



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



In the matter of:)
)
) ISCR Case No. 24-00563
)
Applicant for Security Clearance)

Appearances

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

06/30/2025

Decision

HALE, Charles C., Administrative Judge:

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

Statement of the Case

Applicant submitted a security clearance application (SCA) on October 21, 2022. On April 24, 2024, the Department of Defense (DoD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines H, G, and E. Applicant responded to the SOR on May 1, 2024, and requested a hearing before an administrative judge. The case was assigned to me on January 13, 2025.

The hearing convened as scheduled on February 25, 2025. Government Exhibits (GE) 1 through 10 were admitted in evidence without objection. Applicant testified and after the hearing while the record was open timely submitted Applicant Exhibits (AE) A (surgery report) and B (letters of recommendation), which were admitted into evidence without objection. DOHA received the transcript (Tr.) on March 7, 2024.

Findings of Fact

Applicant is 63 years old. Since 2003 he has been self-employed as a home improvement contractor. In 2023, he joined his sponsor's company working as a carpenter and site superintendent. He is single and has no children. (GE 1; GE 4; Tr. 21-26.)

SOR ¶ 1.a: You used marijuana, with varying frequency, from about May 1978 to May 2023. In his Answer Applicant admitted he used marijuana as alleged. He reconfirmed that with his testimony. (Tr. 36-43.) He reiterated his statement to the investigator in June 2023 that he had not smoked marijuana since May of 2023. When asked to explain why he stopped he stated:

Well, because I knew that -- and, you know, I wasn't ever a big marijuana smoker. It wasn't like I kept a bag of marijuana. And I've dabbled in it socially. And it's not like I was a big smoker anyway. So it, you know, I knew I was coming up on this clearance and even up till then, it was -- I was more -- it was more edibles for you know, just, I'm an athlete and I have my shoulders. So it was like a little bit of a pain thing and, between cortisone shots and stuff. So, I mean, I still play senior softball. I still travel all over the country playing softball. So I'm not -- I was never a big marijuana user. Even, you know, that I'm just -- you know, when we talk about from '78 to 2023, that's like the first time I did it. And the last time -- but in between there, it's not like I was a big marijuana smoker. (Tr. 36-37.)

Applicant acknowledged he knew marijuana use was illegal federally. He described his use as social, something like once a month or once every other month, stating, "I was never a big marijuana user." He explained that he had not purchased marijuana in years and anything he consumed was given to him by friends. His most recent use involved marijuana edibles. He acknowledged he is still friends with people that use marijuana, which has been legalized in his state. He has never purchased marijuana from a state dispensary. He has not purchased marijuana in years and has only used it recently if someone gave him for example, a marijuana edible. His girlfriend does not use marijuana, and he has not used marijuana since he has known her. He stated he does not "go to places where drugs are used" and that none of his teammates use "marijuana or anything." He affirmed his intent to abstain from using marijuana in the future stating: "Absolutely. I mean, I, believe me, I don't need it for any -- it's like I said, I was never a big user to begin with. So, I certainly don't need it, no." When asked if his clearance were denied would he then start using again he unequivocally responded, "No, no." (HE III; GE 2; Tr. 36-39, 42, 68, 76.)

SOR ¶¶ 1.b – 1.d involve criminal actions involving drugs in his state of residency. He admits he received a criminal citation in June 2003 for possession of marijuana (SOR ¶ 1.b) and that he was arrested in August 1986 for unlawful possession of a controlled substance and drug paraphernalia (SOR ¶ 1.c). In addition to Applicant's admissions the

Government provided the district court information for the incidents alleged in SOR ¶¶ 1.b and 1.c. In his Answer, Applicant described the 2003 citation as being in the wrong place at the wrong time after he and his late wife had a domestic dispute. Both he and his wife were cited for unlawful possession, and he stated the items in question were his wife's drugs and paraphernalia. Applicant also discussed the incidents with the investigator during his June 2023 security interview and adopted the statement as part of Government interrogatories.

Applicant denied that he was arrested in about November 1982 for unlawful possession of a controlled substance (SOR ¶ 1.d) on the basis he did not remember the incident. The Government provided the police department incident report to support SOR ¶ 1.d. (Answer; GE 2, 5-8; Tr. 48-49.)

