



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



In the matter of: )  
)  
) ISCR Case No. 14-01127  
)  
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Applicant for Security Clearance )

**Appearances**

For Government: Jeff Nagel, Esq., Department Counsel  
For Applicant: Catie Young, Esq.

October 24, 2014

**Decision**

GOLDSTEIN, Jennifer I., Administrative Judge:

Applicant had eight delinquent debts totaling \$43,512, identified on the Statement of Reasons (SOR). Applicant resolved four of his smaller debts, but remains indebted in the approximate amount of \$35,948, which he has made little effort to resolve. Additionally, Applicant admitted using marijuana infrequently between April 2000 and June 2008. His use included one occasion after being granted a security clearance. He failed to fully disclose the extent of his marijuana use on two Security Clearance Applications. Applicant failed to mitigate the security concerns raised by his Financial Considerations, Drug Involvement, and Personal Conduct. Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted his electronic Security Clearance Application (e-QIP) on October 20, 2013. On April 30, 2014, the Department of Defense issued a Statement of Reasons (SOR) to Applicant detailing security concerns under the guideline for Financial Considerations. The action was taken under Executive Order (EO) 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 after September 1, 2006.

Applicant answered the SOR (Answer) on May 19, 2014, and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA).

On June 30, 2014, the Department of Defense issued an Amendment to the Statement of Reasons (SOR) to Applicant detailing additional security concerns under the guidelines for Drug Involvement and Personal Conduct. Applicant Answered the Amended SOR allegations on June 18, 2014. The case was assigned to me on July 22, 2014.

A notice of hearing was issued to Applicant on July 30, 2014, scheduling a hearing for September 22, 2014. The hearing was convened as scheduled. The Government offered Exhibits (GE) 1 through 7, which were admitted without objection. Applicant testified on his own behalf, and offered Applicant's Exhibits (AE) A through G, which were admitted into the record without objection. Applicant requested that the record be left open to allow him to submit additional evidence and his request was granted. On October 17, 2014, Applicant presented additional exhibits, marked AE H through AE Q. Department Counsel had no objections to AE H through AE Q, and they were admitted into the record. The record then closed. DOHA received the transcript of the hearing (Tr.) on September 30, 2014.

### **Findings of Fact**

Applicant is 30 years old. He is married, but separated from his wife. He has no children. He served on Active Duty in the Marine Corps from 2003 to 2005. He received an Honorable Discharge through Administrative Separation due to a medical condition. He held a security clearance while in the Marine Corps. His first clearance was issued in October 2003.<sup>1</sup> (GE 1; AE L; AE M; AE Q; Tr. 30-32, 53, 57, 78.)

Applicant has worked for a government contractor since 2010 and seeks a security clearance in connection with that employment. He was employed by a different government contractor from 2009 to 2010, with breaks in employment from August 2010 to October 2010; March 2010 to April 2010; November 2009 to January 2010; and January 2009 to September 2009. From January 2007 to January 2009, he was employed in several different positions in the private sector. He was unemployed from September 2006 to January 2007. From March 2006 to July 2006 he was employed in several different private sector jobs. He was also unemployed from August 2005 to March 2006. (GE 1; AE Q; Tr. 28-29.)

The Government alleged that Applicant is ineligible for a clearance, in part, because he made financial decisions that indicate poor self-control, lack of judgment, or

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<sup>1</sup> Applicant first submitted a security clearance application on August 9, 2002, but that application was never processed.

unwillingness to abide by rules and regulations, all of which raise questions about his reliability, trustworthiness, and ability to protect classified information. The SOR identified eight delinquent debts totaling \$43,512. Applicant's debts appear in credit reports entered into evidence dated November 26, 2013; June 26, 2014; and September 21, 2014. Applicant admitted all of the debts as alleged in subparagraphs 1.a through 1.d, and 1.f through 1.h. He denied subparagraph 1.e. (Answer; GE 5; GE 6; GE 7.)

