, and GE 1 through GE 5 and AE A through AE K were admitted in evidence. DOHA received the hearing transcript (Tr.) on September 20, 2024.

Findings of Fact

In his response to the SOR, Applicant admitted all allegations with explanation. (Answer) His admissions are incorporated in my findings of fact.

Applicant is 55-years old. He earned an associate degree in 1990 and additional college credits in 1991. He is unmarried and has no children. (GE 1 at 10, 18; Tr. 97-98)

Applicant was selected for a position as a laborer by a defense contractor in July 2022, contingent upon a favorable security clearance determination. He has been unemployed since September 2023 and was previously unemployed from July 2019 to July 2020. He worked as a machinist from March to September 2023 when he was laid off. From July 2020 to March 2023, he had various jobs. He was employed as a service technician from July 2017 to June 2019, but was fired because he was late for work due to issues with his then girlfriend. He was self-employed as a handyman from January 2012 to July 2017. (Tr. 26-27, 51-56, 97-98; GE 1 at 10-15, GE 5 at 4-7)

Financial Considerations

The SOR alleges Applicant has approximately \$11,238 of delinquent debt (SOR ¶¶ 1.a-1.i). He admitted each allegation without explanation. (Answer) He said the debts were primarily credit cards he used for expenses and that he has been unable to pay them due to unemployment, underemployment, the theft of his wallet containing \$2,000, and the theft of his phone which resulted in him losing money on stocks. (GE 1 at 35-37, GE 5 at 10; Tr. 26-27) He said he has not been able to make payments on most of the SOR debts since June 2022 and that he earned just enough to pay required bills while employed in 2023. He said he has spoken to some of the creditors and hopes to get a job that pays enough so he can resolve his delinquent debts. (Tr. 53, 84-88, 103-105)

SOR ¶¶ 1.a through 1.e: credit accounts placed for collection in the amounts of \$1,194, \$703, \$513, \$3,544, and \$2,579, respectively. An October 2023 credit report shows these individual accounts were opened or assigned from November 2022 to April 2023, and placed for collection in the amounts alleged. Applicant testified he has spoken to some of the creditors but not all. He submitted no evidence of contact with creditors or

other efforts to resolve these debts. (GE 2 at 3-4, GE 5 at 8-10; Tr. 53, 84-88, 103-105) These debts are unresolved.

SOR ¶¶ 1.f through 1.i: credit accounts charged off for \$398, \$465, \$624, and \$1,218, respectively. An October 2023 credit report shows the debts as opened or assigned from December 2018 to January 2022, with a last payment on the debts alleged in SOR ¶¶ 1.f through 1.h from February to September 2022, and that all the debts were charged off. (GE 2 at 3-4, GE 5 at 8-10; Tr. 53, 84-88, 103-105) These debts are unresolved.

In January 2024, Applicant's car was totaled in an accident. After insurance paid off his vehicle loan, he received about \$27,000 in additional insurance proceeds he has used for living expenses. As of September 11, 2024, he had about \$9,800 in insurance proceeds left, and about \$800 in other accounts. He has unsuccessfully applied for numerous jobs since he was laid off in September 2023. He reduced his expenses by not buying another car and driving a 2004 model year vehicle. He has not received financial counseling. (Tr. 42-43, 53-58, 88-90, 104-108)

Alcohol Consumption

SOR ¶ 2.a: Applicant was arrested in June 2019 and charged with driving while intoxicated, operating a motor vehicle with a BAC of .08% or more, and drinking alcohol in a motor vehicle on a highway. In response to the SOR, Applicant admitted the allegation and noted he "had one beer." (Answer) He was arrested on a highway in State A after another driver reported he was driving erratically and drinking. A police officer saw a case of beer in Applicant's back seat with two open containers and noted he had a passenger in his vehicle. Applicant admitted he had been drinking a bottle of beer while in traffic. He failed a field sobriety test and a chemical test showed he had a .12% blood alcohol content (BAC). He was processed and released to the custody of his passenger later that morning. (GE 4)

Applicant reported his arrest in his September 2022 SCA noting he had one beer, had a 0% BAC at the scene, drank a lot of coffee before his arrest, pled guilty because he did not have \$10,000 to fight the charges, and that "all cases were thrown out shortly afterwards [sic] due to faulty equipment." (GE 1 at 26-27; GE 5 at 5; Tr. 13)

