

KEYWORD: Financial; Personal Conduct; Criminal Conduct

DIGEST: Applicant is a senior electronics engineer for a defense contractor. He did not file federal income tax returns for a number of years. The Internal Revenue Service placed a tax lien against Applicant that has yet to be satisfied. He has now filed income tax returns and is working to resolve his tax indebtedness. He deliberately did not respond correctly on his security clearance application to the questions concerning liens, and debts more than 180 days or 90 days past due. Clearance is denied.

CASENO: 06-23685.h1

DATE: 09/17/2007

DATE: September 17, 2007

In Re:)	
)	
-----)	
SSN: -----)	ISCR Case No. 06-23685
)	
Applicant for Security Clearance)	
)	

**DECISION OF ADMINISTRATIVE JUDGE
THOMAS M. CREAN**

APPEARANCES

FOR GOVERNMENT

Daniel F. Crowley, Esq., Department Counsel
Rita O'Brien, Esq., Department Counsel

FOR APPLICANT

Ronald C. Sykstus, Esq.

SYNOPSIS

Applicant is a senior electronics engineer for a defense contractor. He did not file federal income tax returns for a number of years. The Internal Revenue Service placed a tax lien against Applicant that has yet to be satisfied. He has now filed income tax returns and is working to resolve his tax indebtedness. He deliberately did not respond correctly on his security clearance application to the questions concerning liens, and debts more than 180 days or 90 days past due. Clearance is denied.

STATEMENT OF THE CASE

On January 30, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the basis for its decision to deny a security clearance for Applicant. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1990), as amended, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive). The new adjudicative guidelines (AG) promulgated by the President on December 29, 2005, and effective in the Department of Defense on September 1, 2006, will be used to adjudicate this case. Applicant acknowledged receipt of the SOR on February 12, 2007. The SOR alleges security concerns under Guideline F (Financial Considerations), Guideline E (Personal Conduct), and Guideline J (Criminal Conduct) of the Adjudicative Guidelines and the Directive.

Applicant answered the SOR in writing on March 1, 2007. He admitted five and denied six of the allegations under Guideline F with an explanation. He denied all of the allegations under Guidelines E and J. He requested a hearing before an administrative judge, and the request was received by DOHA on March 5, 2007. Department Counsel was prepared to proceed with the case on March 25, 2007. The case was assigned to another administrative judge on March 28, 2007. A hearing was conducted on June 6, 2007, and Applicant was granted a continuance to consult with an attorney. The case was reassigned to me on June 21, 2007. Applicant's attorney was unable to proceed with the case until late August 2007. A notice of hearing was issued on July 24, 2007 for a hearing on August 22, 2007. The hearing convened as scheduled. Fifteen government exhibits, marked Government Exhibits 1-15 were introduced. Applicant objected to the admission of Government Exhibits 8, 9, 10, and 15 which were not admitted. Government Exhibits 5, 11, and 14 were admitted for limited purposes. Nine Applicant exhibits, marked Applicant Exhibits A-I, were admitted without objection. The record was held open for Applicant to admit additional exhibits. Two additional Applicant Exhibits, marked Applicant Exhibits J-K, were timely received and admitted without objection. The testimony of the Applicant and three Applicant witnesses were received during the hearing. DOHA received the transcript (Tr.) on September 4, 2007.

FINDINGS OF FACT

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact.

Applicant is a 71-year-old college graduate senior electronics engineer anticipating working with a defense contractor. He commenced working in the defense industry in 1963 and he has held a security clearance since then. He worked in the defense industry on missiles, winged bombs, and

the integration of missiles on ground vehicles. He worked for various defense contractors on different products until the contracts were completed. He worked for 17 years, from 1979 to 1994, for one contractor until he received a lucrative buy-out proposal when that company's project for the government was completed. Since then he has been an independent consultant working for defense contractors. He is presently not working for a contractor but a defense contractor anticipates employing him for a contract. He submitted a security clearance application for the ten year periodic update of his clearance in 2004 in anticipation of the employment.¹ Applicant is married for the second time. His first marriage lasted for 30 years from 1955 to 1985. The marriage was terminated in a contested divorce. Applicant was required to pay alimony and child support.² He remarried in 1991, and has been married for over 16 years. He and his present wife have custody of his two young grandchildren, and anticipate adopting them shortly.³

