



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



In the matter of:)	
)	
)	ISCR Case No. 12-09314
)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Braden M. Murphy, Esquire, Department Counsel
For Applicant: Charles D. Swift, Esquire

12/18/2013

Decision

WHITE, David M., Administrative Judge:

Applicant’s 2009 overseas employment with a defense contractor was terminated after multiple incidents of improper behavior. He discharged over \$250,000 in post-divorce debts through bankruptcy in 2011, despite paying nothing toward them while earning about \$300,000 in 2009. The evidence is insufficient to mitigate resulting security concerns. Based upon a review of the pleadings, testimony, and exhibits, eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SF-86) on March 14, 2012. On March 19, 2013, the Department of Defense issued a Statement of Reasons (SOR) to Applicant, detailing security concerns under Guideline F (Financial Considerations), Guideline E (Personal Conduct), and Guideline B (Foreign Influence). The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information*, effective within the Department of Defense after September 1, 2006.

Applicant answered the SOR in writing on April 9, 2013 (AR), and requested a hearing before an administrative judge. Department Counsel was prepared to proceed on June 7, 2013. The case was assigned to me on June 19, 2013. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Video Teleconference Hearing on July 15, 2013, and I convened the hearing, as scheduled, on July 30, 2013. Due to the failure of the video teleconference equipment, Department Counsel participated by telephone and only the testimony of three character witnesses who had traveled from out of town to participate was taken. I granted Department Counsel's request for a continuance until September 3, 2013, when the hearing reconvened in a facility with functioning video teleconference equipment. Applicant, his counsel, and the court reporter attended the hearings in person. Department Counsel participated from DOHA Headquarters by telephone and video teleconference. On July 30, 2013, the Government offered Exhibits (GE) 1 through 7, which were admitted without objection, and Hearing Exhibit (HE) I, a Government exhibit list. Applicant offered Exhibits (AE) A through H, which were also admitted without objection. On September 3, 2013, Applicant testified on his own behalf. I granted Applicant's request to leave the record open until September 17, 2013, to permit submission of additional evidence. Applicant timely submitted AE I, which was also admitted without objection. DOHA received the transcripts of the hearings (Tr. 1 and Tr. 2) on August 7 and September 13, 2013.

Findings of Fact

Applicant is a 55-year-old potential employee of a defense contractor, and former employee of other defense contractors. He is married for the second time, and has two adult children. He earned a Master's of Science degree in Systems Management in 1986. He served on active duty during a three-year enlistment in the Army and a six-year enlistment in the Navy, followed by 26- and 30-month periods, respectively, in the Reserves. All of his enlistments ended in Honorable discharges. He has been eligible for a security clearance for many years in connection with his military and post-service defense contractor positions. (GE 1;GE 6; Tr. 2 at 135.)

In his response to the SOR, Applicant admitted the truth of SOR ¶¶ 1.a through 1.c, 1.e, 2.a through 2.c, and 3.a through 3.f. He denied SOR ¶¶ 1.d, 3.g, and 3.h, with explanations. Applicant's admissions, including his affidavit and statements in response to DOHA interrogatories (GE 5 and GE 6), are incorporated in the following findings. Department Counsel, while declining to request modification of the SOR, indicated that the Government did not intend to proceed under Guideline B as to any allegations concerning Applicant's family or financial connections in Thailand. Accordingly, the Government position is that SOR ¶¶ 3.b through 3.h do not allege facts which, even if true, would raise security concerns. (Tr. 1 at 18-19; Tr. 2 at 4-6.) These paragraphs are therefore found for Applicant.

After a period of financial difficulties and a downturn in home prices in the area where Applicant lived, he filed his first petition for Chapter 7 bankruptcy relief. This resulted in discharge of his debts in April 1996. Thereafter, he worked to rebuild his creditworthiness. (AR; Tr. 2 at 30-33.)

