



**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 24-01630
)
Applicant for Security Clearance)

Appearances

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

07/10/2026

Decision

GOLDSTEIN, J., Administrative Judge:

This case involves unresolved security concerns raised under Guidelines F (Financial Considerations), H (Drug Involvement and Substance Misuse), J (Criminal Conduct), and E (Personal Conduct). Clearance is denied.

Statement of the Case

On February 19, 2026, the Defense Counterintelligence and Security Agency (DCSA) sent Applicant a Statement of Reasons (SOR) alleging security concerns under Guidelines F, H, J, and E. The DCSA acted under Executive Order (Exec. Or.) 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) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017.

Applicant answered the SOR (Answer) and requested a decision on the written record in lieu of a hearing. He admitted all the allegations. He attached documents marked

as Applicant Exhibits (AE) A through N to his Answer. Department Counsel submitted the Government's written case on April 20, 2026. A complete copy of the file of relevant material (FORM) was sent to Applicant, who was given an opportunity to file objections and submit material to refute, extenuate, or mitigate the Government's evidence. The FORM contained 13 Government Exhibits (GE) which were admitted into evidence without objection. GE 2 contained his Answer with Applicant exhibits AE A through N.

Additionally, the Government moved to amend SOR ¶¶ 4.a and 4.b pursuant to ¶ E.3.1.13. of DoD Directive 5220.6, as follows (amended language is in bold):

4.a. You falsified material facts on an Electronic Questionnaires for Investigations Processing (eQIP), executed by you on March 31, 2022 **and April 14, 2023** in response to the following questions: "Section 13A – Employment Activities [...] 5. Select your employment activity: Active military duty station

4.b. You falsified material facts on an Electronic Questionnaires for Investigations Processing (eQIP), executed by you on March 31, 2022 **and April 14, 2023** in response to the following questions: "Section 13A – Employment Activities [...] 3. Select your employment activity: [REDACTED] Provide the reason for leaving the employment activity [and] **For this employment have any of the following happened to you in the last seven (7) years? -Fired -Quit after being told you would be fired - Left by mutual agreement following charges or allegations of misconduct - Left by mutual agreement following notice of unsatisfactory performance [and]** Received Discipline or Warning For this employment, in the last seven (7) years have you received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as a violation of security policy?" You answered "Voluntary resignation" and "No" to receiving any type of discipline or warning **and being fired, quitting after being told you would be fired, and leaving by mutual agreement** and thereby deliberately failed to disclose that you resigned in lieu of termination for your conduct as set forth in subparagraphs 2.b.-2.c. above.

Applicant received the FORM on April 20, 2026, and responded the same day in a five-page letter (Response). The Applicant did not object to the Government's amendments, and they are granted. The case was assigned to me on June 17, 2026.

Findings of Fact

Applicant is a 31-year-old naturalized U.S. citizen. He is unmarried and has no children. He earned a bachelor's degree in 2016. He worked as a federal contractor from February 2019 to December 2019, when he left following allegations of misconduct related to his use of marijuana one-to-three times per week while holding a secret clearance, as discussed below. His subsequent unemployment caused financial

delinquencies. From 2020 to present, he has worked for a different government contractor. (GE 4, GE 5)

The SOR alleged that Applicant was delinquent on nine consumer debts in the approximate amount of \$41,000 (SOR ¶¶ 1.a-1.i), and that he had a state-tax lien entered against him in the amount of about \$3,100 (SOR ¶ 1.j). In his Answer, Applicant explained that in September 2024, he enrolled six of his delinquent debts in a debt resolution program (program). The program settled the \$14,412 debt owed on a vehicle loan (SOR ¶ 1.e) in full for \$720. It reached a \$4,079 settlement on his \$8,914 credit-union debt (SOR ¶ 1.d), which he is in the process of resolving through payments. The debts in SOR ¶¶ 1.a, 1.h, and two unalleged debts are also enrolled in the program, but no settlement agreement has been established on them, nor have any payments been made through the program. SOR ¶¶ 1.a and 1.h are unresolved. (AE M)

