



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



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|----------------------------------|---|------------------------|
| In the matter of:                | ) |                        |
|                                  | ) |                        |
|                                  | ) | ISCR Case No. 12-09989 |
|                                  | ) |                        |
|                                  | ) |                        |
| Applicant for Security Clearance | ) |                        |

**Appearances**

For Government: Julie Mendez, Esq., Department Counsel  
For Applicant: *Pro se*

09/05/2013

**Decision**

LYNCH, Noreen A., Administrative Judge:

On February 14, 2013, the Department of Defense (DOD) issued a Statement of Reasons (SOR) listing security concerns arising under Guideline E (Personal Conduct), Guideline B (Foreign Influence), and Guideline F (Financial Considerations). The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DoD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG), implemented in September 2006.

Applicant timely answered the SOR and requested a hearing before an administrative judge. The case was assigned to me on June 21, 2013. A notice of hearing was issued on July 1, 2013, scheduling the hearing for August 6, 2013. Government Exhibits (GX) 1-8 were admitted into evidence without objection. Applicant testified, and submitted Applicant Exhibit (AX) A, which was admitted without objection. The transcript was received on August 14, 2013. Based on a review of the pleadings, testimony, and exhibits, eligibility for access to classified information is denied.

## Procedural and Evidentiary Rulings

Department Counsel requested that I take administrative notice of certain facts relating to Iran. The request and the attached documents are included in the record as HE I. The facts administratively noticed are set out in the Findings of Facts, below.

### Findings of Fact

In his answer to the SOR, Applicant denied the SOR allegations in ¶¶ 1.a through 1.d. He also denied the allegations in SOR ¶ 2.a, and SOR ¶ 3.a-b, and provided explanations.

Applicant, who was born in Iran, is 50 years old. He came to the United States with his family in August 1979. Applicant became a naturalized citizen in 1986. He graduated from undergraduate school in the United States in 1996. He married his wife, who is a naturalized citizen, in 1993. He has two children who are U.S. citizens. Applicant completed his first security clearance application in 2003. He has held a security clearance since 2004. Applicant has been employed with his current employer since 2004. (GX 1)

Applicant joined his mother, father, and three brothers when he immigrated to the United States. His mother is deceased, but his father, who is a naturalized U.S. citizen, lives in the United States. Applicant's two brothers are naturalized U.S. citizens and reside in the United States. (Tr. 25) They do not travel to Iran.

Applicant's third brother returned to Iran in 1994. He returned at his father's request to meet a marriage candidate. (GX 1) Applicant's brother married in Iran and remained. (SOR 2.b) He was divorced and remained there until his return to the United States in November 2011. (Tr. 28) He wants to be in the United States to be near his family. He wants to help with his ailing father. He has a green card and intends to become a U.S. citizen. He has steady employment in the United States. (Tr. 29)

Applicant traveled to Iran in 2001. He and his wife wanted their children to see Applicant's country of origin. Applicant traveled in the country for about four weeks sightseeing. While there, he visited his one brother. He also saw an uncle. Since the return to the United States, Applicant has had no contact with anyone in Iran. (Tr. 39)

Applicant recalls that he had a U.S. passport and "some papers" which enabled him to enter Iran for three months and not be subjected to Iran's military service. (Tr. 41) He stated that he had no need to use an Iranian passport. (Tr. 42) He does not recall using any Iranian passport. His original Iranian passport was issued in 1979 and expired in 1989. He believes his wife had an Iranian passport. Applicant denied any falsification with regard to an Iranian passport when he traveled there in 2001. He stated in his SOR answer that the only passport that he had was his U.S. passport. (Answer to SOR)

When Applicant completed his 2003 security clearance application he answered section 15: "No" that he had no active passport issued by a foreign government in the past seven years. (GX 3) However, he noted that he had traveled to Iran in 2001 for pleasure. In his 2005 security clearance application he also disclosed his 2001 trip to Iran, but again responded that he did not have an active Iranian passport within the last seven years. He does not recall completing the 2003 questionnaire and believes that was probably just a mistake. (Tr. 47) However, at the hearing, when shown the security questionnaire, he stated that to the best of his recollection, he had the Iranian passport, but did not use it. (Tr. 46)