From 2000 to 2007, Applicant worked for a defense contractor supporting information systems operations at a major command headquarters. He performed well there, and built an excellent reputation among coworkers, three of whom have remained friends with him and traveled to testify on his behalf. They all praised his trustworthiness and responsibility, as did several more recent coworkers who wrote letters on his behalf. (Tr. 1 at 27-58; AE H.) He voluntarily left that job, according to his SF-86, to pursue "Travel and adventure, Middle East, with [another defense contractor]. Career enhancing." (GE 1 at 23.) He started working in support of foreign military sales programs to Gulf Cooperative Counsel countries, which he also enjoyed and did well. In May 2008, he separated from his wife of 28 years. In December 2008, he filed for divorce and accepted a new assignment supporting operations of a U.S. defense agency in Israel. His divorce was finalized in February 2009. (AR; GE 1; GE 5; GE 6.)

The divorce decree made Applicant and his wife jointly liable for payment of mortgage loans on their home, and allowed her and their children to live there until the home was sold. They had borrowed so much equity out of the house that, after the real estate market collapse, they owed significantly more on the loans than the home was worth. While Applicant was in Israel, his wife stopped making mortgage payments and the home was repossessed by the first mortgage lender in a foreclosure. Applicant's wife also filed for and was granted Chapter 7 bankruptcy relief around this time, leaving Applicant solely responsible for their formerly joint debts. (GE 5; GE 6; Tr. 2 at 72-75, 88-92.)

Applicant's time in Israel was troubled. He was apprehended by Israeli Defense Forces personnel for a security violation shortly after arriving at a base where he was to be quartered and was barred from returning to the site. He had conflicts with his supervisor, was accused of unauthorized revelations of sensitive and company-proprietary information, behaved disruptively at work and in a hotel where he resided temporarily, and was later evicted from an apartment. Finally, he was found sleeping on duty while assigned as a radar console operator. He admitted that his company returned him to the United States before the end of his assignment following the last incident, although the degree to which it was early is unclear from his various descriptions of events. A Human Resources representative from the company reported that he was terminated for cause as a result of these incidents. Applicant claimed that he was reassigned to a temporary location in the United States and left the company when they did not offer him positions in several projects for which he considered himself to be qualified. (AR; GE 1; GE 5; GE 6; GE 7; Tr. 2 at 46-67.)

On his SF-86, Applicant reported that, from September to December 2009, he lived in a West Bank Israeli settlement in the home of a woman with whom he was in a relationship and her son. Since leaving Israel, he has not continued his relationship with this woman. During subsequent security interviews, he denied that he lived with her during that period, asserting that he stayed there overnight less than half of the time. In his SOR response, he admitted that he resided with the woman and her son during that period, but said he had no contact with her since 2009. During the hearing he equivocated about living with her, explaining that he would have had to obtain

permission to live there and had not done so. (GE 1 at 11-12; GE 5 at 42; GE 6 - 10/15/12 interview at 15; AR; Tr. 2 at 98-104.)

Applicant described leaving the company in a series of comments on his SF-86: “Differences with Senior Mgmt.”; “Significant differences and objections to several operational policies on the project.”; “Quit job after being told you would be fired . . . unable to secure follow on assignment.”; “Fired . . . Differences with Sr. Mgmt. Questioned ethics and behaviors for Israel operations and policies. Blacklisted. Unable to find coverage in 60 day period.”; “Was not a good fit for the assignment.”; “I call it fired, but the company had me living out of a hotel without assignment for two months in [town]. Significant differences with policies, events, and operations in Israel.”; “Over the course of the assignment, there was a lot of ‘he said, she said’ type of drama. [Name], the initial site lead, was incorrectly convinced that I was responsible for the Government’s discovery of millions of dollars of misappropriated funds. Threatened to destroy me, and pretty much destroyed what had otherwise been a meritorious [sic] and promising employment with [company].” (GE 1 at 21-22.)

