



DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
) ISCR Case No. 25-00831
)
Applicant for Security Clearance)

Appearances

For Government: Erin P. Thompson, Esq., Department Counsel
For Applicant: *Pro se*

07/17/2026

Decision

HALE, Charles C., Administrative Judge:

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

Statement of the Case

Applicant submitted a security clearance application (SCA) on February 21, 2024. On October 2, 2025, the Department of Defense (DoD) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines E, F, H, and J. The DoD acted under Executive Order (Exec. Or.) 10865, Safeguarding Classified Information within Industry (February 20, 1960), as amended; DoD Directive 5220.6, Defense Industrial Personnel Security Clearance Review Program (January 2, 1992), as amended (Directive); and the Security Executive Agent Directive 4, National Security Adjudicative Guidelines (AG) (December 10, 2016).

Applicant submitted his Answer to the SOR on January 23, 2026, and requested a decision on the written record without a hearing. Department Counsel submitted the Government's written file of relevant material (FORM) on March 10, 2026. A complete copy of the 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. He

elected not to respond to the Government's FORM. The period for his response lapsed on April 19, 2026. The case was assigned to me on July 1, 2026.

The SOR and the Answer, Government Exhibits (GE) 1 and 2 respectively, are the pleadings in the case. GE 3 through 10 are admitted into evidence without objection.

Amendment to the SOR

SOR ¶¶ 1.c and 1.d contain a scrivener's error and reference Guideline F, SOR ¶¶ 2.a and 2.b respectively, instead of SOR ¶¶ 3.a and 3.b. Given that allegations SOR ¶¶ 1.c and 1.d plainly state Guideline H matters, which were alleged under SOR ¶¶ 3.a and 3.b, I have made the appropriate annotations in the decision.

Findings of Fact

Applicant is 27 years old. He earned a GED in 2019 and obtained a welding certificate in 2020. He is single and does not have any children. This is his first application for a security clearance. He has worked as a driver for his sponsor since August 2024. He experienced a period of unemployment from April 2015 through February 2017 and another from March 2024 to July 2024. He has held numerous positions since February 2017: janitor, painter, laborer, dispatcher, and deckhand. (GE 3.)

The SOR alleges multiple concerns under Guidelines E, F, H, and J. In his Answer Applicant admitted each allegation without an explanation and did not offer any evidence with his Answer.

Guideline F and Guideline E (SOR ¶ 1.e)

SOR ¶¶ 2.a through 2.c. Applicant admitted he has a \$4,500 hospital debt; a delinquent student account for \$6,369; and that he had court fines associated with various offenses totaling somewhere between \$7,000 and \$8,000. The court fines (¶ 2.c) are also cross-alleged in SOR ¶ 1.e.

Applicant told the DoD investigator during his security clearance interview that he accumulated his medical debt, SOR ¶ 2.a, due to frequent visits to the emergency room for health testing and would just throw the bills away. He listed this debt on his SCA. (GE 3 at 37; GE 4 at 24.)

SOR ¶ 2.b was for a student loan, which Applicant was not paying on because money was tight. (GE 4 at 24.) He used to shoot dice, but stopped, and he now gambles on a popular gambling app on his phone, spending about \$250 to \$300 every other month. He told the investigator his goal is to be debt free and a business owner. He described himself as living paycheck to paycheck. (GE 4 at 17, 26.)

Applicant stated on the SCA:

I was not able to find a steady job to manage my student loans & [my living] expenses.

I have not yet [taken] action because I have been [having] a hard time to make the right money to take care of my student loans & me so I'm hoping the job could change that.

(GE 3 at 37.)

SOR ¶ 2.c (SOR ¶ 1.e) involved unpaid court costs and fines. Applicant told the investigator he had never paid the "any fine" issued to him. He stated he wanted to be a good place financially before going to the courthouse to set up a payment plan. (GE 4 at 21-22.)