A security investigation triggered by Applicant's security clearance application reveals security concerns based on credit reports.⁴ The first security concern is a delinquent debt, denied by Applicant, to a car rental agency for damage to a rental car. Applicant contested this debt. When Applicant returned the car, he paid the bill. Subsequently, he was notified by the car rental agency of a debt for damage to the car. He informed the rental agency that his credit card company was obligated to pay for any damage. He notified the credit card company which made inquiries of the rental agency. The credit card company never received a response from the rental car agency and the debt is still under dispute.⁵

The next security concerns are delinquent debts for medical bills from a medical center relating to Applicant's cataract surgery. Applicant stated these were not valid debts since he paid the medical bills. The creditor acknowledged that the bills were paid in full.⁶

There are security concerns for tax liens of \$68,588.55, and \$18,951.24, filed by the Internal Revenue Service in 2000 and 2004.⁷ Applicant acknowledged the tax liens.

There is a security concern alleged for a wage garnishment of \$253 weekly for unpaid child support. Applicant acknowledged that his wages were garnished for child support, but not because the child support payments were in arrears. His wages were garnished by the court as a means of

¹Government Exhibit 1 (Security Clearance Application, dated April 27, 2004).

²Applicant Exhibit B (Divorce Decree and Agreement, dated January 9, 1985).

³Tr. 56-63, 79-82.

⁴Government Exhibit 2 (Credit report, dated January 13, 2007); Government Exhibit 3 (Credit report, dated October 28, 2005); Government Exhibit 4 (Credit report, dated May 21, 2004); Government Exhibit 5 (Credit report, dated July 23, 1993). Applicant objected to Government exhibit 5 based on it being irrelevant and immaterial since it was 14 years old. Government exhibit 5 was admitted for the limited purpose of showing Applicant had collection accounts dating back to 1992.

⁵Tr. 64-65, 82-85. *See*, Applicant's response to the SOR containing correspondence between Applicant and the credit card company concerning the damage to the car and the debt.

⁶Tr. 65-66, 85-86; Applicant Exhibit K (Letter, dated August 30, 2007).

⁷Tr. 66-67; Government Exhibit 6 (Notice of Federal Tax Liens, dated December 14, 2004); Government Exhibit 7, (Notice of Federal Tax Lien, dated September 8, 2000).

paying the child support payments. Applicant settled his child support obligations with his former wife. His former wife, who raised the children supported by the payments, acknowledged Applicant has paid all child support and does not owe any child support payments.⁸

There is a security concern for a charged off bank account debt for \$110. Applicant has no knowledge of this debt. He has not taken any action to inquire or dispute the debt.⁹

There is a security concern for Applicant's filing for a Chapter 13 bankruptcy after his divorce from his former wife. His child support and alimony payments were calculated on a higher income than he received, so he was unable to pay all of his debts. The resulting bankruptcy was converted from a Chapter 13 to a Chapter 7 bankruptcy and the debts discharged on August 6, 1987. Applicant continued to incur debt, and again filed a Chapter 13 bankruptcy on April 3, 1991. He completed the wage earners plan and the bankruptcy was discharged on January 15, 1998.¹⁰

There is a security concern because Applicant did not file federal tax returns for many years from 1980 to 2005. Applicant acknowledged and admitted he did not file the tax returns as required. He stated that taxes were withheld from his pay but he did not file the returns.¹¹ He did file the required returns in 2004.¹² The Internal Revenue Service (IRS) is in the process of auditing the returns he filed to determine his tax liability.¹³ He has consulted a tax consulting company to assist him with his tax returns.¹⁴

Applicant answered "NO" to question 36 on his security clearance application asking if in the last seven years any liens were placed against his property for failing to pay taxes. Applicant knew at the time he had tax liens placed against him. He believed the liens were against him personally. He had no property to place a tax lien.¹⁵ Applicant answered "NO" to question 38 asking if in the last seven years he had been more than 180 days delinquent on any debts, and question 39 if he was currently more than 90 days past due on any debts. Applicant knew of the tax liens but thought that since the tax debt was being collected from his pay and social security, he was not past due. He was contesting the car rental debt so he thought it was not past due. He did not know of the medical or

⁸Tr. 68-69, 86-89; Applicant Exhibit I (Letter, dated August 22, 2007).

⁹Tr. 68, 86.

¹⁰Tr. 69-70, 98-100; Government Exhibit 12 (Chapter 13 Petition, dated March 25, 1991); Government Exhibits 13 and 14 (Employer's notice of wage plan withholding, dated October 6, 1986); Applicant Exhibit D (Bankruptcy documents, dated January 22, 1991, and July 6, 2007).

¹¹Tr. 70-72; *See*, Government Exhibits 6 and 7 (Notices of Federal Tax Liens).