Applicant said that he earned about \$300,000 during the year he worked in Israel, with a base salary of \$75,000 and the rest resulting from per diem payments. Although he had numerous delinquent debts, as discussed further below, he did not use these funds to repay them. He instead chose to spend this money on travel and entertainment, while also sending twice the amount of support to his ex-wife that was required under their divorce decree or that he reported as “Alimony paid” on his 2009 federal tax return, and using the rest to make maximum contributions into his retirement investment accounts that would be exempt from allocation to creditors in bankruptcy proceedings. (AR; GE 3; GE 5; GE 6; AE E at 2; Tr. 2 at 40-45.)

Applicant said that he remained employed by that company, awaiting a new assignment, until February 2010. However, in mid-January 2010, he traveled to Thailand and married his current wife, a Thai citizen. They had met while he was working in the Middle East and she lived and worked in a country there. From March 2010 to June 2011, they remained living in Thailand. Applicant considered himself retired, although he had no funds from which to pay his extensive delinquent debts. They then decided to return to the United States after his wife applied for and was granted permanent resident status. (AR; GE 1 at 17; GE 5; GE 6; Tr. 67-69.)

In May 2011, the month before he returned from Thailand to the United States, Applicant filed for Chapter 7 bankruptcy relief without hiring an attorney to represent him. He used his daughter’s U.S. address, and certified on page 2 of the petition that he had “been domiciled or has a place of residence, principal place of business, or principal assets in [the bankruptcy court’s] District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.” (GE 3 at 1, 2; Tr. 2 at 87.) On page 26 of the petition, he claimed that his 2009 income had been \$75,000. He listed his former home as a prior address on page 31 of the filing, but did not list it on page 28 in response to the question asking about foreclosures or repossessions during the preceding year. On page 32 of the filing he listed his ex-wife in

response to the question asking him to name spouses and former spouses, but did not list his current wife. He also failed to disclose her ownership of substantial property in Thailand, as alleged in SOR ¶ 3.h and admitted by Applicant. Although Applicant was prohibited, as a foreigner, from direct ownership of this Thai real estate, they had chartered a Thai corporation through which Applicant, his wife, and his mother-in-law were to share in that property. Applicant listed the \$13,761 student loan he had cosigned with his son, as alleged in SOR ¶ 1.d, on the bankruptcy petition as a \$10,135 claim. He thought it had been discharged with his other debts when he denied that allegation. He has since come to realize that the student loan was not a dischargeable debt and made arrangements to rehabilitate the loan and begin repayment. (AR; GE 3; GE 5; GE 6; AE I; Tr. 2 at 75-78, 80-86, 93-98.)

Applicant declared no real property and \$160,344 in personal property on his bankruptcy petition. Of that personal property, he claimed \$154,049 as exempt IRA investments. He declared \$253,728 in liabilities to creditors holding unsecured claims. On September 6, 2011, Applicant was granted a Chapter 7 bankruptcy discharge. In connection with this bankruptcy, he completed the required financial counseling. (GE 3.)

Applicant's wife runs a small business to support them. He has applied for several positions since returning to the United States, but they required security clearances and he no longer had one. Of the roughly \$154,000 he claimed in exempt retirement savings at the time of his bankruptcy, he had withdrawn and spent about \$135,000 by mid-October 2012 to start his wife's business, and for vacation and travel expenses. (GE 1; GE 5 at 6; Tr. 2 at 106-110.)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions (DCs) and mitigating conditions (MCs), which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶¶ 2(a) and 2(c), the entire process is a conscientious scrutiny of applicable guidelines in the context of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based

on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, “[t]he applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.” Section 7 of Executive Order 10865 provides: “[a]ny determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.”

A person applying for access to classified information seeks to enter into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Analysis

Guideline F, Financial Considerations

The security concerns under the guideline for financial considerations are set out in AG ¶ 18, which reads in pertinent part:

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.