When Applicant completed his 2011 security clearance application, he used the 2003 and 2005 applications as models. He used the previous answers by default to complete the questions. He answered section ten by stating that he entered the United States in 1979 on his Iranian passport which expired in 1989. He did not disclose any further information about an Iranian passport that he might have used in 2001. When interviewed in November 2011, Applicant again spoke only about the passport issued in 1979. He told the investigator that he used the passport one time to come to the United States. (GX 7)

Applicant also noted in a March 20, 2003, Counter Intelligence (CI) screening questionnaire that he traveled to Iran in 2001 to visit his family, and noted that he traveled to Iran on his U.S. passport, but it was not stamped. (GX 4)

When questioned at the hearing, Applicant stated that he had an Iranian passport but did not use it. (Tr. 43) He continued by stating that he believed the Iranian passport was still valid in 2001. He no longer has his 1997 to 2007 U.S. passport to show that he used it in 2001 to travel to Iran. He stated that he has searched for another Iranian passport but he has not found it. He elaborated that even if he had one issued after his first one, it would have expired by now. (Tr. 53) Applicant offered another explanation at the hearing, stating that he had the 1979 passport with another passport attached to it. (Tr. 50) He stated he really cannot recall but believes when he received the "papers" to enable him to be exempt from the Iranian military in 2001, an Iranian passport must have been issued, but he used his U.S. passport. (Tr.53) In sum, Applicant states that he may have overlooked one question and in filling out his subsequent security clearance applications, he just used the same information.

## **Administrative Notice**

Iran is a theocratic Islamic republic dominated by Shia Muslim clergy, with ultimate political authority vested in a learned religious scholar. Current U.S. concerns about Iran are based on its efforts to acquire nuclear weapons and weapons of mass destruction; support for and involvement in international terrorism; support for violent opposition to the Middle East peace process; and its human rights abuses, including summary executions, torture, arbitrary arrest and detention, and restrictions on civil liberties. Iran has provided guidance, training, and weapons to Shia political and militant groups in Iraq. It also provides encouragement, training, funding, and weapons to anti-

Israeli terrorist groups in its efforts to undermine the Arab-Israeli peace process. Iran's intelligence operations against the United States, including cyber-intelligence capabilities, have dramatically increased in depth and complexity during the past few years. Iran has aggressive programs for collecting U.S. dual-use technologies and advanced materials development, especially in the area of nanotechnology.

The current government of Iran is hostile to the United States. The United States has designated Iran as a state sponsor of terrorism. The United States broke diplomatic relations with Iran in April 1980, prohibits most trade with Iran, and uses multilateral sanctions and diplomatic pressure to contain the threat posed by Iran.

Iran does not recognize dual citizenship. Iranian-born, naturalized U.S. citizens are considered solely Iranian citizens by the Iranian authorities, and they are subject to surveillance, search, harassment, arrest, and imprisonment while traveling or residing in Iran. A U.S. State Department consular information sheet advises that to enter Iran if you are an Iranian-born citizen, regardless of any naturalization process, one must present an Iranian passport.

### **Financial Considerations**

When Applicant married in 1993, he purchased a one-bedroom apartment. He had a good job. When he and his wife were expecting their first child, they moved to a two-bedroom apartment in the same complex. Applicant rented the one-bedroom apartment to a friend. (Tr. 58)

Upon the arrival of their second child, Applicant and his wife moved from the two bedroom apartment to a home. He decided to rent the two-bedroom apartment. Thus, in the mid 1990's Applicant had two investment properties. He decided to purchase another investment property (townhouse) in the late 1990's. (Tr.60) A year later he purchased another townhouse as an investment property. By the mid 2000's, Applicant purchased two more properties for investment. The last investment properties were model homes. He explained that he purchased them from the builder and the builder rented them, which paid for the entire mortgage. The agreement was for five years. However, Applicant was unemployed from February 2002 until March 2003. ( GX 1)