¹²Applicant Exhibit J (Federal tax returns for 1997-2002).

¹³Applicant Exhibit G (IRS Account Transcripts, dated August 17, 2007).

¹⁴Applicant Exhibit A (Letter, dated June 6, 2007).

¹⁵Tr. 73-74, 90-92.

bank debts.¹⁶

Applicant is well regarded for his work performance. He presented his performance ratings from the defense contractor he worked for from 1979 to 1994. His rating were uniformly superior with major contributions to his projects.¹⁷ Applicant presented a recommendation message from the facilities security officer for one of his former employers who has known Applicant for 20 years. It was her opinion Applicant was not a security risk. Applicant has always been aware of security requirements, and has been committed to security procedures.¹⁸ A former supervisor wrote that he knew Applicant for over 20 years. He has never seen Applicant being lax or careless or ignoring security requirements. He noted Applicant was instrumental in reporting another employee who did commit security violations and was later punished.¹⁹ The file from the first hearing conducted on June 6, 2007, contained a message from a security officer from one of Applicant's former employers to one of the Department Counsel. She noted the when Applicant worked for her company she knew of no reason to question Applicant's handling of classified information.²⁰

A witness testified he has know Applicant since 1972 when they worked together on government missile and bomb projects. After the witness retired from the government in 1979, they worked together on projects for the same employer. The work was classified and Applicant always complied with security procedures. He knows of Applicant's financial problems. The issues are things Applicant must fix but he does not consider him to be a security risk.²¹ Another witness testified that he has know Applicant for over 20 years. They both worked in testing of missiles and bomb. He was a government representative and Applicant was a contractor employee. They had daily contact from 1980 to 1991. He has never known Applicant to be a security risk and Applicant always followed security procedures.²² Another witness testified that he has know Applicant for over 25 years. They worked together on and off in test engineering. He never know Applicant to be a security risk . Applicant always followed security procedures. He has no concern about Applicant's security worthiness. Applicant applied to work at his company and he would favorably support his employment.²³

POLICIES

The President has "the authority to . . . control access to information bearing on national

¹⁶Tr. 74-77, 92-93.

¹⁷Appellant Exhibit E (Performance ratings, July 1979 to December 1990).

¹⁸Applicant Exhibit F (Message, date August 22, 2007).

¹⁹Applicant Exhibit H (Message, date August 22, 2007).

²⁰Even though this was not introduced as an exhibit by Applicant, I considered it since it was contained in the file given me from the hearing conducted on June 6, 2007.

²¹Tr. 105-111.

²²Tr. 111-116.

²³Tr. 116-123.

security and to determine whether an individual is sufficiently trustworthy to occupy a position . . . that will give that person access to such information.”²⁴ Eligibility for a security clearance is predicated upon the applicant meeting the security guidelines contained in the Directive.²⁵

The Directive sets out the adjudicative guidelines for making decisions on security clearances. The disqualifying conditions and mitigating conditions for each guideline were set forth in the new Adjudicative Guidelines. Each clearance decision must be fair, impartial, and a commonsense decision based on the relevant and material facts and circumstances, the whole person concept.

The adjudicative process is an examination of a sufficient period of a person’s life to make an affirmative determination that the person is eligible for a security clearance. An administrative judge must apply the “whole person concept,” and consider and carefully weigh the available, reliable information about the person.²⁶ An administrative judge should consider: (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 applicant’s age and maturity at the time of the conduct; (5) the voluntariness of participation; (6) the presence or absence of rehabilitation and other pertinent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation of recurrence.²⁷

A person granted access to classified information enters into a special relationship with the government. The government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of the applicant.²⁸ It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

The Government must present evidence to establish any controverted facts in the SOR.²⁹ Applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate disqualifying facts.³⁰ An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.”³¹ The government is under no duty to present evidence to disprove any Adjudicative Guideline mitigating condition, and an Administrative Judge cannot assume or infer that any particular mitigating condition is applicable merely because the

²⁴*Department of the Navy v. Egan*, 484 U.S. 518 (1988).

²⁵Directive ¶ E2.2.1.

²⁶*Id.*

²⁷AG 2(a).

²⁸*See* Exec. Or. 10865 § 7.

²⁹Directive ¶ E3.1.14.

³⁰ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002); *see* Directive ¶ E3.1.15.

³¹ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002).

government does not present evidence to disprove that particular mitigating condition.³² “[T]he Directive presumes there is a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability.”³³ “Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security.”³⁴

CONCLUSIONS

I carefully considered all of the factors in evidence and the legal standards discussed above. I reach the following conclusions regarding the allegations in the SOR.