Applicant attributed his financial delinquencies to periods of unemployment and underemployment, outlined above. He testified that he learned his lesson and no longer relies on credit cards. He has a monthly net remainder of \$3,085.40 and makes the maximum contribution to his 401K savings plan. He has approximately \$18,000 in his bank accounts and more than \$80,000 in his investment portfolio. (AE B; AE C; AE D; AE E; Tr. 53, 56, 77, 89.)

The debt identified in SOR subparagraph 1.a is owed to a college for a delinquent tuition in the approximate amount of \$10,284. Applicant admits this debt in his answer. It has been past due since 2008 or 2009. Applicant incurred this debt after he completed one semester at the college. He was billed for the second semester, although he asserts he did not register for classes. He claimed he disputed this debt, but provided no documentation of the dispute. His last communication with this creditor was approximately four years ago. He testified that he is willing to resolve this debt, but did not present any documentation to show that he has taken steps in that direction. This debt is unresolved. (AE A; Tr. 43-46, 62-63.)

The debt in SOR subparagraph 1.b became delinquent in the amount of approximately \$4,168, after Applicant's motorcycle was repossessed in 2007 or 2008. It represents the amount still owed on the loan after the motorcycle was resold. Applicant presented a document that shows he settled this account for \$4,167.76 on February 8, 2012. It is resolved. (AE A; AE J; Tr. 46-47, 63-65.)

The debt in SOR subparagraph 1.c is for a store credit card account that is delinquent in the amount of \$374. This debt has been past due since 2007. Applicant testified that he paid this debt, but he failed to present any documentation to support his claim. This debt is not resolved. (GE 5; Tr. 47, 65-67.)

Applicant was indebted to a bank for a delinquent credit card account in the approximate amount of \$2,239 as alleged in SOR subparagraph 1.d. This debt has been past due since 2007. Applicant testified he had resolved this account. Applicant's June 2014 credit report reflects this debt was "paid in full." This debt is resolved. (GE 5; GE 6; GE 7; AE A; Tr. 48, 67.)

Applicant was alleged to be indebted on a collection account for approximately \$420, as alleged in SOR subparagraph 1.e. He presented documentation to show that this debt is a duplicate of the debt alleged in SOR subparagraph 1.h. It was resolved on October 1, 2014, for a payment of \$332.75. (GE 5; AE H; AE I; Tr. 49-50, 69-70, 72-73.)

Applicant is indebted on a repossessed vehicle in the approximate amount of \$19,395, as alleged in SOR subparagraph 1.f. This debt has been past due since 2008. It appears on his September 2014 credit report as an unpaid collection account. Applicant testified that he was not aware he had further obligations on the vehicle after it was repossessed. He has not been in contact with this creditor since 2010. This debt is unresolved. (GE 7; AE A; Tr. 50-51, 70-71.)

The debt in SOR subparagraph 1.g is for a store credit card account that is delinquent in the amount of \$5,895. This debt has been past due since 2007. He testified that he paid this debt, but he failed to present any documentation to support his claim. This debt is not resolved. (GE 5; Tr. 51-52, 71-72.)

Applicant presented documentation that he resolved one additional delinquency on July 20, 2010. However, the name of the creditor does not appear to correspond with any of the allegations on the SOR. Applicant had the burden to identify and explain this submission, and he failed to explain its direct relevance to the specific subparagraphs alleged. It does show that he responsibly settled an additional account in 2010. (AE K.)

The Government alleged in the Amended SOR that Applicant should be disqualified from holding a security clearance under the guideline for Drug Involvement, due to his use of marijuana from April 2000 to June of 2008, including marijuana use while he was holding a security clearance. The Amended SOR also alleged concerns under the guideline for Personal Conduct, because Applicant deliberately failed to fully disclose his marijuana use on his August 2002 and June 2003 security clearance applications. In his Answer to the Amended SOR, Applicant admitted to marijuana use on two occasions in January 2000; once in November 2004; and once in June 2008. He further admitted that he used marijuana while holding a security clearance in 2004.