Applicant testified as follows. He and his friend were stuck in heavy traffic for three hours. He was dehydrated, his friend could not locate a bottle of water in the car, so he drank an accessible beer. He did not fail the field sobriety test but took too many steps because he could not hear the officer's directions due to noise. He had a 0% BAC at the scene and was not provided any evidence of the negative BAC because "[t]hat's how [police] cover up themselves." (Tr. 58-59) The officer knew he was not drunk "because [the officer] brought [Applicant] to [his] car and let [him] drive away." The BAC result was inaccurate because he had consumed a lot of coffee or because of a faulty breathalyzer machine. He pled guilty because his lawyer made him, and because he did not have \$10,000 to contest the charges. A "month after [his] case, [State A] threw out thousands

of cases because all the Breathalyzers were faulty.” It is widely known breathalyzers can give false readings for reasons including consumption of caffeinated drinks. He pled guilty and the judge told him to take required online courses, but he was unable to complete the classes. (Tr. 27-37, 58-63, 99-103) In 2022, State B authorities said he “was all set with [State A’s charges from 2019] . . . So like I said, maybe them cases they threw out, maybe one of them was mine[.]” (Tr. 60-62)

SOR ¶ 2.b: Applicant was arrested in May 2022 and charged with operating a motor vehicle while under the influence of alcohol, illegal possession of a weapon in a motor vehicle, and illegal operation of a motor vehicle under suspension. In response to the SOR, Applicant admitted the allegation except for operating a vehicle under suspension and noted he “had one drink three hours earlier.” (Answer) He was pulled over for speeding in State B by a police officer. He had slurred speech, glossy eyes, made incoherent statements, and was uncooperative. A police officer smelled alcohol on Applicant’s breath, and Applicant said he had drunk coffee but denied he had consumed an alcoholic beverage. He failed a field sobriety test and chemical tests showed BACs of .1098% and .1211%, respectively. The officer saw empty beers in a cooler in the car and a 16-inch knife with a 9-inch blade on the driver’s side floor. Applicant’s license showed as suspended in a database but had apparently been reinstated. (GE 3; Tr. 40, 67)

The Applicant testified as follows. He had one mixed drink at a casino and was pulled over for speeding, but he was not speeding and he was not ticketed for speeding. The empty beer cans in his car were from the day before. The breathalyzer showed a BAC of .12%, but he was not drunk and the fact that he was released three hours later to get his vehicle demonstrates that. He did not plead guilty to operating a motor vehicle while under the influence of alcohol but completed probation before judgment. He completed a required six-week course in January 2023, had an interlock device installed in his vehicle, and completed 12 months’ probation in about October 2023. He has not had an alcoholic beverage since June 24, 2022. He did not know why he stopped drinking, but noted he only drank when he went out, had stopped going out by then, and did not have money. (Tr. 37-45, 56, 62-77, 82-83, 99-103; GE 5 at 5-6; AE B)

After the hearing, Applicant submitted excerpts from websites and blogs that reflected potential issues with breathalyzer testing and results, including in State A. They indicated breathalyzers are subject to potential human error, conditional malfunctions, and may return false positives because of other types of alcohol that may be found on a person’s breath, including acetone found on the breath of some diabetics or ketones from high-protein diets. (AE C-G, I, K) He submitted a blog post titled, “How Can Caffeine Cause a False Positive BAC?,” noting ingesting caffeine, especially an energy drink, may cause false positives because some energy drinks contain enough ethanol to register on a BAC within 15 minutes of consumption. (AE H) He submitted an article stating State C’s supreme court ruled problems in a forensic laboratory placed results of breath tests from June 2011 through April 2019, at risk, and that affected defendants could withdraw their guilty pleas or seek new trials due to the errors. (AE I) He emailed that he was unable to locate a 2020 article regarding State A dismissing cases from early 2020. (AE J)

Drug Involvement and Personal Conduct

SOR ¶¶ 3.a-3.b: Applicant used marijuana with varying frequency from approximately September 1986 until at least June 2022 and tested positive for marijuana during a drug test in September 2022. Applicant admitted the allegation and noted he passed a subsequent drug test. (Answer) He reported he used marijuana during the alleged timeframe for back pain, did not intend to use marijuana in the future, tested positive in a hair follicle test administered on September 30, 2022, and took a urine test in October 2022 that he believes was negative. (GE 1 at 31; GE 5 at 7-8)