In 2004, Applicant sold his primary residence and moved to a larger home. During the mid 2000's, the builder notified Applicant that he would no longer honor the agreement. Applicant tried to maintain the properties, but he could not. He noted that he could not handle all the properties. His original plan was to keep the last three properties (the model homes) for the five years and then refinance them and find renters. (Tr. 64) Due to the faltering economy, Applicant could not find renters. He originally had renters in the one-and two-bedroom apartments, and the town home. (Tr.65)

Applicant filed for Chapter 7 bankruptcy in February 2010. The bankruptcy was discharged in May 2010, and Applicant lost the six investment properties. The six investment properties were included in the bankruptcy for a total of \$1,980,960.56. He

also had various credit card debts included in the bankruptcy. He told the OPM investigator in 2011 that his attorney recommended that he file Chapter 7 bankruptcy so that he could maintain his primary residence. (GX 7)

Applicant kept his primary residence. Applicant had two mortgages on his residence. He had used the equity in his home to continue to invest in properties. He affirmed the debt on the petition for bankruptcy in the amount of \$92,000. (GX 7)

After the 2010 bankruptcy, Applicant claimed that he had a home equity line of credit as the second mortgage, which was treated like a credit card. He believed it was treated like a credit card debt and was under the impression that it was included in the bankruptcy. He stated that he learned about the debt during the security clearance investigation. (Tr. 67) Applicant was past-due on that mortgage account in the amount of \$19,153.

Applicant contacted the bank and asked them to include the second mortgage in the first mortgage so that it would be affordable. He learned that since it was separate from the first mortgage, he had to contact another branch. He learned that the only option was to settle the debt. The second mortgage was for \$92,000. He offered to settle the debt for \$10,000 which was rejected. He eventually offered \$20,000, which was also rejected. (Tr. 76) The offers were made in the past month. (Tr. 76)

Applicant contacted Lexington Law firm in July 2013 to repair his credit. He hopes that statements will be sent to the credit bureaus and if within four weeks they are not able to validate the debt, it will be removed from the credit report. (AX A) Applicant elaborated that now that he knows the issue is hurting him, he is in the process of clearing it up. (Tr.77)

Applicant currently earns \$128,000. His wife also works and earns about \$50,000. He has about \$110,000 in his 401(k) account. He also has financial investments worth about \$200,000. (Tr. 78)

## **Policies**

When evaluating an applicant's suitability for a security clearance, an administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, they are applied in conjunction with the factors listed in the adjudicative process. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. Under AG ¶ 2(c), this process is a conscientious scrutiny of a number of variables known as the "whole-person concept." An 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 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.

The U.S. Government must present evidence to establish controverted facts alleged in the SOR. An applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . .”<sup>1</sup> The burden of proof is something less than a preponderance of evidence.<sup>2</sup> The ultimate burden of persuasion is on the applicant.<sup>3</sup>

A person seeking access to classified information enters into a fiduciary relationship with the Government based on 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 classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.”<sup>4</sup> “The clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials.”<sup>5</sup> Any reasonable doubt about whether an applicant should be allowed access to sensitive information must be resolved in favor of protecting such information.<sup>6</sup> The decision to deny an individual a security clearance does not necessarily reflect badly on an applicant’s character. It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense established for issuing a clearance.

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<sup>1</sup> See also ISCR Case No. 94-1075 at 3-4 (App. Bd. Aug. 10, 1995).

<sup>2</sup> *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988).

<sup>3</sup> ISCR Case No. 93-1390 at 7-8 (App. Bd. Jan. 27, 1995).

<sup>4</sup> See also EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information), and EO 10865 § 7.

<sup>5</sup> ISCR Case No. 93-1390 at 7-8 (App. Bd. Jan. 27, 1995).

