



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



In the matter of:)
)
) ISCR Case No. 12-12171
)
Applicant for Security Clearance)

Appearances

For Government: Gina L. Marine, Esq., Department Counsel
For Applicant: *Pro se*

10/31/2013

Decision

COACHER, Robert E., Administrative Judge:

Applicant failed to mitigate the security concerns under Guideline B, foreign influence and Guideline E, personal conduct. Applicant's eligibility for a security clearance is denied.

Statement of the Case

The Department of Defense (DOD) issued Applicant an undated Statement of Reasons (SOR) detailing security concerns under Guideline B, foreign influence and Guideline E, personal conduct. DOD acted 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 (AG), effective within the Department of Defense on September 1, 2006.

Applicant answered the SOR on February 25, 2013. There is no information to indicate whether she requested an administrative determination or a hearing. On March

13, 2013, Department Counsel requested a hearing pursuant to Directive ¶ 3.1.7. The case was initially assigned to another judge on June 6, 2013. It was later assigned to me on August 8, 2013. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on August 20, 2013, with a hearing date of September 10, 2013. The hearing was convened as scheduled. The Government offered exhibits (GE) 1 through 5, which were admitted into evidence without objection. The Government's requests that I take administrative notice of certain facts were marked as hearing exhibits (HE) I and II. Department Counsel's exhibit list was marked as HE III. Applicant testified and offered exhibits (AE) A through C that were admitted into evidence without objection. I kept the record open, as described in the procedural ruling below, to allow Applicant time to submit any additional evidence concerning the amended SOR allegation added at her hearing. She failed to submit any additional information prior to the deadline. DOHA received the hearing transcript (Tr.) on September 25, 2013.

Procedural Rulings

Administrative Notice

Department Counsel requested that I take administrative notice of facts concerning the country of Afghanistan.¹ Department Counsel provided supporting documents that verify, detail, and provide context for these facts in the Administrative Notice request. See the Afghanistan section of the Findings of Fact of this decision, *infra*, for the material facts from Department Counsel's submissions on this countries.

Administrative or official notice is the appropriate type of notice used for administrative proceedings.² Usually administrative notice in ISCR proceedings is accorded to facts that are either well known or from government reports. I granted Department Counsel's request to take administrative notice.³

Amended SOR Allegation

Department Counsel moved to amend the SOR to add an additional allegation under Guideline E (new ¶ 2.h) during the hearing. She supported this motion with Applicant's testimony where she stated that her brother had been missing since 2006, which contradicted her written statement dated February 24, 2010, where she had indicated that she had monthly contact with this brother. Specifically Department Counsel moved to amend the SOR by adding ¶ 1.h as follows:

¹ Tr. at 14-16; See HE I and II.

² See ISCR Case No. 05-11292 at 4 n.1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986)).

³ See Stein, *Administrative Law*, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice).

You falsified material facts on a document entitled relatives and associates, dated February 24, 2010. You listed frequency of contact with your brother [B2] as one time a month, when, in fact, you knew and sought to conceal that he had been missing since 2006.

Applicant objected to the amendment because she did not want to talk about her missing brother and she did not want to disclose any information about her brother. I overruled this objection and allowed the amendment based upon Directive ¶ E3.1.17. At the hearing, Applicant did not request additional time for further preparation. Subsequent to the close of the record, I determined that Applicant should have been given additional time to decide if she wanted to respond to the additional allegation. I directed Department Counsel to arrange for a conference call with myself, Applicant, and Department Counsel participating. The conference call was held on October 17, 2013. Applicant was given until October 25, 2013, to provide evidence, or respond in any way to the additional allegation (¶ 2.h). She failed to respond in a timely manner.⁴

Findings of Fact

In Applicant's answer to the SOR, she admitted the allegations stated in ¶¶ 1.a and 1.d, but denied the remaining allegations (¶¶ 1.b – 1.c; 2.a – 2.h). Those admissions are incorporated into the findings of fact. After a thorough and careful review of the pleadings and exhibits submitted, I make the following additional findings of fact.

Applicant is 31 years old. She was born in Afghanistan in 1982. She came to the United States in 2005 to live with her husband whom she married in 2000 as a result of an arranged marriage. She divorced in 2007 and became a United States citizen in May 2012. She is a linguist for a defense contractor. She has never held a security clearance.⁵

Applicant was hired by a defense contractor as a linguist in early 2010 and was sent to Afghanistan from March 2010 through July 2011. In that role she worked for the U.S. military. She returned to the United States and then was sent back to Afghanistan for an unspecified period in 2012. During her job application process, she was required to provide information concerning her background to military investigators. Consequently, she was interviewed on February 24, 2010, and September 5, 2012, as part of that process.⁶

⁴ Tr. at 66, 68, 102-105; GE 5.