Guideline G

SOR ¶¶ 2.a – 2.d involve criminal actions involving drinking and driving in his state of residency. (Tr. 52-65.) He admits all the allegations, a 2018 arrest for operating a vehicle while intoxicated (OVI); a 2005 arrest for OVI; a 1985 conviction for driving while intoxicated (DWI); and a 1983 conviction for DWI. He noted he was found not guilty of the charges related to the 2005 and 2018 incidents. (GE 2; Tr. 57-58, 61-65, 71.)

Applicant's 2018 arrest occurred on St. Patrick's Day. He confirmed he had read the police report. He stated, "it was ridiculous that they even arrested me." He acknowledged he had been drinking "a few beers" on the night in question. He estimated he arrived at the bar between 1530 and 1600. Because the bar became very crowded, he decided to leave at approximately 1900. In the parking lot, while he was backing out, he collided with car trying to park. The police were called, and he failed a field sobriety test. He had informed the police officer he recently had knee surgery. He refused the breathalyzer. (GE 3; AE A; Tr. 49-55, 70.) He acknowledged he could have been over the legal limit stating:

I had probably four beers in three hours, which, I mean, in the eyes of the law, you could be over the limit. But I mean, I certainly, you know, I don't agree with that report from that police officer. I don't agree with it a little bit. And neither did the people that were with me. (Tr. 54-55.)

Applicant contested the matter and was acquitted at a bench trial. He had an interlock device installed on his car before he was ordered to have one by the state. After he was found not guilty, he received his license back. He describes himself as a "social drinker." Given his age, he stated his days of running around to bars were behind him. (Tr. 57-58.) After this incident Applicant changed his approach to drinking and driving. He has reduced his consumption and monitored the period over which he consumed his beers before he drives. His girlfriend drives on the occasions when they go out or they use Uber if she drinks. (Tr. 49-58, 67.)

Applicant denied being drunk in the 2005 incident. He struck a trash truck that was backing out into the street. He kept driving after the collision. He was arrested at his residence. He told the officer at the time, "I f--ked up. I should have stopped" and he acknowledged at the hearing he made a bad decision. He thought he was safe to drive because he had waited a sufficient time. The incident had occurred at 1000, and he had stopped drinking around 0300. He declined to submit to a breathalyzer. At court he received tickets for leaving the scene of an accident and another traffic violation. He was required to have an interlock device installed on his car. He kept his interlock device in his vehicle even after he was found not guilty and was not required to maintain the device. (GE 2; Tr. 61-65, 71.)

In the 1980s, Applicant had multiple DWIs before age 25 (SOR ¶¶ 2.c – 2.d). "Guess what. Back then, you know, I was just, you know, I was dumb, young and dumb, and you know, I certainly was not an alcoholic. I was just stupid when I drank." He stated he recognized alcohol was getting him in trouble and he was tired of putting his parents through the stress. He was required to attend Alcoholic Anonymous (AA) meetings after the 1985 incident. He attended AA meetings consistent with the court order. He was prescribed Antabuse for a while but could not recall for how long, but he remembered he had to "take a medicine that makes [him] ill if [he drank]." This was during the period he was abstaining from alcohol, which he did for ten years. When asked why he started drinking again he stated, "That's a good question. I don't know. I don't have a good answer for that." (Tr. 58-61, 65-66, 79.)

Applicant does not drink hard liquor and prefers beer. He has not had another traffic violation since the 2018 incident. (Tr. 72, 77-78.) He summarized the steps he took to reduce his likelihood of another DWI as:

I don't drink that much, number one. And number two, if I do drink, I certainly don't drive. I don't even keep beer in the refrigerator at home. Like, some people have refrigerators full of beer. I don't have that. I don't -- I never -- if I drink, I'll go get what I want and -- but I don't keep it around. So it's not like I come home and drink, or I don't do any of that. (Tr. 78.)

Guideline E

SOR ¶ 3. a. Information as set forth in subparagraph 1 above. Applicant in his Answer admits the allegation. See the findings of facts above.

SOR ¶ 3. b. Information as set forth in subparagraph 2 above. Applicant in his Answer admits the allegation. See the findings of facts above.