Guideline H

SOR ¶¶ 3.a and 3.b: Applicant admitted he used marijuana from 2010 to about November 2022 with varying frequency and from about 2012 to about November 2022 he purchased marijuana on various occasions, which was not disclosed on his SCA (SOR ¶¶ 1.c and 1.d). He stopped using marijuana because he felt it was causing him to gain weight. He told the investigator he did not see where to list his drug use on the SCA. He affirmed in his response to Government interrogatories he did not intend to use marijuana in the future and that he been subject to one drug test with his employer. (GE 4 at 22-23, 31-33.)

Guideline J and Guideline E

The SOR allegations for SOR ¶¶ 1 and 4 are quoted in bold below. SOR ¶ 1.f cross alleges the information in SOR ¶¶ 4.a through 4.g.

SOR ¶ 4.a: In about April 2016, you were arrested and charged with felony Malicious Wounding and felony Burglary (Entering of a Dwelling House with Intent to Commit Murder, Rape, Robbery, or Arson). Pursuant to a plea agreement, the Malicious Wounding charge was dismissed and the Burglary charge was reduced to a misdemeanor. You served approximately nine months' confinement. Applicant admitted the allegation without explanation, which is supported by records of his criminal history. He discussed the incident with the investigator during his security clearance interview. (Answer; GE 3, GE 4; GE 7 at 9-10; GE 10 at 1.)

SOR ¶ 4.b: In about September 2017, you were issued a citation for Use of a Counterfeit Inspection Sticker. Applicant admitted the allegation without explanation, which is supported by records of his criminal history. He discussed the incident with the investigator during his security clearance interview. (Answer; GE 3, GE 4; GE 8 at 4; GE 11 at 10.)

SOR ¶ 4.c: In about November 2017, you were convicted of misdemeanor Trespassing. You did not pay the associated fine. Applicant admitted the allegation without explanation, which is supported by records of his criminal history. He disclosed on his SCA but he listed a different year. (Answer; GE 2, GE 4; GE 7 at 10; GE 10.)

SOR ¶ 4.d: In about November 2018, you were convicted of misdemeanor Trespassing. You served approximately 14 days' confinement. You did not pay the associated fine. Applicant admitted the allegation without explanation, which is supported by records of his criminal history and was disclosed on his SCA. (Answer; GE 2, GE 4; GE 7 at 11; GE 10.)

SOR ¶ 4.e: In about April 2021, after becoming intoxicated, you were charged with Reckless Driving. You paid a fine of approximately \$250. Applicant admitted the allegation without explanation, which is supported by records of his criminal history and was disclosed on his SCA. (Answer; GE 2, GE 4; GE 8 at 6.)

SOR ¶ 4.f: In about August 2021, you were convicted of misdemeanor Driving While License, Permit, or Privilege To Drive Suspended or Revoked. Applicant admitted the allegation without explanation, which is supported by records of his criminal history. He disclosed it on his SCA but he listed a different year. (Answer; GE 2, GE 4; GE 8 at 6; GE 11 at 5.)

SOR ¶ 4.g: In about April 2022, you were issued a citation for misdemeanor Failure to Display a Concealed Weapon Permit When Asked. Applicant admitted the allegation without explanation, which is supported by records of his criminal history and was disclosed on his SCA. He was seen by police walking in the evening walking down a street with a handgun in his pant pocket. (GE 9 at 2-3.) He continues to drive to work with a weapon, which he leaves in the vehicle. (Answer; GE 4 at 18.)

Guideline E

SOR ¶ 1.a: In about June 2024, you were dismissed from your employment at [Employer 1]. Your employer claimed you had failed to appear for work and had not notified your employer that you would be absent. You have disputed this characterization. Applicant admitted the allegation without explanation, which he discussed with the investigator. (GE 4 at 5-6.)

SOR ¶ 1.b: In about April 2022, you were issued a citation for misdemeanor Failure to Display a Concealed Weapon Permit When Asked. Applicant admitted the allegation without explanation, which is supported by records of his employment history and was discussed with the investigator. (GE 3 at 12; GE 4 at 6; GE 5.)