Applicant testified as follows. He sporadically used marijuana mostly for back pain and there were many years he did not use marijuana. He usually purchased marijuana at legal dispensaries in State C because it was cheaper. In 2022 his doctor offered to give him a medical card for marijuana, but he declined because marijuana was too expensive in his state. He continues to experience back pain. He has not used marijuana since June 2022, in part, because he could not afford it and because he was about to submit his SCA and knew marijuana use was illegal under federal law and prohibited for those holding a security clearance. When asked if he would start using marijuana again if he was hired by the defense contractor, Applicant responded “No, because I think they random test anyway, don’t they? So you can’t.” (Tr. 83) He has not been around others that use marijuana since June 2022, except for a friend who visited him in July 2023. He failed a hair follicle test for his prospective defense contractor employer and was informed such results can show marijuana use from many years earlier, so he was asked to take and passed a urine test a few weeks later. (Tr. 41-48, 77-84) After the hearing, he submitted evidence he had successfully completed the drug screening requirements for employment by the defense contractor. (AE A)

During the hearing Applicant was informed of the importance of providing documentary evidence regarding the matters alleged in the SOR, including evidence of debt payments, contact with creditors, efforts to address or resolve his delinquent debts, his financial circumstances, court records, issues related to his arrests for operating a vehicle while intoxicated or under the influence of alcohol, alcohol rehabilitation, and any favorable drug test results. (Tr. 30-37, 98-110)

Policies

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.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines (AG). 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 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, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision." 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 security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988); see AG ¶ 2(b).

The protection of the national security is the paramount consideration. Under AG ¶ 2(b), any doubt "will be resolved in favor of the national security." 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 F: Financial Considerations

The security concern under this guideline 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.

This concern is broader than the possibility that a person might knowingly compromise classified or sensitive information to raise money. It encompasses concerns about a person's self-control, judgment, and other qualities essential to protecting

classified or sensitive information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified or sensitive information. See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

The record evidence, including Applicant's admissions, establish two disqualifying conditions under this guideline: AG ¶ 19(a) ("inability to satisfy debts") and AG ¶ 19(c) ("a history of not meeting financial obligations"). 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; and

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

AG ¶¶ 20(a), 20(b) and 20(d) are not established. Applicant's financial problems are long-standing and ongoing. He has taken limited or no action to resolve any of the delinquent debts since at least September 2022, including after receiving about \$27,000 in insurance proceeds in January 2024. Although his unemployment, underemployment, and theft of his wallet and phone were largely beyond his control, he has not provided sufficient evidence he acted responsibly under the circumstances even considering his limited resources. See ADP Case No. 22-00180 at 3 (App. Bd. April 22, 2024) (citations omitted) He has not sought or received financial counseling or shown that his financial problems are unlikely to recur. His financial behavior casts doubt on his current reliability, trustworthiness, and good judgment.

Guideline G, Alcohol Consumption

The security concern under this guideline is set out in AG ¶ 21:

Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

Applicant's admissions and the evidence submitted at the hearing establish the following disqualifying condition under AG ¶ 22:

(a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other

incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder.

The following mitigating conditions under AG ¶ 23 are potentially applicable:

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

(b) the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations; and

(d) the individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

AG ¶¶ 23(a), (b), and (d) are not fully established. Applicant's plea of guilty to DWI in 2019, apparent successful completion of a required course and 12 months' probation in October 2023, abstinence from alcohol since June 2022, and the absence of any additional alcohol related incidents are important evidence in mitigation. However, his denial he was legally intoxicated in either instance, claims that he consumed only one alcoholic beverage before each arrest, and claim that his 2019 conviction was thrown out because of faulty equipment lack credibility and are uncorroborated. His claims are also inconsistent with his statement to a police officer prior to his May 2022 arrest denying he had consumed any alcoholic beverages, the multiple empty alcoholic beverage containers in his vehicle on each occasion, and his failure of two field sobriety tests. His claims that he was not intoxicated are contradicted by BAC results including .12% in 2019, and .1098% and .1211% in 2022.