SOR ¶¶ 3.c - 3.e: alleged he falsified material facts on an Electronic Questionnaires for Investigations Processing (e-QIP), executed on May 21, 2023, in sections related to his police record and two matters related to his use of alcohol. Applicant admitted SOR 3.d and denied the falsifications set forth in SOR ¶¶ 3.c and 3.e. (Answer.) SOR ¶ 3.c covered Applicant's 2003 citation for marijuana possession, the

1986 arrest for unlawful possession of uncontrolled substance and drug paraphernalia, the 1982 arrest for unlawful possession of a controlled substance, and the four alcohol-related driving arrests alleged in SOR ¶¶ 2.a – 2.f. When asked why he did not disclose any of his history involving the police on his SCA, he responded:

I, you know, I can't really give you a good answer. I mean, I just figured, I just, maybe I just didn't understand it at the time when I was filling it out. But like I said, we -- you know, when I talked about it with, you know, the initial investigator, yeah, we talked about all that. And, I mean, I remember that. I remember talking to him about it and, you know, basically giving him all the details as well. So, yeah, I get -- I don't know what I was thinking when I answered that question. (Tr. 47-48.)

Applicant's explanation for not disclosing his citation for marijuana until asked at his security clearance interview was that he "was just given a citation" and probation. He also added that he may have forgotten about the matter. (Tr. 48.)

Applicant's explanation for not including his DWI arrests until asked by the investigator was that:

Well, those were the ones that I was -- I didn't think that, you know, when I was found not guilty, I basically didn't -- I just didn't pick up the charge part of it instead of being guilty of it. (Tr. 49.)

Applicant defended his 2018 and 2005 omissions on the point that he had been found not guilty by a judge of the DWI charges. He discussed them when confronted by the investigator. (Tr. 55-56; 62-64.)

Whole Person

Applicant presented the testimony from his sponsor, Mr. A, who has known Applicant professionally for the past 20 years. They have been friends for over 35 years. Mr. A established his company 15 years ago and until recently served as the facility security officer for his company. Mr. A knew Applicant's past good and bad. Because of their long history he believed Applicant was trustworthy and was willing to sponsor Applicant for a security clearance. Given the length of time since Applicant's last DWI he felt the drinking issues had been resolved. Since Applicant joined his company, he has seen no evidence of marijuana use. Mr. A was "very comfortable" with Applicant working with government clients and subcontractors because in his words, "we feel that the past, what he's done in the past, he won't do anymore, or we wouldn't be hiring him." Addressing whether Applicant might disclose classified information based on his drinking he responded, "if we thought that was the case, we would have never submitted his clearance or offered him a position. And that not only goes for a classified position, but just unclassified as well." (Tr. 19-30.)

Mr. A and Applicant see each other socially maybe four or five times a year. Their friendship goes back to their childhood football days. Now they get together for fantasy football. Mr. A has observed Applicant's drinking and never observed him drunk. Given the fact Applicant's marijuana use went back to high school, Mr. A had seen Applicant use marijuana. He estimated the last time he saw Applicant use marijuana was in 2016. (Tr. 19-30.)

Applicant submitted three character letters. The writers all attested to his trustworthiness. Those directly familiar with his work cited his honesty, dependability, and his attention to detail in his work. (AE B.)

Consistent with the testimony of Applicant's witness, I found Applicant to be a reasonable person, sincere, and credible in his testimony concerning his life choices. Although late in life, he has made changes in his lifestyle and has grown out of the decisions that led to his past encounters with law enforcement.

Policies

"[N]o 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 applicants 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 § 2.

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, an administrative judge applies these guidelines 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 and 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 that 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 made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant

has not met the strict guidelines the President and the Secretary of Defense 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. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

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.” *Egan*, 484 U.S. at 531.

Analysis

Guideline H, 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 in his Answer raise disqualifying conditions under AG ¶ 25. The following are applicable:

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

(c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.

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.

AG ¶ 26(a) is established, and ¶ 26(b) is partially established. Applicant has stopped using marijuana and his girlfriend and his teammates do not use marijuana. He has never held a security clearance and has changed his lifestyle to conform to the requirements to hold a security clearance. While his period of use was lengthy, the record reflects it was recreational and infrequent over the course of any year that he used. AG ¶ 26(b) does not fully apply because he did not submit a signed statement of intent.

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 documentary evidence establish two potentially disqualifying conditions 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; and

(c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol

use disorder.

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

(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 ¶¶ 22(a) and 22(b) are established and 22(d) is partially established. Applicant has not had an alcohol-related incident since 2018. He has changed his lifestyle to make the behavior unlikely to reoccur. He successfully completed his assigned alcohol-related classes and programs in the 1980s. He acknowledges his past maladaptive alcohol use and has provided evidence of actions taken to overcome this problem. He has demonstrated a clear and established pattern of modified consumption.