SOR ¶ 1.c: You falsified material facts on an Electronic Questionnaires for Investigations Processing (e-QIP), executed by you on [September 2024], in response to the following questions: "Section 23 - Illegal Use of Drugs or Drug Activity In the last seven (7) years, have you illegally used any drugs or controlled

substances? Use of a drug or controlled substance includes injecting, snorting, inhaling, swallowing, experimenting with or otherwise consuming any drug or controlled substance?" You answered "No" and thereby deliberately failed to disclose your prior illegal drug use as set forth in subparagraph [3.a]. Applicant admitted the allegation without explanation. Applicant admitted subparagraphs 3.a. and 3.b as discussed above. He discussed the incidents with the investigator during his security clearance interview after being confronted. He explained to the investigator he did not see where to enter this particular concern on the SCA. (Answer; GE 4.)

SOR ¶ 1.d: You falsified material facts on an Electronic Questionnaires for Investigations Processing (e-QIP), executed by you on [September 2024], in response to the following questions: "Section 23 - Illegal Use of Drugs or Drug Activity In the last seven (7) years, have you been involved in the illegal purchase, manufacture, cultivation, trafficking, production, transfer, shipping, receiving, handling or sale of any drug or controlled substance?" You answered "No" and thereby deliberately failed to disclose your prior drug purchases as set forth in subparagraph [3.b], below. Applicant admitted the allegation without explanation. Applicant admitted subparagraphs 3.a. and 3.b as discussed above. He discussed the incidents with the investigator during his security clearance interview after being confronted. He explained to the investigator he did not see where to enter this particular concern on the SCA. (Answer; GE 4.).

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 F: Financial Considerations

The security concern under this Guideline states, “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.” (AG ¶ 18)

Applicant’s history of financial problems triggers the application of 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 debt.

Applicant failed to mitigate the financial considerations security concerns. None of the mitigating conditions fully apply. He attributed his financial problems to unemployment and underemployment. His financial issues are recent and ongoing. Applicant's inaction with respect to his financial delinquencies continues to cast doubt on his current reliability, trustworthiness, and judgment. AG ¶ 20(a) does not apply.

The evidence indicates that Applicant was unemployed and underemployed. This falls under the first prong of AG ¶ 20(b). However, under the second prong of AG ¶ 20(b), he must establish that he acted responsibly under the circumstances. Given his inaction, he did not establish that he acted responsibly under the circumstances. Under these circumstances, AG ¶ 20(b) does not fully apply.

AG ¶ 20(d) is not applicable. Applicant did not provide evidence he is adhering to a good-faith effort to repay overdue creditors.

In a Guideline F case, the Appeal Board has held that until an applicant has a "meaningful financial track record it cannot be said as a matter of law that he has initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." ISCR Case No. 05-01920 at 5 (App. Bd. Mar. 1, 2007). The concept of "meaningful track record" necessarily includes evidence of actual debt reduction through payment of debts." *Id.* Applicant did not provide sufficient evidence that he acted responsibly under the circumstances to resolve his debts.

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 and the record establish the following disqualifying conditions under this guideline, as detailed in AG ¶ 25:

- (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.

Applicant discussed his drug use with the investigator during his security clearance interview and admitted he failed to disclose his drug-related actions. AG ¶¶ 25(a) and 25(c) apply.

The following mitigating conditions are potentially applicable as detailed in AG ¶ 26:

- (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.