Applicant has resolved three other debts through payment and produced documentation to support his resolution. He paid in full a \$221 credit card debt (SOR ¶ 1.b), settled a \$3,905 auto loan debt (SOR ¶ 1.c), and paid in full a \$388 consumer debt (SOR ¶ 1.i). (AE I, AE J, AE N) Applicant claims he has also begun to address his 2017 state-tax lien (SOR ¶ 1.j). He stated that he agreed to pay \$402 to activate an installment plan, however, the record does not document any payments made toward that agreement. (GE 12, AE L)

Two of Applicant's SOR-alleged debts were resolved through cancellation. He presented 1099-Cs for the \$3,271 debt in SOR ¶ 1.f and \$8,181 for the debt in SOR ¶ 1.g. (AE F, AE G)

With respect to Applicant's use of marijuana, related criminal conduct, and ensuing falsifications, he admitted to all the Guideline H, J, and E allegations. Applicant used marijuana cannabis (marijuana) three-to-five times per week from October 2017 to February 2020, and he purchased marijuana one-to-two times per week, spending approximately \$30 to \$50 on each purchase (SOR ¶ 2.a). (GE 6 at 8)

In September 2018, Applicant entered officer training school for the Air Force. However, he was disenrolled and separated in October 2018, after testing positive for tetrahydrocannabinol (THC), the main psychoactive compound in cannabis, on two urinalysis tests (SOR ¶¶ 2.e and 3.a). He admitted to Air Force officials that between July 2018 and mid-August 2018, he smoked marijuana three to five times a week. (GE 11 at 3) He was separated effective October 16, 2018, and the separation was "uncharacterized." (GE 11) He remained unemployed until he was hired in February 2019 by a government contractor. (GE 4)

Applicant's marijuana use continued from February 2019 to August 2019, while employed by a government contractor and holding a secret security clearance (SOR ¶ 2.c). He was suspended from his position in August 2019 after "acting irrationally" at work and stating, "I'm smart because I smoke weed." (GE 10) He was escorted out of his workplace and required to participate in a drug test. That test was positive for marijuana

(SOR ¶ 2.b). Additionally, in a 2023 interview with a DoD investigator he admitted to being “high at work” as frequently as every other day from February 2019 to August 2019. (GE 6 at 11) His employer directed him to attend substance abuse counseling through their employee assistance program (EAP). He participated in counseling from September 2019 to November 2019, but he did not complete the EAP treatment due to transportation issues. He was given the option of resigning or being fired, and he chose to resign. His employer also filed an adverse information report. (GE 6 at 24, GE 10)

Applicant admitted the marijuana he used was likely laced with unknown additives (SOR ¶ 2.d). He also noted he was arrested and charged with operation of a motor vehicle while in possession of marijuana in August 2019 (SOR ¶¶ 2.f and 3.a). The charge was dismissed. (GE 5 at 37; GE 13)

Applicant acknowledged that his marijuana use was wrong and reflected poor judgment. He wrote in his Response that he accepts full responsibility for that conduct. Since February 2020, he maintained stable employment and indicated he did not engage in any similar conduct. (Response)

On Applicant's March 31, 2022 eQIP, he identified that he was not able to complete officer's training school but attributed it to medical reasons (SOR ¶ 4.a). (GE 5 at 17) He claimed to have received an honorable discharge. He also listed that he was employed by a government contractor from February 2019 to December 2019 and that his reason for leaving was “voluntary resignation.” (GE 5 at 16) He further indicated “no” in section 13A- Employment Record, when asked whether he had been fired, quit after being told he would be fired, left by mutual agreement following charges or allegations of misconduct, or left by mutual agreement following notice of unsatisfactory performance (SOR ¶ 4.b). (GE 5 at 16) In a subsequent April 2022 interview with a DoD investigator, he confirmed that he “received an honorable discharge” from the Air Force and volunteered “he had a medical condition rendering him unable to perform the physical fitness activities required.” (GE 6 at 18)