The evidence Applicant submitted in an effort to corroborate his claims that the BAC results were unreliable because he had consumed a substantial quantity of coffee before his arrests, and that breathalyzers are unreliable because of human error, mechanical malfunction, or false positive results, was unpersuasive. His claim in his September 2022 SCA that his 2019 conviction was "thrown out shortly afterwards [sic] due to faulty equipment" (GE 1 at 26-27) is unsupported by the evidence. Neither his hope that "maybe them cases they threw out, maybe one of them was mine[,] nor the blog posts or articles he submitted, provide direct evidence his blood alcohol tests in States A or B were unreliable or that his 2019 conviction was overturned. (Tr. 60-62; AE C-K)

I did not find Applicant's testimony credible. Given his denials of responsibility, compelling evidence of intoxication, and timing of his two alcohol-related incidents, I am

unable to conclude the behavior is unlikely to recur. His conduct continues to cast doubt on his reliability, trustworthiness, and judgment.

Drug Involvement and Substance Misuse

The concern under this guideline is set out in AG ¶ 24:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any "controlled substance" as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

Applicant's admissions he used marijuana with varying frequency for over 35 years and other evidence establish the following disqualifying conditions under AG ¶ 25:

- (a) any substance misuse (see above definition);
- (b) testing positive for an illegal drug; and
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.

AG ¶¶ 25(a) and 25(c) are established. Applicant possessed marijuana before he used it. AG ¶ 25(b) is not established. I find in Applicant's favor with respect to SOR ¶ 3.b because his claim that he passed a urinalysis shortly after testing positive in a hair follicle test is corroborated in part by documentary evidence and refutes the positive hair follicle test results. The following mitigating conditions under AG ¶ 26 are potentially applicable:

- (a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; and
- (b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:

- (1) disassociation from drug-using associates 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.

AG ¶ 26(a) is not established. Applicant's last drug involvement was in June 2022. However, he used marijuana with varying frequency for over 35 years, often to ease persistent and ongoing back pain. He stopped using marijuana in part because he could no longer afford it and because he was applying for a security clearance, and he knew that marijuana usage was prohibited under federal law and for those with a security clearance. The evidence is insufficient to conclude his marijuana use occurred under unusual circumstances unlikely to recur, and his drug misuse casts doubt on his current reliability, trustworthiness, and good judgment.

AG ¶ 26(b) is not fully established. Applicant acknowledged his drug involvement in his September 2022 SCA, February 2023 background interview, SOR Answer, and during his testimony. He has consistently claimed he last used marijuana in June 2022 and declared his intention to abstain from future marijuana use. However, he did not provide any corroborating evidence to support his claims, continues to experience back pain which he identified as the primary reason for his past marijuana use, and he has not submitted the statement of intent provided for in AG ¶ 26(b)(3). When considered along with credibility concerns discussed above under Guideline G, I find the evidence insufficient to fully establish this mitigating condition.

Guideline E, Personal Conduct

The security concern for personal conduct is set out in AG ¶ 15, as follows:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

SOR ¶ 3.a cross-alleges the conduct alleged in SOR ¶¶ 2-3. The record evidence discussed above potentially supports application of the following disqualifying conditions under AG ¶ 16.

(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; and

(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. This includes, but is not limited to, consideration of . . . any disruptive, violent, or other inappropriate behavior . . . [.]

AG ¶¶ 16(c) and 16(d) do not apply because the evidence is “sufficient for an adverse determination” under Guidelines G and H.

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.

I have incorporated my comments under Guidelines F, G, and H in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d).

After weighing the disqualifying and mitigating conditions under Guidelines F, G, and H, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by his delinquent debts, alcohol consumption, and drug misuse. Overall, the record evidence leaves me with questions and doubts as to his eligibility and suitability for a security clearance.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. With a longer track record of financial and personal responsibility, continued abstinence

from drug misuse, and continued abstinence from or responsible alcohol consumption he may be able to demonstrate persuasive evidence of his security clearance 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 F:	AGAINST APPLICANT
Subparagraphs 1.a-1.i:	Against Applicant
Paragraph 2, Guideline G:	AGAINST APPLICANT
Subparagraphs 2.a-2.b:	Against Applicant
Paragraph 3, Guideline H:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Subparagraph 3.b:	For Applicant
Paragraph 4, Guideline E:	FOR APPLICANT
Subparagraph 4.a:	For Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Eligibility for a security clearance is denied.

Eric C. Price
Administrative Judge