The Appeal Board has stated:

AG ¶ 26(a) affords mitigation where "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." The Directive is silent on what constitutes a sufficient period of reform and rehabilitation. That silence, however, does not relieve a judge of the obligation to construe and apply pertinent provisions of the Directive in a reasonable, common-sense way. See ISCR Case No. 02-08032, 2004 WL 1434394 at *5 (App. Bd. May 14, 2004). The Board has repeatedly held that, if the record reflects a significant period of time has passed without misconduct by an applicant, then the

judge must articulate a rational basis for concluding why that time does not demonstrate changed circumstances or conduct sufficient to warrant a finding of reform or rehabilitation. *Id.*

AG ¶¶ 26(a) and 26(b) are established for SOR ¶¶ 3.a-3.b. Applicant has acknowledged his drug involvement and substance misuse and has not misused drugs since 2022. He has established a pattern of abstinence. He has not had a law enforcement incident since 2022. Guideline H security concerns are mitigated.

Guideline J: Criminal Conduct

AG ¶ 30 expresses the security concern for criminal conduct:

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.

31: The following disqualifying condition is potentially applicable as detailed in AG ¶

(a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; and

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

Applicant's criminal conduct is documented in his SCA, security clearance interview, and records of his criminal history. The above disqualifying conditions apply.

32: The following mitigating conditions are potentially applicable as detailed in AG ¶

(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's criminal history, as detailed in the record, ends in 2022. Given the amount of time since his last incident, Applicant has established some evidence of successful rehabilitation and a period of responsible behavior and compliance with rules, regulations, and the law to mitigate his criminal conduct.

After the felony in 2016, Applicant was involved in a series of minor criminal offenses from 2017 to 2022. Those offenses alone would not justify denial of a security clearance. However, Applicant in 2022 was issued a citation for misdemeanor failure to display when asked about a concealed weapon permit. He has not resolved all his fines. While it appears, he has not been involved in any new criminal conduct since 2022, he was dismissed from an employment in February 2024 for threatening another employee. Applicant's failure to resolve his fines and his negative employment record undermine any assertion that sufficient time has elapsed since the last criminal behavior happened. Further criminal conduct is likely to recur or and continues to cast doubt on the Applicant's reliability, trustworthiness, and good judgment. AG ¶¶ 32(a) and 32(d) do not apply.

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 intentional failure to disclose the full extent of his criminal history in his SCA, as alleged, raises the following disqualifying condition, 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;

The following mitigating conditions, under AG ¶ 17, are potentially relevant:

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

(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.

AG ¶¶ 17(a) and 17(c) are not established for SOR ¶¶ 1.a through 1.f. Applicant admitted he deliberately failed to fully disclose his drug history on his SCA, and the evidence reflects that he failed to make a prompt and good-faith effort to correct his omissions and falsifications before being confronted with the facts by the investigator. See ISCR 22-02601 at 5-6 (App. Bd. Feb. 22, 2024). He admitted each criminal allegation and the fines he failed to pay related to the offenses. Applicant has established a pattern of criminal behavior which cast doubt on his reliability, trustworthiness, and good judgment. His behavior casts doubt on Applicant's reliability, trustworthiness, and good judgment.

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 F, H, J, and E in my whole-person analysis and have applied the adjudicative factors in AG ¶ 2(d). Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor to determine if his omissions were simply oversights on his part. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003).

I considered that Applicant is applying for a security clearance for the first time. I considered his honesty in disclosing his debts and criminal history on his SCA; the

circumstances for why he failed to disclose his drug involvement on his SCA. 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 mitigated the Guideline H security concerns but has not mitigated the security concerns raised by his conduct under Guidelines F, J, and E.

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.

Formal Findings

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

Paragraph 1: Guideline E:	AGAINST APPLICANT
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Subparagraphs 1.a - 1.b, 1.e - 1.f:	Against Applicant
Subparagraphs 1.c - 1.d (SOR ¶¶ 3.a and 3.b)	For Applicant

Paragraph 2: Guideline F:	AGAINST APPLICANT
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Subparagraphs 2.a - 2.c:	Against Applicant
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Paragraph 3: Guideline H:	FOR APPLICANT
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Subparagraphs 3.a - 3.b:	For Applicant
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Paragraph 4: Guideline J:	AGAINST APPLICANT
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Subparagraphs 4.a - 4.g:	Against Applicant
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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.

Charles C. Hale
Administrative Judge