The record evidence potentially raises security concerns under two Guideline F DCs, as set forth in AG ¶ 19:

- (a) inability or unwillingness to satisfy debts; and
- (c) a history of not meeting financial obligations.

Although the details are sketchy, Applicant and his first wife borrowed against the equity in a previous home, and when a real estate market downturn resulted in them owing more than the house was worth, they sought and received discharge of their

debts in a Chapter 7 bankruptcy in 1996. They repeated this process, culminating in their 2009 divorce, abandonment of another overly mortgaged home to foreclosure, and individual Chapter 7 bankruptcies again about 15 years later. During 2009, Applicant was employed overseas by a defense contractor and earned about \$300,000. None of those funds went toward repayment of the \$253,728 in unsecured liabilities that he subsequently discharged in his 2011 bankruptcy. Instead, he made maximum contributions into exempt retirement investments, then spent the rest on travel, entertainment, and payments to his ex-wife and children of about twice the amount called for in their divorce decree. He made no effort to ascertain his ongoing liability for the \$13,761 student loan which he cosigned with his son until after the hearing, and provided minimal documentation to corroborate that it is being resolved. These facts raise substantial security concerns under DCs 19(a) and (c), and shift the burden to Applicant to rebut, extenuate, or mitigate those concerns.

The guideline includes five conditions in AG ¶ 20 that could mitigate security concerns arising from Applicant's financial difficulties:

- (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, or a death, divorce or separation), and the individual acted responsibly under the circumstances;
- (c) the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;
- (d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts; and
- (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.

Applicant's 2011 discharge of more than a quarter million dollars worth of unsecured debts through bankruptcy, rather than making payments toward them during 2009 while earning over \$300,000, was recent and followed his similar treatment of previous debts in 1996. His failure to resolve the non-dischargeable student loan debt is ongoing. He offered insufficient evidence from which to conclude that such disregard of voluntarily incurred obligations is unlikely to recur, or does not cast doubt on his current reliability or judgment. He failed to demonstrate substantial mitigation under MC 20(a).

Applicant also offered insufficient evidence to support mitigation under MC 20(b). He neither showed that his serious indebtedness was caused by his later divorce or unemployment, nor demonstrated responsible action under the circumstances during the year he earned about \$300,000.

Applicant did undergo the financial counseling required under bankruptcy statutes, but did not produce a budget or other evidence of prospective solvency, particularly at the rate he spent his bankruptcy-exempted retirement savings. He established no clear indications that his financial issues have been or are being resolved, and are under control for the future. His post-hearing, uncorroborated efforts to resolve the student loan debt alleged in SOR ¶ 1.d are insufficient to establish a good-faith track record of repayment. Mitigation under MC 20(c) or 20(d) was therefore not shown.

Applicant failed to sufficiently investigate or document a valid basis to dispute the legitimacy of the debt alleged in SOR ¶ 1.d, which he conceded and may have started to rehabilitate and repay after his hearing. Accordingly, he did not mitigate that allegation under MC 20(e). He admitted owing the remaining alleged debts, which were discharged in two bankruptcy proceedings.

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern pertaining to 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 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.

AG ¶ 16 describes two conditions that could raise a security concern and may be disqualifying with relation to the allegations in this case:

(b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative; and

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of:

(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information:

(2) disruptive, violent, or other inappropriate behavior in the workplace;

(3) a pattern of dishonesty or rule violations; and,

(4) evidence of significant misuse of Government or other employer's time or resources.

With respect to DC 16(b), the SOR alleged failures to disclose Applicant's ownership in the home that was lost to foreclosure before his second bankruptcy, and of any ownership interest by him or his wife in her properties in Thailand, when he submitted his 2011 Chapter 7 bankruptcy petition. The preponderance of the evidence establishes that the foreclosure action concerning the home he owned with his ex-wife took place more than a year before his bankruptcy filing, and his denial of any foreclosures during that one-year period was accurate. Accordingly, SOR ¶ 2.b is found for Applicant even though he admitted its truth without, apparently, realizing that it alleged that the foreclosure had occurred earlier in 2011. His omission of information concerning his current wife is less easily resolved. Although he claims that bankruptcy did not concern her or any debts incurred during their marriage, his use of his daughter's address to file the petition and his certification that he had lived in that court district during the preceding 180 days when filing the petition by mail from Thailand support the conclusion that he intended to conceal his true marital and resulting financial status from the bankruptcy court.