⁵ Tr. at 37-38; GE 1.

⁶ Tr. at 37-38; GE 2, 5.

She currently is not married and owns her own home in the United States. She purchased the home in 2011 from funds she saved while serving as a linguist. The home is valued at about \$110,000 and is unencumbered.⁷

Applicant has the following relatives who are residents and/or citizens of Afghanistan:

1. Her mother is a citizen and resident of Afghanistan. She is a homemaker and there is no evidence that she works for the Afghanistan government. Applicant sends about \$200 to \$500 to her parents every three or four months to help support them. She has telephone contact with her mother two to three times per week, to include the time she spent in Afghanistan as a linguist. She believes her parents were aware that she was in Afghanistan working for the United States. She last saw her parents in July 2012 when she went to Afghanistan on a personal visit.⁸

2. Her father is a citizen and resident of Afghanistan. He is a retired senior officer from the Afghan Army. Applicant believes he has been retired for more than 30 years. He currently is a shopkeeper. As noted above, Applicant sends money to her parents to help support them. She has telephone contact with her father two to three times per week, to include the time she spent in Afghanistan as a linguist.⁹

3. Her two brothers (B1 and B2) who are citizens and residents of Afghanistan. B1 works for a non-government organization in Afghanistan. He provides the primary financial support for Applicant's parents. They also reside with him. Applicant has telephone contact with B1 about two to three times a week. B2 has been missing since 2006. She did not know anything about his disappearance and did not want to discuss it any further.¹⁰

4. Her two sisters (S1 and S2) who are citizens and residents of Afghanistan. A third sister, S3, is a citizen of Pakistan and a current resident of the United Kingdom since November 2012. S1 and S2 are both single, have never worked and live at home with their brother, B1, and their parents. Applicant has telephone contact with S1 and S2 about once a week. S3 is married and is a homemaker. Applicant has telephone contact with S3 about two to three times a week.¹¹

⁷ Tr. at 53-55; GE 3.

⁸ Tr. at 62-64, 71, 75-77; GE 2, 5.

⁹ Tr. at 41-42, 62-64, 71, 75-77; GE 2, 5.

¹⁰ Tr. at 39, 62, 66-68; GE 2, 5.

¹¹ Tr. at 72-74; GE 2, 5.

On February 18, 2010, Applicant completed her application for a public trust position (PTP). Question 17 of the PTP asked if she had used any controlled substances, including marijuana, in the past year. She answered “no”.¹²

Applicant was interviewed by military investigators on February 24, 2010, in connection with her seeking a linguist position working with the U.S. military. In response to a form she completed on February 24, 2010, which asked her to list, among other things, her relatives’ names and frequency of contact, she listed her brother (NS) and indicated she was in contact with him one time a month.¹³

On August 21, 2012, Applicant completed her security clearance application (SCA). In section 18 of the SCA she was asked if her father was affiliated with a foreign military and she answered “no”. In section 23 of the SCA she was asked if she had illegally used any drugs or controlled substances within the last seven years. She responded “no”.¹⁴

Applicant was interviewed by military investigators on September 5, 2012, in connection with her seeking a linguist position working with the U.S. military. She answered questions and signed documents as part of this process. In response to a question during the September 2012 interview, that asked if she or a relative had ever been a member of the Afghan National Army, she responded “no” on the form. Additionally, in a response to a form she completed on August 20, 2012 (incorporated into the September 2012 interview package), which asked her to list any relatives, living or dead, who have “ever” served in any foreign military, she answered “none.” In another area of inquiry, when asked to describe her current and past drug use, she replied by stating “never.” She also replied to a screening interview form on May 29, 2012 (incorporated into the September 2012 interview package), which asked the following question, “Have you ever illegally used, possessed, bought, sold, or transferred any narcotic, depressant, stimulant, hallucinogen, cannabis, or any other drug or controlled substance.” She answered “no.”¹⁵

In an earlier interview with military investigators occurring on February 24, 2010, Applicant stated that her father was a senior officer in the Afghan army. During her hearing testimony, she also admitted her father’s past Afghan army service. Her explanations for the discrepancy in her answers about her father’s past Afghan military service were multiple. Initially, she stated that she thought the question was asking about current as opposed to any military service. Then on cross examination she stated that she did not pay very close attention to the question at the time. She also added that

¹² GE 4.

¹³ GE 1, 5.

¹⁴ GE 1.