Applicant testified that he experimented with marijuana prior to his enlistment in the Marine Corps, but does not recall the specific number of times. On his security clearance applications dated August 8, 2002, and June 6, 2003, he identified that he used marijuana two times in January 2000. (GE 2; GE 3.) He testified that his Marine Corps recruiter told him to disclose using marijuana twice during his recruitment. During his December 2013 interview with a special agent regarding his security clearance application, he disclosed that he first began smoking marijuana at age 16 (in 2000). He stated he used it at parties on 10-12 occasions during high school and twice after he graduated from high school. (GE 4; Tr. 32-34, 84-88.)

Applicant abstained from marijuana use after he entered the Marine Corps until 2004. He disclosed that he used marijuana once in 2004, while on Active Duty with the Marine Corps. He acknowledged that he held a security clearance at that time. He used marijuana on that one occasion in an attempt to self-medicate a medical condition that caused him significant pain. He failed to self-report his marijuana use to his chain of command. He realized that marijuana use was illegal, in violation of Marine Corps regulations, and in violation of the Uniform Code of Military Justice. (Tr. 34-37, 80-83, 88.)

Applicant testified that he used marijuana on one additional occasion in 2008. He explained that he was unemployed and experiencing financial hardship when a friend offered him marijuana. He took multiple puffs on the marijuana on a single occasion. (Tr. 37-40, 91.)

On his October 20, 2013 security clearance application, Applicant disclosed that from April 2000 to June 2008, he “experimented approx[imately] 12-15 times” with marijuana. (GE 1.) He testified at hearing that he disclosed the dates to the best of his memory, but that he did not recall specific dates. (Tr. 40-42.)

Applicant regrets his marijuana use. He testified it was foolish and has vowed not to use marijuana in the future. He claimed he attempted to be forthright with the Government by disclosing his marijuana usage, although his memory of the times and frequency was not exact. (Tr. 40-42.)

Applicant is respected for his honesty, trustworthiness, and integrity by his manager, brother, former co-worker, and team member, as documented in the letters of support they submitted. (AE F; AE G; AE O; AE P.) He has received a certificate from his employer for his meritorious service in support of Operation Enduring Freedom while working as a Government contractor overseas. (AE N.)

### **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 and mitigating conditions, 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, administrative judges apply the guidelines 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(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.

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 the 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, the 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.” The applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. The 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 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.

Section 7 of EO 10865 provides that adverse 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 F, Financial Considerations**

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

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 guideline notes several conditions that could raise security concerns under AG ¶ 19. Two are potentially applicable in this case:

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

The SOR alleges that Applicant incurred approximately \$43,512 in delinquent debt. One debt (SOR subparagraphs 1.e and 1.h) was identified twice on the SOR, so his alleged debt actually totals approximately \$43,092. The debts have been delinquent since approximately 2007 or 2008. While Applicant recently began to address the debts, in its entirety, the Government has established its *prima facie* case against Applicant. The evidence shows Applicant’s “inability or unwillingness to satisfy” his debts from

2007 to 2010 and that he continues to have delinquent accounts. He has an overall “history of not meeting financial obligations” during that time period.

Five Financial Considerations mitigating conditions under AG ¶ 20 were considered, including:

(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.

The Appeal Board has held, “A security clearance adjudication is not a proceeding aimed at collecting an applicant’s personal debts. Rather, it is a proceeding aimed at evaluating an applicant’s judgment, reliability, and trustworthiness.”<sup>2</sup> Security clearance adjudications regarding financial issues are not debt collection proceedings. Rather, the purpose is to make “an examination of a sufficient period of a person’s life to make an affirmative determination that the person is an acceptable security risk.”<sup>3</sup>

Applicant’s delinquent debts, which are listed on the SOR, began accumulating in 2007. He has resolved four (SOR allegations 1.b, 1.d, 1.e, and 1.h) of his delinquent accounts totaling approximately \$6,826. Four debts (SOR allegations 1.a, 1.c, 1.f, and 1.g), totaling \$35,948, are unresolved. Because he failed to address the majority of his indebtedness, he did not demonstrate that such problems are unlikely to continue or recur. His reliability and trustworthiness in managing delinquent debts remain a concern. The evidence does not support the application of AG ¶ 20(a).