On his April 14, 2023 eQIP, Applicant once again attributed his military discharge to “medical reasons” in section 13A. However, in Section 15 he disclosed that he received an other than honorable discharge from the Air Force in November 2018 after testing positive for THC at officer training school. (GE 4 at 17) He listed that he used THC from October 2017 to November 2019 but again answered “no” when asked whether he had been fired, quit after being told he would be fired, left by mutual agreement following charges or allegations of misconduct, or left by mutual agreement following notice of unsatisfactory performance in section 13A- Employment Record (SOR ¶ 4.b). (GE 4 at 22-23)

In August 2023, Applicant signed an affidavit statement for background investigations that noted:

When questioned in my previous investigation on my SF-86, I listed that I was discharged due to medical reasons when in fact the discharge was due

to drug use while in possession of security clearance. I stated that I was honorably discharged mistakenly. I was made aware by the military that I was not being dishonorably discharged due to being honest about the drug use when asked. When questioned during the previous interview, I tried to mask the nature of the drug use as medicinal reasons because I was worried about the adverse nature of the circumstances and did not want it to affect my eligibility.

(GE 6 at 35)

Applicant admitted that the information pertaining to the circumstances of his Air Force separation and termination in 2019 were not accurately reflected on his 2022 and 2023 eQIPs. He acknowledged that his “decision was driven by immaturity, embarrassment, and concern about how the information would affect my eligibility.” (Response) He noted that he eventually disclosed the underlying circumstances of his Air Force separation, his prior marijuana use, and his termination noting, “[t]hese corrections were not easy to make, but they reflect a turning point in my understanding of the importance of candor.” (Response)

Applicant presented three character letters. The authors of the letters indicate he has a reputation for reliability, professionalism, and attention to detail. They believe he has learned from his experiences and has demonstrated personal growth. (AE B, AE C, AE D)

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* at 531. Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.” See ISCR Case No. 17-04166 at 3 (App. Bd. Mar. 21, 2019). It is “less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge’s] finding from being supported by substantial evidence.” *Consolo v. Federal Maritime Comm’n*, 383 U.S. 607, 620 (1966). “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. 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* at 531.

Analysis

Guideline F, Financial Considerations

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

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to

protect classified or sensitive information. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

The guideline sets forth several conditions that could raise security concerns under AG ¶ 19. The following are potentially applicable in this case:

- (a) inability to satisfy debts;
- (c) a history of not meeting financial obligations; and
- (f) failure to file or fraudulently filing annual Federal, state or local tax returns or failure to pay annual Federal, state, or local income tax as required.

Applicant accumulated nine consumer debts totaling \$41,000 and a 2017 state-tax lien for about \$3,100 was filed against him for failure to pay his state income tax. These debts were unaddressed for multiple years. The above disqualifying conditions apply.

AG ¶ 20 provides conditions that could mitigate security concerns. I considered all the mitigating conditions under AG ¶ 20 including:

- (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;
- (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and
- (g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Of Applicant's nine consumer debts, he is credited for resolving SOR ¶¶ 1.b, 1.c, 1.e, and 1.i. SOR ¶ 1.d is in the process of being resolved. They no longer cast doubt on Applicant's current judgment and are mitigated under AG ¶ 20(a). However, he had two

large delinquent debts cancelled and although his remaining two consumer delinquencies are enrolled in the program, they remain unpaid. . Given his inaction on these delinquent accounts from 2000 to October 2024 and his outstanding state tax debt, I cannot hold that his problems were “so long ago” and are unlikely to recur. The record evidence shows that the concerns are ongoing and continue to cast doubt on his current reliability, trustworthiness, and good judgment. AG ¶ 20(a) does not provide full mitigation.