Under Guideline F, the failure or inability 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 information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds.³⁵ The government presented information that Applicant has not settled a debt with a car rental company, has outstanding medical debts, has an unsatisfied federal tax lien, a charged off bank account debt, a child support wage garnishment, twice filed bankruptcy, and has not filed federal tax returns for a number of years. This information is sufficient to raise Financial Considerations Disqualifying Conditions (FI DC) ¶ 19(a) (Inability or unwillingness to satisfy debts); FI DC ¶ 19(c) (A history of not meeting financial obligations); and FI DC 19(g) (Failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of same).³⁶

Applicant raised by his testimony and information a number of Financial Consideration Mitigating Conditions (FI MC). Applicant contested the rental car charge for damage to the vehicle and contacted his credit card company which should have paid the debt. The rental car company never responded to the credit card company. Applicant has a reasonable basis to dispute the debt and provided documented proof of action taken to resolve the issue. He presented sufficient information to mitigate this security concerns under FI MC ¶ 20(e) (The individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue). However, he has not mitigated security concerns for the charged off bank debt under this same mitigating condition. He claims he does not know of the debt, but he took no action to inquire about

³²ISCR Case No. 99-0597 (App. Bd. Dec 13, 2000).

³³ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996) (quoting DISCR Case No. 92-1106 (App. Bd. Oct. 7, 1993))

³⁴*Egan*, 484 U.S. at 531; *see* Directive ¶ E2.2.2.

³⁵AG ¶ 18.

³⁶I considered the information raised in Government Exhibit 14, but gave it no weight in determining Applicant’s security worthiness. The exhibit noted that Applicant’s former employer notified him that he had improperly used the company credit card. The company took no action except to advise Applicant of the correct reasons to use the company credit card. This incident was never raised in the SOR as an allegation, and the exhibit does not indict any deliberate wrong actions by Applicant to affect his security worthiness.

or resolve the debt. He did not present evidence of a reasonable basis to dispute the debt or any action to resolve it.

Applicant presented sufficient information to mitigate any security concerns for the three medical debts. Applicant's payment of the debts in full mitigates the security under FI MC ¶ 20 (d) (The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts).

Applicant presented sufficient information to mitigate the security concerns raised by his filing of bankruptcy and wage garnishment for child support. The debts raised in the Chapter 7 bankruptcy arose after his divorce because of the need to pay child support and alimony. The debts were discharged in 1987. Applicant filed the Chapter 13 bankruptcy in 1991, completed the wage earners payment plan, and was discharged from the bankruptcy in April 1998. Bankruptcy is a legal and permissible means to resolve debts. The Chapter 7 bankruptcy action was over 20 years ago, and the Chapter 13 was completed almost ten years ago. Applicant completed all actions required of him under the bankruptcies. The conditions that required him to file bankruptcy were caused by his divorce and requirement to pay large child support. Since he completed all actions required, he acted responsibly under the circumstances. He has mitigated security concerns for the bankruptcies under FI MC ¶ 20 (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.), and FI MC ¶ 20 (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, or a death, divorce or separation), and the individual acted responsibly under the circumstances).

Applicant presented information that his wages were garnished to pay child support. The garnishment was used by the court as a means of collecting the child support. He never failed to pay the child support and he has no debt for failure to pay child support. Since the child support never went unpaid, and Applicant met his child support obligations, he mitigated any security concern for failure to pay child support.

Applicant has failed to present sufficient information to mitigate his failure to file income tax returns for multiple years from 1980 to 2005, and his resulting indebtedness to the IRS requiring the filing of tax liens for \$68,588, and \$18,951. Applicant admitted he did not file the returns as required. He did file returns for the years he did not file in 2004, and engaged the services of a company to assist in his efforts to settle with the IRS. However, his IRS debt is still current. His actions were frequent since he did not file returns for many years. There is no indication that the failure to file the returns would not recur. FI MC ¶ 20 (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) does not apply to Applicant's IRS tax lien debts and his failure to file tax returns.

Under Guideline E, 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.³⁷ The government presented information that Applicant answered "NO"

³⁷AG ¶ 15.

on his security clearance application when asked if any tax liens were placed against his property, and answered “NO” concerning debts past due over 180 days or 90 days. Information was presented that indict there were tax liens against Applicant, and there were debts past due over the time limits raised in the questions. This information raises Personal Conduct Disqualifying Condition (PC DC) ¶ 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 security clearance eligibility or trustworthiness, or award fiduciary responsibilities). The crux of the security concern is the deliberateness of the action in providing false information.