<sup>6</sup> *Id.*

## Analysis

### 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.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying:

(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;

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

For AG ¶ 16(a) to apply, Applicant's omission must be deliberate. The Government established that Applicant omitted material facts from his 2003, 2005 and 2011 security clearance applications, when he responded "no" as to having an active foreign passport. This information is material to the evaluation of Applicant's trustworthiness and honesty. When the allegation of falsification is controverted, the Government has the burden of proving it. Proof of an omission, standing alone, does not establish or prove an applicant's intent or state of mind when the omission occurred. An administrative judge must consider the record evidence as a whole to determine whether there is direct or circumstantial evidence concerning an applicant's intent or state of mind at the time the omission occurred.

Applicant denies giving any fraudulent information concerning an Iranian passport in 2001. One can only enter the country using an Iranian passport if born in Iran, notwithstanding naturalization. Applicant changed his answers as to whether he had an Iranian passport or only "papers" that allowed him into Iran. He also stated that he believes he had a passport attached to his initial passport issued in 1979 when he entered the United States for the first time. He claimed that he used the information from the first security clearance application to answer the later applications. He lied to the OPM investigator. He falsified his security clearance applications with respect to the issue of an Iranian passport in 2001. His inconsistent answers do not persuade me that he has met his burden to mitigate the personal conduct concerns.

After considering the mitigating factors, Applicant has not mitigated the personal conduct security concerns under Guideline E.

### **Guideline B (Foreign Influence)**

The security concern under Guideline B is set out in AG ¶ 6 as follows:

Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

A disqualifying condition may be raised by “contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion.” AG ¶ 7(a). A disqualifying condition also may be raised by “connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual’s obligation to protect sensitive information or technology and the individual’s desire to help a foreign person, group, or country by providing that information.” AG ¶ 7(b).

Applicant’s brother left the United States and lived in Iran as a citizen for a number of years. He returned to Iran to marry. His marriage ended in divorce. Applicant visited his brother in 2001 and had contact with him. In November 2011, Applicant’s brother returned to the United States. He has a green card and intends to remain in the United States to work and to help care for his father. However, under either disqualifying condition, security concerns could arise in connection with the potential that hostile forces might seek protected information from Applicant by threatening harm to his brother if he returns to Iran. Based on this evidence, AG ¶¶ 7(a) and (b) are raised.

Since the Government produced evidence to raise the disqualifying conditions in AG ¶¶ 7(a) and (b), the burden shifted to Applicant to produce evidence 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).

Guideline B is not limited to countries hostile to the United States. “The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it,



regardless of whether that person, organization, or country has interests inimical to those of the United States.” ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. See ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at \*\*15-16 (App. Bd. Mar. 29, 2002). Nevertheless, the nature of a nation’s government, its relationship with the United States, and its human rights record are relevant in assessing the likelihood that an applicant’s family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the United States.

Security concerns under this guideline can be mitigated by showing that “the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.” AG ¶ 8(a). The totality of an applicant’s family ties to a foreign country as well as each individual family tie must be considered. ISCR Case No. 01-22693 at 7 (App. Bd. Sep. 22, 2003). Similarly, AG 8(b) can mitigate concerns when “there is no conflict of interest, either because the individual’s sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest.”).

Applicant is a naturalized U.S. citizen. His wife is a naturalized U.S. citizen and his children are U.S. citizens. Applicant’s family members are residents of the United States. He has no other extended family in Iran with whom he maintains contact. Applicant has substantial interests in the United States. He has no desire to return to Iran to live. His brother now lives in the United States and has a green card and expects to remain in the United States. There is substantial mitigation in this case.

Applicant spoke about his undivided loyalty to the United States. I find Applicant has such deep and longstanding relationships and loyalties in America that he can be expected to resolve any potential conflict of interest in favor of the United States. He has established application of AG ¶ 8(b). Applicant has mitigated the concerns under the foreign influence guideline.