Applicant’s financial problems are largely attributed to his separation from the Air Force and his termination from the government contractor — both due to his own misconduct. Since February 2020 he has had stable employment. Yet, he did not take meaningful action on his delinquent accounts until 2024. He did not act responsibly under the circumstances. AG ¶ 20(b) does not provide full mitigation.

Applicant did not indicate that he has undertaken credit counseling. AG ¶ 20(c) does not provide mitigation.

The Appeal Board has indicated that the concept of good faith “requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation.” ISCR Case No. 99-0201, 1999 WL 1442346 (App. Bd. Oct. 12, 1999). Given the lack of action in addressing his delinquent debts from 2020 to 2024, and the timing of his actions in 2024 relative to receipt of the interrogatories, I am unable to find he acted in good faith. Additionally, the Appeal Board has declined to find that “a FORM 1099-C for a charged-off debt constitutes a good-faith effort to resolve debts.” ISCR Case No. 22-00334 at 3 (App. Bd. May 26, 2023). The AG ¶ 20(d) does not provide full mitigation.

The plain language of mitigating condition AG ¶ 20(g) requires compliance with repayment arrangements that have actually been established. Neither a documented repayment arrangement nor history of compliance were satisfactorily established. AG ¶ 20(g) does not provide mitigation for his state tax debt.

Guideline H, Drug Involvement and Substance Misuse

AG ¶ 24 expresses the security concern regarding drug involvement:

The illegal use of controlled substances, to include the misuse of prescription drugs, and the use of other substances that can cause physical or mental impairment or are used in a manner inconsistent with their intended use 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.

The Controlled Substances Act (CSA) makes it illegal under Federal law to manufacture, possess, or distribute certain drugs, including marijuana/cannabis. (Controlled Substances Act, 21 U.S.C. § 801, et seq. See § 844). All controlled substances are classified into five schedules, based on their accepted medical uses, their potential for abuse, and their psychological and physical effects on the body. *Id.* at §§ 811, 812. Marijuana is, and was, classified as a Schedule I controlled substance under § 812(c) at all relevant times alleged.

I have considered the disqualifying conditions for drug involvement under AG ¶ 25, and the following are potentially applicable:

- (a) any substance misuse (see above definition);
- (b) testing positive for an illegal drug;
- (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.

Applicant used marijuana weekly from 2017 to 2020. He purchased marijuana one-to-two times per week, spending approximately \$30 to \$50 on each purchase. He admitted testing positive for THC twice during his Air Force service and once while holding a sensitive position with a government contractor. All of the above disqualifying conditions apply.

I have considered all the mitigating conditions under AG ¶ 26. The following 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 is grounds for revocation of national security eligibility; 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.

No mitigating conditions fully apply. Applicant's admitted marijuana use occurred between 2017 and 2020, and he claims he has not used marijuana since February 2020. He exercised extremely poor judgment when using marijuana while in the Air Force and he was on notice of the Government's concerns with marijuana since he was separated from the Air Force because of his positive test. His decision to continue to use marijuana after acquiring a job with a government contractor and while holding a secret security clearance was egregious. His decision to work while under the influence of marijuana was even more egregious. Additionally, his inconsistent statements about his marijuana use and his past concealment of his marijuana-related employment problems are troubling. For instance, on his April 2023 eQIP, he indicated he used marijuana from October 2017 to November 2019, and only later admitted it continued to 2020. Not only did he not submit "a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement is grounds for revocation of national security eligibility," he dropped out of the EAP program and has not successfully completed a drug treatment program. The concerns are not mitigated.

Guideline J, Criminal Conduct

The concern under this guideline 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 following disqualifying condition in AG ¶ 31 is relevant:

(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.

AG ¶ 31(b) is established. Applicant was separated from the Air Force for testing positive for marijuana, an illegal substance. He was also arrested and charged with operation of a motor vehicle while in possession of marijuana in August 2019.