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 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.

Applicant's admitted drug and alcohol related conduct and the omissions on his SCA raise the following disqualifying conditions, under AG ¶ 16:

(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; 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 or group. Such conduct includes:

- (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing;
- (2) while in another country, engaging in any activity that is illegal in that country;
- (3) while in another country, engaging in any activity that, while legal there, is illegal in the United States;

SOR ¶¶ 3.a and 3.b

SOR ¶¶ 3.a and 3.b cross-allege Applicant's drug involvement and substance misuse allegations and alcohol consumption allegations as detailed in paragraphs 1 and 2, which raises disqualifying conditions under Guidelines H, G, and E. See AG ¶ 16(e).

The following mitigating conditions, under AG ¶ 17, are potentially relevant to SOR ¶¶ 3.a and 3.b:

(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;

(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;

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress; and

(g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply

with rules and regulations.

The mitigating factors discussed above for Guideline H and G are applicable to SOR ¶¶ 3.a and 3.b. Applicant has taken positive steps to reduce or eliminate his vulnerability by disassociating from persons who use marijuana, and he has changed his drinking behavior to avoid further OUIs and DWIs. He has acknowledged the behavior and taken other positive steps to alleviate the circumstances that contributed to his drug and alcohol-related incidents, and such behavior is unlikely to recur. Applicant has never held a security clearance and stopped his marijuana use when it was apparent he would be put in for a security clearance. Additionally, sufficient time has passed since his last encounter with law enforcement regarding either drugs or alcohol to give confidence that they will not recur. The length that he has gone without further traffic incidents reflects his willingness to comply with rules and regulations. It is unlikely that this conduct would recur and does not cast doubt on Applicant's reliability, trustworthiness, or good judgment. Mitigating conditions AG ¶¶ 17(c) - 17(e), and 17(g) are established for SOR ¶¶ 3.a and 3.b.

SOR ¶¶ 3.c through 3.e

The Appeal Board applying AG ¶ 16(a) has held "Applicant's statements about his intent and state of mind when he executed his Security Clearance Application were relevant evidence, but they [are] not binding on the Administrative Judge." ISCR Case No. 04-09488 at 2 (App. Bd. Nov. 29, 2006) (citation omitted). In ADP Case No. 17-03932 at 3 (App. Bd. Feb. 14, 2019), the Appeal Board recognized the importance of circumstantial evidence of intent in falsification cases:

When evaluating the deliberate nature of an alleged falsification, a Judge should consider the applicant's mens rea in light of the entirety of the record evidence. See, e.g., ADP Case No. 15-07979 at 5 (App. Bd. May 30, 2017). As a practical matter, a finding regarding an applicant's intent or state of mind may not always be based on an applicant's statements, but rather may rely on circumstantial evidence. *Id.*

Applicant credibly testified that his omission of the information described in SOR ¶¶ 3.c through 3.e was unintentional and based on a misunderstanding. He credibly explained his thinking when he completed his SCA and his belief about how his acquittals and citation applied to the question and how the alcohol treatment was more than 30 years ago and his explanations were reasonable. His testimony was consistent and focused on his explanation that he had been found not guilty, which resulted in a misunderstanding and confusion, and ultimately the omissions. Given Applicant's history, his explanation is entirely reasonable. Applicant was candid and credible during his security clearance interview, in his SOR response, and at his hearing. AG ¶ 16(a) is not applicable. Applicant refuted the allegations that he intentionally falsified his SCA.

Whole-Person Concept

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall common-sense judgment based upon careful consideration of the guidelines and the whole-person concept. In applying the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. An 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 H, G, and E in my whole-person analysis and have applied the adjudicative factors in AG ¶ 2(d). I have carefully considered the comprehensive and candid testimony of Applicant's character witness, the character letters, and the recency of Applicant's conduct. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003).

After weighing the disqualifying and mitigating conditions under Guidelines H, G, and E and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns raised by his conduct under Guidelines H, G, and E.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1: Guideline H:	FOR APPLICANT
Subparagraphs 1.a -1.d:	For Applicant
Paragraph 2: Guideline G:	FOR APPLICANT
Subparagraphs 2.a - 2.d:	For Applicant
Paragraph 3: Guideline E:	FOR APPLICANT
Subparagraphs 3.a - 3.d:	For Applicant

Conclusion

It is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Charles C. Hale
Administrative Judge