## **Guideline F, Financial Considerations**

The security concern for Financial Considerations is set out in AG ¶ 18:

Failure or an 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." It also states that "an individual who is financially overextended is at risk of having to engage in illegal acts to generate funds.

Applicant admitted that he filed Chapter 7 bankruptcy in 2010 due to six investment properties that he could not maintain. He also had various credit card accounts in the bankruptcy. He also has a second mortgage account for \$92,000 that is delinquent in the amount of \$19,153. His credit reports confirm these debts. Consequently, Financial Considerations Disqualifying Conditions (FC DC) AG ¶ 19(a) (inability or unwillingness to satisfy debts), and FC DC AG ¶ 19(c) (a history of not meeting financial obligations) apply. With such conditions raised, it is left to Applicant to overcome the case against him and mitigate security concerns.

The nature, frequency, and relative recency of Applicant's financial difficulties make it difficult to conclude that it occurred "so long ago." He filed Chapter 7 bankruptcy in 2010 due to properties that he continued to buy from the late 1990's, through the late 2000's, despite unemployment of almost one year. The total amount discharged is \$1.9 million. Applicant also had various credit card accounts included in the bankruptcy. Consequently, Financial Considerations Mitigating Condition (FC MC) AG ¶ 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.

Financial Considerations Mitigating Condition (FC MC) AG ¶ 20(b) (the conditions that resulted in the behavior 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) does not apply. Applicant's reasoning for the bankruptcy is the nature of the economy and the fact that the builder did not honor a five-year agreement to buy back the properties. While this may be true, Applicant continued to acquire properties and did not have a plan of action to cover the debt if something went wrong. This mitigating condition does not apply.

FC MC AG ¶ 20(d), (the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts) has no application. Applicant filed for bankruptcy in 2010. That is a legitimate method of discharging debts. However, after the bankruptcy, he has a second mortgage that is past due. Applicant claimed that he does not recall reaffirming the debt on the second mortgage. In the alternative, he very recently decided to engage the services of a firm to correct his credit and try to have the amount removed. He very recently made a settlement offer to the bank, but states that it might be removed from his credit report depending on the outcome of the credit repair company. He waited to take any action on this issue until the security investigation. As a part of the bankruptcy he obtained online counseling. FC MC AG ¶ 20(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) applies in part.

## **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 an applicant's conduct and all the 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. As noted above, the ultimate burden of persuasion is on the applicant seeking a security clearance.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case, as well as the whole-person factors. Applicant is 50 years old. He is an educated man, who is a naturalized U.S. citizen. His family is in the United States with him. His brother who had lived in Iran, is now living in the United States and intends to remain. Applicant has held a security clearance since approximately 2004. He has worked for his current employer since 2010.

However, Applicant did not persuade me that he refuted the Government's case concerning the personal conduct concerns. He presented different answers to the questions concerning an Iranian passport in 2001. Granted, he disclosed the trip on his security application, but he did not convince me that he inadvertently checked "No" as to having an active foreign passport. He provided several versions during the hearing that differed from his SOR answer, which lead me to question his credibility. As to the financial concerns, Applicant filed for Chapter 7 bankruptcy in 2010, and now has post-bankruptcy a second mortgage that is past due, which he has not resolved. Any doubts must be resolved in the Government's favor. For all these reasons, Applicant has not mitigated the security concerns under personal conduct and financial considerations. Clearance is denied.

## **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:

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| Paragraph 1, Guideline E:<br>Subparagraphs 1.a-1.d: | AGAINST APPLICANT<br>Against Applicant |
| Paragraph 2, Guideline B:<br>Subparagraph 2.a:      | FOR APPLICANT<br>For Applicant         |
| Paragraph 3, Guideline F:<br>Subparagraphs 3.a-3.b: | AGAINST APPLICANT<br>Against Applicant |

### **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 a security clearance. Clearance is denied.

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NOREEN A. LYNCH.  
Administrative Judge