The following mitigating conditions set out in AG ¶ 32 are potentially relevant:

(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 was separated because of his criminal conduct by the Air Force in 2018 and his 2019 criminal charge was dismissed. He has not been arrested or charged with any further criminal activities and more than six years have passed since he was arrested. However, he continued to engage in the illegal use of marijuana beyond the two criminal events alleged, as discussed under Guideline H, above. Additionally, he engaged in criminal conduct when he falsified his 2022 and 2023 eQIPs. I am unable to find proper passage of time without recurrence of criminal activity due to the recency of his falsification. While not alleged under Guideline J, all of his criminal conduct should be considered when examining whether Applicant has mitigated the alleged criminal concerns. Together, they establish a pattern of criminal conduct over the course of seven years, 2017 through 2023. I am unable to conclude that his past criminal conduct does not cast doubt on his current reliability, trustworthiness, and judgment. Applicant has not met his burden to produce sufficient evidence of rehabilitation to overcome his poor judgment demonstrated by his criminal activities. AG ¶¶ 32(a) and 32(d) are not established.

Guideline E: Personal Conduct

AG ¶ 15 expresses the security concern for personal conduct:

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

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying condition applies:

(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.

Applicant failed to disclose, on both his 2022 and 2023 eQIPs, that he chose to resign after being given the option of resigning or being fired from the government contractor in 2019. He also falsified his reason for his discharge from the Air Force on his 2022 eQIP. On his 2023 eQIP, however, he disclosed in Section 15 that he tested positive for THC in November 2018 and was subsequently discharged. While he did not correct his answer in Section 13, he did place the government on notice as to why he separated from the Air Force in that 2023 eQIP. As a result, I find that his 2023 eQIP was not

intentionally falsified with respect to his separation from the Air Force. AG ¶ 16(a) is disqualifying.

AG ¶ 17 provides conditions that could mitigate security concerns in this case:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or 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;

(f) the information was unsubstantiated or from a source of questionable reliability; 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.

None of the above mitigating conditions fully apply. Applicant admitted he falsified both his 2022 and 2023 eQIPs. When questioned by the investigator in 2022 about his discharge from the Air Force, he lied again. In 2023, he disclosed the reason for the discharge, but again falsified his employment record by failing to disclose the nature of his resignation from the government contractor. His judgment and veracity remain in question and cast doubt upon his reliability, trustworthiness, judgment, and willingness to comply with rules and regulations.

Whole-Person Analysis

Under AG ¶ 2(c), the 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. An administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all the 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 Guideline F in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Because Applicant requested a determination on the record without a hearing, I had no opportunity to question him or evaluate his credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003). While he presented character reference letters attesting to his trustworthiness, a favorable reputation for honesty and reliability must be discounted in the face of proven acts of falsification. See ISCR Case No. 94-1109 at 4 (App. Bd. Jan. 31, 1996). After weighing the disqualifying and mitigating conditions under Guidelines F, H, J, and E and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concern raised under the alleged financial considerations.

Formal Findings

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

Paragraph 1, Guideline F (Financial Considerations): **AGAINST APPLICANT**

Subparagraph 1.a:	Against Applicant
Subparagraphs 1.b - 1.e:	For Applicant
Subparagraphs 1.f - 1.h:	Against Applicant
Subparagraph 1.i:	For Applicant
Subparagraph 1.j:	Against Applicant

Paragraph 2, Guideline H (Financial Considerations): **AGAINST APPLICANT**

Subparagraphs 2.a - 2.f:	Against Applicant
Paragraph 3, Guideline J (Criminal Conduct):	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Paragraph 4, Guideline E (Personal Conduct):	AGAINST APPLICANT
Subparagraph 4.a:	Against Applicant (except for "and April 14, 2023")
Subparagraph 4.b:	Against 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. Clearance is denied.

Jennifer Goldstein
Administrative Judge