This concealment together with the series of incidents during his employment in Israel establish significant security concerns under DC 16(d). He was recalled early from that assignment and terminated from employment for reasons including unauthorized release of proprietary and sensitive corporate information, disruptive and inappropriate behavior in the workplace and company-provided residences, a pattern of rule violations, and misuse of employer's time and resources. When combined with all available information, Applicant's conduct supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, and unwillingness to comply with rules and regulations.

AG ¶ 17 provides conditions that could mitigate security concerns. Four have potential applicability to the security concerns raised by the facts in this case:

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

(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 caused 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.

Applicant never advised the bankruptcy court of his true marital status or assets, so mitigation under MC 17(a) was not shown. His pattern of disruptive, deceptive, and irresponsible behavior in violation or defiance of expected norms occurred during his most recent employment in a security-sensitive position, and he demonstrated no intervening basis to conclude that it does not reflect his current reliability, trustworthiness, and judgment. Thus, mitigation was not established under MC 17(c), 17(d), or 17(e).

Guideline B, Foreign Influence

Department Counsel withdrew the allegations of security concerns under this guideline with respect to Applicant's ongoing family and financial connections in Thailand. The lone remaining allegation, in SOR ¶ 3.a, concerns his cohabitation with an Israeli woman and her son for three months in late 2009. He has had no contact with either of them since leaving Israel. Accordingly, this relationship does not establish any disqualifying condition under Guideline B. Applicant's conduct, and his various descriptions of it during subsequent inquiries into its security significance, are more relevant to, and are considered supporting incidents of, the Guideline E and whole-person security concerns described above and below.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

(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.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. Applicant made an excellent impression on coworkers, some of whom became good friends, during his employment from 2000 through 2007. He decided to leave that position and his wife of 28 years to pursue more exciting and lucrative arrangements working overseas. That started well and resulted in lucrative paychecks, but his employment in Israel during 2009 was fraught with problems of his own making. His employment with that company was terminated, and he married a Thai woman and lived with her in Thailand for about 15 months. Having used none of his overseas earnings to address more than a quarter million dollars in outstanding debts, Applicant filed for Chapter 7 bankruptcy relief shortly before he and his wife moved to the United States in mid-2011. He had discharged previous debts under Chapter 7 in 1996, and in 2011 failed to disclose his remarriage and resulting access to his wife's assets. This establishes a long and recurring pattern of avoiding voluntarily incurred commitments, and failure to meet his lawful obligations.

Applicant is an educated and mature individual. His conduct of security concern was voluntary, and he offered no reason that he should not be considered accountable for his decisions and actions. He did not demonstrate a change in personal attitude or financial circumstances that would support a finding of permanent behavioral change, or a finding that recurrence of untrustworthiness and questionable judgment is unlikely. His track record of living beyond his means reveals an ongoing susceptibility to coercion or duress. Overall, the record evidence creates substantial doubt as to Applicant's present eligibility and suitability for a security clearance.

Formal Findings

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	Against Applicant
Subparagraph 1.e:	Against Applicant

Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Subparagraph 2.b:	For Applicant
Subparagraph 2.c:	Against Applicant
Paragraph 3, Guideline B:	FOR APPLICANT
Subparagraphs 3.a through 3.h:	For Applicant ¹

Conclusion

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

DAVID M. WHITE
Administrative Judge

¹Except insofar as the admitted allegation in SOR ¶ 3.a contributes to Guideline E and whole-person factor analysis.