¹⁵ GE 2.

when she completed the form on February 24, 2010, she had assistance, but she did not have any assistance when she completed the form on September 5, 2010.¹⁶

Applicant admitted to military investigators on February 24, 2010, that she used marijuana one time in October 2009. She also admitted this use in her testimony. Again, she provided multiple explanations for the discrepancies with her answers. She stated that she thought the 2012 questions referred to habitual uses, possession, or sale of drugs. She answered no because she did not fall into those categories. On cross examination she stated that she did not pay attention to the question. She also testified that she had no intent to deceive the government when she gave erroneous answers about her father's past Afghan military service or her past one-time marijuana use.¹⁷

Applicant admitted that she intentionally gave false information about her missing brother on the February 2010 document (she did not list him on the September 2012 document) by stating that she had weekly contact with him. She did so because she did not want to discuss that he was missing at the time.¹⁸

Applicant provided documents showing how she has improved her financial standing. Since there are no Guideline F allegations in this case, I will consider these documents as part of the whole-person analysis.¹⁹

Afghanistan

Formerly under the control of the United Kingdom, Afghanistan received independence in August 1919. It is a rugged and mountainous country in Southwestern Asia, approximately the size of Texas, and has common borders with Pakistan on the east and the south, Iran on the west, and Russia on the north. In 2009, the population was about 28 million people. Afghanistan has had a turbulent political history, including an invasion by the Soviet Union in 1979, occupation by the Soviet Union until 1989, and civil war between the occupiers and home-grown freedom fighters, known as Mujahidin. Anarchy ensued, and fighting continued among the various ethnic, clan, and religious warlords and their respective militias even after the Soviet Union withdrew from the country. By the mid-1990s, the Taliban rose to power and controlled significant portions of the country, imposing repressive policies and sharia law, guiding all aspects of Muslim life. Afghanistan became a sanctuary for terrorist groups.

After the September 11, 2001 terrorist attacks in the United States, U.S. demands that Afghanistan expel Osama Bin-Laden and his followers were rejected by the Taliban. In October 2001, U.S. forces and coalition partners led military operations

¹⁶ Tr. at 43, 99; GE 5.

¹⁷ Tr. at 43, 90-93, 98; GE 5.

¹⁸ Tr. at 66, 68-69; GE 2, 5.

¹⁹ AE A-D.

in the country, forcing the Taliban out of power. Following a few years of governance by an interim government, a democratic presidential election took place in October 2004, and a new democratic government took power. Despite the election, many daunting challenges remained, largely because terrorists, including al-Qa'ida and the Taliban, continue to assert power and intimidation within the country. Terrorists continue to target United States and Afghan interests through suicide bombings, assassinations, and hostage taking.

Afghanistan's human rights record remains poor, for there are continuing extrajudicial killings; torture and other abuse; widespread official corruption with impunity; ineffective government investigations of abuses by local security forces; arbitrary arrest and detention; judicial corruption; violations of privacy rights; violence and societal discrimination against women; sexual abuse of children; trafficking in persons; and restrictions on freedoms of religion, the press, assembly, and movement.

The Taliban-led insurgency in Afghanistan has diminished in some areas, but remains resilient and capable of challenging U.S. and international goals. Security gains are especially fragile in areas where International Security Assistance Forces (ISAF) have been concentrated since 2010 and are now transitioning the security lead to Afghan National Security Forces (ANSF). The ANSF will require international assistance through 2014 and beyond.

In May 2012, the United States and Afghanistan signed the Enduring Strategic Partnership Agreement (SPA). This ten-year agreement demonstrates the United States' commitment to strengthen Afghanistan's sovereignty, stability, and prosperity and continue cooperation to defeat al-Qa'ida and its affiliates.²⁰

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are 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 the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny 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.

²⁰ HE I, II.

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.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, 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, and has the ultimate burden of persuasion to obtain a favorable security decision.”

A person who seeks access to classified information enters 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 that an applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

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.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline B, Foreign Influence

AG ¶ 6 explains the security concern about “foreign contacts and interests” stating:

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.

AG ¶ 7 indicates two conditions that could raise a security concern and may be disqualifying in this case:

(a) 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; and

(b) 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.

The mere possession of close family ties with a family member living in Afghanistan is not, as a matter of law, disqualifying under Guideline B. However, if an applicant has a close relationship with even one relative living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information.

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 or inducement. 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, the country is known to conduct intelligence collection operations against the United States, or the foreign country is associated with a risk of terrorism. The relationship of Afghanistan with the United States places a significant, but not insurmountable burden of persuasion on Applicant to demonstrate that her relationships with his relatives living in Afghanistan do not pose a security risk. Applicant should not be placed in a position where she might be forced to choose between loyalty to the United States and a desire to assist her relatives living in Afghanistan who might be coerced by terrorists or other governmental entities in either country.