Applicant provided some evidence that his financial problems arose as a result of unemployment and underemployment. Those were circumstances beyond his control.

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<sup>2</sup> ISCR Case No. 01-09691 at 3 (App. Bd. Mar. 27, 2003).

<sup>3</sup> AG ¶ 2(a)

However, he failed to provide evidence that he acted responsibly under the circumstances or that he attempted to resolve his unpaid debts while they were accumulating over the past six years. AG ¶ 20(b) has limited application.

Applicant has not participated in financial or credit counseling, and there are no clear indications that his delinquent debts are under control; thus, AG ¶ 20(c) has no application. He did not provide documentation to demonstrate that he has made a good-faith effort to resolve four of the eight SOR-listed debts. Hence, AG ¶ 20(d) has no application. There is no documentation that Applicant had a reasonable basis to dispute any delinquent debt and successfully resolved it through the dispute process. AG ¶ 20(e) has no application.

### **Guideline H, Drug Involvement**

AG ¶ 24 expresses the security concern pertaining to Drug Involvement:

Use of an illegal drug or misuse of a prescription drug can raise questions about an individual's reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations.

I have considered all of the evidence in this case and the disqualifying conditions under Drug Involvement AG ¶ 25, and the following are potentially applicable:

- (a) any drug abuse;
- (c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and
- (g) any illegal use after being granted a security clearance.

The Government presented sufficient information to support all of the factual allegations under Guideline H (SOR ¶ 1.a). Applicant used marijuana from approximately 2000 to 2008, including use in 2004 while holding a security clearance. The facts established through the Government's evidence and through Applicant's admissions, raise security concerns under all of the above disqualifying conditions.

I have considered all of the evidence in this case and the mitigating conditions under Drug Involvement AG ¶ 26, and the following are potentially applicable:

- (a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; and
- (b) a demonstrated intent not to abuse any drugs in the future, such as: (1) disassociation from drug-using associates and contacts; (2) changing or



avoiding the environment where drugs were used; (3) an appropriate period of abstinence; (4) a signed statement of intent with automatic revocation of clearance for any violation.

Applicant used marijuana at parties on 10-12 occasions during high school and twice after he graduated from high school. He abstained from marijuana use from 2002 to 2004, but decided to use it again in 2004 despite having a security clearance. Applicant's decision to use marijuana in 2004, while possessing a security clearance, was in clear violation of Marine Corps regulations, security regulations, Federal law, and state law. He again abstained for approximately four years, but chose to use it again in 2008. His decision to use marijuana infrequently over a period of eight years casts doubt on his current reliability, trustworthiness, and good judgment. Given the long periods of abstinence between use and his poor judgment in deciding to use marijuana while holding a security clearance, I cannot hold that future use is unlikely to recur. In this instance, an appropriate period of abstinence has not been demonstrated. The evidence does not support the application of AG ¶ 26(a).

AG ¶ 26(b) has limited application. Applicant stated that he does not intend to use marijuana in the future. These are factors that weigh in Applicant's favor. However, as noted above, Applicant has not yet demonstrated an appropriate period of abstinence. Further, the evidence does not contain an explicit "signed statement of intent with automatic revocation of clearance for any violation." Applicant has not provided sufficient evidence to meet his burden of proof to overcome the concerns raised by his drug involvement.

### **Guideline E, Personal Conduct**

The security concern for the Personal Conduct guideline is set out in AG ¶ 15:

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. 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

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as

(1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group.