Applicant testified that in response to the question concerning the tax liens, he knew of the liens but thought the liens were against him personally and not against property since he owned no property. Applicant completed the security clearance application in April 2004. The first tax lien was issued in September 2000. The notice from the IRS is titled, “Notice of Federal Tax Lien”. There is no doubt Applicant knew of the tax lien. His reading of the question that it pertained to property only is an unreasonable reading of the question by a college graduate. Likewise, Applicant stated he did not know he had debts past due over 180 days or 90 days. Applicant knew he had delinquent debts from his failure to pay taxes. He thought he possibly could have other debts but he did not even make an effort to learn of his debts before he completed the security clearance application. His actions in not learning of the exact nature of his debts before responding to the questions on the security clearance application show a deliberate action to omit relevant security matters. I considered all of the mitigating conditions raised under AG ¶ 17 and find none apply.

Under Guideline J, a security concern exist for criminal activity which 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.³⁸ The government presented information concerning two instances of criminal conduct. It is a misdemeanor crime under United States Federal Law to fail to annually file income tax returns.³⁹ It is also a crime under United States Federal Law to deliberately provide false or misleading information during security clearance proceedings.⁴⁰ As noted above, Applicant failed to file income tax returns for a number of years and he deliberately responded with a false anser to three questions on his security clearance application. This information raised Criminal Conduct Disqualifying Conditions (CC DC) ¶ 31(a) (A single serious crime or multiple lesser offense), and CC DC ¶ 31(c) (Allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted). Each yearly failure by Applicant to file an income tax return is a criminal offense. His failure to file returns for a number of years are multiple lesser offenses. However, his action to deliberately provide false answers on his security clearance application is a serious crime.

I considered all of the mitigating conditions under criminal conduct and find none apply. Criminal Conduct Mitigating Condition (CC MC) ¶ 32(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) does not apply because his last failure to file taxes was recent in 2002. He provided false answers on his security

³⁸AG ¶ 30.

³⁹Title 26, United States Code § 7603.

⁴⁰Title 18, United States Code § 1001.

clearance application barely three years ago in 2004. There were no unusual circumstances that triggered either action. CC MC 32(b) (The person was pressured or coerced into committing the act and those pressures are no longer present in the person's life) does not apply because there was nothing pressuring Applicant to act as he did in either circumstance, and both his actions were deliberate. CC MC ¶ 32(c) (Evidence that the person did not commit the offense) does not apply because the evidence shows that Applicant committed both offenses. He did not file his income tax returns and he deliberately provided the false answers on his security clearance application. CC MC ¶ 32(d) (There is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement) does not apply. As noted above, the criminal activity was recent happening only a few years ago. While Applicant has taken some steps to resolve his tax problems, this is not evidence of successful rehabilitation but just the realization that he must pay his past due taxes. He did not express true remorse and he is only now trying to make restitution on his taxes.

I carefully considered all of the circumstances discussed above in regard to disqualifying and mitigating conditions as well as the following factors in light of the "whole person" concept. The "whole person" concept requires consideration of all available information about Appellant, not a single item in isolation, to reach a common sense determination concerning Applicant's security worthiness. Applicant neglected an important responsibility of a citizen to file income tax returns. He did not fail once or twice, but for many years. While there is no information to indicate that Applicant failed to protect classified information in his many years of holding a security clearance, his failure to file income tax returns shows an irresponsibility toward his civic and financial duties that indicates that he could be irresponsible in his handling of classified information. Also, Applicant deliberately did not provide correct information on his security clearance application indicating again that he could possibly not follow the rules concerning protection of classified information. Any doubt as to access to classified information must be resolved in favor of the national security. Applicant's failure to file income tax returns and deliberate falsifications on his security clearance application raises doubts as to his suitability for access to classified information. This doubt is resolved in favor of national security. I conclude Applicant is not eligible for access to classified information.

FORMAL FINDINGS

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	Against Applicant
Subparagraph 1.f:	Against Applicant
Subparagraph 1.g:	Against Applicant
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	For Applicant
Subparagraph 1.j:	For Applicant

Subparagraph 1.k:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Subparagraph 2.b:	Against Applicant
Subparagraph 2.c:	Against Applicant
Paragraph 3, Guideline J:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant

DECISION

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national security to grant a security clearance for Applicant. Clearance is denied.

Thomas M. Crean
Administrative Judge