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."²¹ 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.

While there is no evidence that intelligence operatives or terrorists from Afghanistan seek or have sought classified or economic information from or through Applicant, or her relatives living in Afghanistan, it is not possible to rule out such a possibility in the future. As demonstrated by her regular contacts with her family and her

²¹ ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

financial support for her parents, she continues to feel an obligation to them and affection for them. Applicant's concern for her relatives is a positive character trait that increases her trustworthiness; however, it also increases the concern about potential foreign influence. Department Counsel produced substantial evidence to raise the issue of potential foreign pressure or attempted exploitation.

AG ¶¶ 7(a) and 7(b) apply because of Applicant's relationships with her relatives who are living in Afghanistan. Applicant communicates with these relatives on a regular basis. There is a rebuttable presumption that a person has ties of affection for, or obligation to, their immediate family members. Applicant has not attempted to rebut this presumption. Given Afghanistan's fragile security situation, Applicant's relationships with her relatives living in that country are sufficient to create "a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion." Because AG ¶¶ 7(a) and 7(b) apply, further inquiry is necessary about the potential application of any mitigating conditions. However, because the allegation in SOR ¶ 1.d states essentially the facts and circumstances already inherent within SOR ¶ 1.a concerning her father, I find for Applicant on this allegation.

AG ¶ 8 lists six conditions that could mitigate foreign influence security concerns:

(a) 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.;

(b) 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; and

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

AG ¶¶ 8(a) and 8(c) have limited applicability. Applicant's current linguistics position is something that could be exploited against her. Applicant has regular contact with her relatives who live in Afghanistan. The amount of contacts between an Applicant and relatives living in a foreign country is not the only test for determining whether someone could be coerced through their relatives. Because of her connections to her relatives living in Afghanistan and the presence of Taliban and other terrorist organizations there, Applicant is not able to fully meet her burden of showing there is "little likelihood that it could create a risk for foreign influence or exploitation."

Applicant failed to meet her burden to establish her “deep and longstanding relationships and loyalties in the U.S.” She came to the United States as a result of an arranged marriage in 2005. She just recently became a U.S. citizen in 2012. This short amount of time that she has been affiliated with this country works against her to establish a longstanding relationship here. She was also deceitful about her missing Afghan brother during her background investigation. On the other hand, she volunteered to go into harm’s way to serve as a linguist for U.S. forces in Afghanistan. On the whole, however, the evidence does not support that Applicant has longstanding loyalties toward the United States that make it likely she would resolve any conflict of interest in favor of the United States. AG ¶ 8(b) does not apply.

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern for personal conduct:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified 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 conditions that could raise a security concern and may be disqualifying in this case. The following disqualifying conditions are potentially applicable:

(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; and

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

Applicant admitted to providing intentionally false information about her brother during her February 2010 background interview with a military investigator. She denied that she intentionally provided false information about her father’s military status and her past use of marijuana. Her denials are not credible. AG ¶¶ 8(a) and 8(b) apply.

The guideline also includes conditions that could mitigate security concerns arising from personal conduct. I have considered all of the mitigating conditions under AG ¶ 17 and found the following relevant:

(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.

Although Applicant did provide truthful information about her marijuana use and her father's military status in the February 2010 (GE 5) background inquiry, she both preceded (GE 4) and followed (GE 1, 2) that submission with false information. This does not constitute prompt, good-faith efforts to correct the falsification. Additionally, she did not provide truthful information about her missing brother until her hearing. AG ¶ 17(a) does not apply.

Failing to provide truthful and complete information on a security clearance application and to background investigators is never a minor offense. Her untruthful answers cast doubt on her reliability, trustworthiness, and good judgment. AG ¶ 17(c) does not apply.

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 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.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. The circumstances tending to support denying Applicant's clearance are more significant than the factors weighing towards granting her clearance at this time. I considered that she has improved her financial position. However, even though Applicant recently served this country as a linguist in a hostile environment, she has not demonstrated her longstanding loyalty to

this country. Additionally, her false statements concerning her marijuana use, her father's military status, and her brother's disappearance are cause to question her trustworthiness, reliability, and judgment. Therefore, she did not provide sufficient evidence to mitigate the security concerns.

Overall the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the security concerns arising under Guideline B, foreign influence, and Guideline E, personal conduct.

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 B:	AGAINST APPLICANT
Subparagraphs 1.a – 1.c:	Against Applicant
Subparagraph 1.d:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a – 2.h:	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 eligibility for a security clearance. Eligibility for access to classified information is denied.

Robert E. Coacher
Administrative Judge