Applicant was dishonest about his marijuana use on his security clearance applications dated August 8, 2002, and June 6, 2003, when he identified that he used marijuana two times in January 2000. He deliberately minimized the extent of his marijuana use. He knew his actions were illegal, a violation of security policies, and in violation of his employer's policies. Additionally, his marijuana use created a vulnerability to exploitation, manipulation, or duress, and is an activity that could affect his personal, professional, or community standing. Using marijuana and later falsifying his e-QIP demonstrate that he lacked good judgment to comply with rules and regulations that are counter to his desires. The above disqualifying conditions apply.

Applicant was also alleged to have failed to disclose using marijuana while holding a security clearance on his August 8, 2002, and June 6, 2003 security clearance applications. Applicant was not granted a security clearance until October 2003, so he could not have falsified question 28 on his August 8, 2002, or June 6, 2003 security clearance applications.

AG ¶ 17 provides conditions that could mitigate security concerns. The following are potentially applicable:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (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; and

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Applicant corrected the falsifications concerning his marijuana use while possessing a security clearance on his e-QIP when he disclosed it in his October 20, 2013 security clearance application and during his December 2013 security clearance interview. His disclosures in his 2013 application and to the agent were before he was confronted with facts to the contrary, but his disclosure was not prompt or timely. He procrastinated reporting his deliberate omission of material information while serving in the Marine Corps. The evidence does not support the full application of AG ¶ 17(a).

Applicant testified that his recruiter told him to disclose using marijuana twice. Applicant presented no corroborating testimony to support this claim. Further, even if his claim was true, he failed to introduce evidence to show that his recruiter was instructing him specifically on the security clearance process. It is unlikely that he was instructed by a recruiter in 2003, when he completed his second application. The evidence does not support the full application of AG ¶ 17(b).

Applicant's eventual disclosure of his marijuana use does not mitigate the concerns relating to his poor judgment and resulting vulnerability to coercion related to his falsification. He made poor decisions to violate laws, security procedures, and Marine Corps policies. He failed to produce sufficient evidence that similar lapses in judgment are unlikely to recur, without the passage of more time or other evidence that demonstrates trustworthiness and good judgment. He has not obtained counseling or taken other steps to indicate future use is unlikely to occur. The evidence does not show AG ¶¶ 17(c) and 17(d) are applicable.

Applicant has earned an excellent reputation at work. However, not enough time has passed to know whether Applicant could again be tempted and persuaded to violate laws or other rules for his own personal benefit, as he did when he knowingly used marijuana after being granted a security clearance. AG ¶ 17(e) is not supported by the record.

### **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 pertinent facts and circumstances surrounding this case. I have incorporated my comments under Guidelines F, H, and E in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under that guideline, but some warrant additional comment.

Applicant is a hardworking employee of a Government contractor with financial difficulties stemming from his past unemployment. He has been unable or unwilling to resolve his financial delinquencies, despite having a significant monthly financial remainder from his paychecks. He has used marijuana between 12 to 14 times from approximately 2000 to 2008. He was not fully truthful with the Government on his 2002 and 2003 security clearance applications. Applicant is highly respected by those who know him. He has not used marijuana since 2008. He has divulged information about his drug use, although not always in an expedient manner. He testified that he will not use illegal substances in the future. However, Applicant knowingly violated laws, security procedures, and Marine Corps policies when he chose to use marijuana in 2004 while holding a security clearance. That decision shows Applicant has questionable judgment. Not enough time has passed since Applicant's drug use in 2008, given his infrequent but repeated use of marijuana, to permit a finding that future drug use is unlikely to occur. His financial delinquencies remain unresolved. He has not established that he has the personal judgment required to hold a security clearance at this time.

### **Formal Findings**

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

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

Paragraph 2, Guideline H:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Subparagraph 2.b:	Against Applicant
Paragraph 3, Guideline E:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Subparagraph 3.b:	For 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 or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

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Jennifer I. Goldstein  
Administrative Judge