DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 14-01280
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Eric H. Borgstrom, Esq., Department Counsel
For Applicant: *Pro se*

02/24/2016

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Decision

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MATCHINSKI, Elizabeth M., Administrative Judge:

Financial considerations, drug involvement, and personal conduct security concerns persist. As of August 2015, Applicant owed approximately $11,000 in past-due child support and $4,640 in undisputed collection debt. He abused cocaine on occasion between October 2010 and late September 2013, and he repeatedly misrepresented the extent of his cocaine abuse during the investigation and adjudication of his security clearance eligibility. Clearance is denied.

Statement of the Case

On December 15, 2014, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant, detailing the security concerns under Guideline F (financial considerations), Guideline H (drug Involvement), Guideline G (alcohol consumption), Guideline I (psychological conditions), and Guideline E (personal conduct), and explaining why it was unable to find it clearly consistent with the national interest to grant or continue his security clearance eligibility. The DOD CAF took the action 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) effective within the DOD on September 1, 2006.

On January 23, 2015, Applicant answered the SOR allegations and requested a decision based on the written record without a hearing. The case was subsequently converted to a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On July 21, 2015, the case was assigned to me to conduct a hearing to determine whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. On July 24, 2015, I scheduled the hearing for August 20, 2015.

At the hearing, nine Government exhibits (GEs 1-9) were admitted into evidence. I admitted GE 5 over Applicant's objection. The medical records contained information related to guidelines H and G, and Applicant had signed a release for drug and alcohol treatment records. Thirteen Applicant exhibits (AEs A-M) were admitted into evidence without objection. A chart prepared by Department Counsel as a supplement to his oral closing argument was incorporated in the record as a hearing exhibit (HE 1), but not entered as an evidentiary exhibit. Applicant and his spouse testified, as reflected in a transcript (Tr.) received on August 28, 2015. At the close of the testimony, Department Counsel withdrew SOR ¶ 1.g.[1]

At Applicant's request, I held the record open until September 18, 2015, for post-hearing submissions. On September 16, 2015, Applicant timely submitted six exhibits, which were admitted as AEs N-S. Department Counsel filed no objections by the September 28, 2015 deadline for comment.

Summary of SOR Allegations

The SOR alleges under Guideline F that as of December 15, 2014, Applicant owed a $3,530 judgment from April 2011 (SOR ¶ 1.a), telephone debts in collection of $1,607 (SOR ¶ 1.b) and $1,615 (SOR ¶ 1.c); child support arrearages of $2,384 (SOR ¶ 1.d) and $15,747.05 (SOR ¶ 1.e); and a $1,418 in utility debt in collection (SOR ¶ 1.f.) Under Guideline H, Applicant allegedly used cocaine with varying frequency until at least September 2013 (SOR ¶ 2.a); tested positive for cocaine in 2011 (SOR ¶ 2.b); was diagnosed with cocaine abuse in December 2011 (SOR ¶ 2.d); and failed to complete treatment for diagnosed cocaine dependence in October 2013 (SOR ¶ 2.c). Under Guideline G, Applicant allegedly was diagnosed with alcohol abuse in December 2011 (SOR ¶ 3.b), and he failed to complete treatment for diagnosed alcohol abuse in October 2013 (SOR ¶ 3.a).

[1] Applicant denied any knowledge of a $721 medical debt (SOR ¶ 1.g) allegedly in collection as of the date of the SOR. (Tr. 74.) The debt was not on Applicant's credit reports (GEs 6, 7, 9), so the Government withdrew the allegation. (Tr. 134.)

Additionally, the SOR alleges under Guideline I that Applicant failed to complete recommended treatments for diagnosed generalized anxiety disorder and adjustment disorder with mixed disturbance of emotions and conduct in January 2014 (SOR ¶ 4.a) and for diagnosed major depressive disorder and panic attacks without agoraphobia in October 2013 (SOR ¶ 4.b). Under Guideline E, Applicant allegedly falsified his October 21, 2013 Electronic Questionnaire for Investigations Processing (e-QIP) by disclosing that he used cocaine occasionally from October 2010 to November 2011 when he had used cocaine to at least September 2013 (SOR ¶ 5.a); falsified material facts during his January 6, 2014 subject interview in that he indicated that he used cocaine once between October 2011 and June 2012 (SOR ¶ 5.b); and falsified material facts on his May 16, 2014 response to DOHA interrogatories when he stated that he used cocaine on one occasion, which occurred in September 2013 (SOR ¶ 5.c).

Applicant provided detailed responses to the SOR allegations, which he then clarified at his hearing. He admitted the judgment and child support debts, which were being repaid through garnishment, and denied any knowledge of the collection debts. Applicant admitted that he had used cocaine, but only through September 2011. He also admitted that he had tested positive for cocaine. Applicant denied that he abused cocaine or that he was dependent on cocaine, and explained that he did not attend his last session of treatment so was considered not in compliance. About the Guideline G allegations, Applicant denied that he ever had an alcohol problem. He had treatment for relapse prevention and not for alcohol dependence. Applicant disputed the mental health diagnoses alleged under Guideline I as "an over exaggeration of [his] actual diagnosis." He attributed his treatment to the loss of his daughter's mother and had changed therapists because he moved. Concerning the Guideline E allegations, Applicant denied any intentional falsification and explained that he was mistaken about the dates of his cocaine use. He asserted that his last drug use was in 2011 rather than in 2013.

Findings of Fact

After considering the pleadings, exhibits, and transcript, I make the following findings of fact:

Applicant is a 35-year-old high school graduate. Applicant and his spouse met online in November 2013. (Tr. 121.) They began cohabiting in January 2014 (Tr. 119) and married in July 2015. (Tr. 38.) Applicant had a previous cohabitant relationship with an ex-girlfriend from 2003 to 2013. Applicant has a 15-year-old daughter and a 12-year-old son from other women. His daughter's mother died in February 2011. Applicant has a discordant relationship with his son's mother.

Applicant worked as a carpenter for his present employer, a defense contractor, from October 2005 to September 2006 and from June 2010 to June 2011, before returning to work full-time in January 2014. He has had his own business as a self-employed carpenter in the construction industry since 2011. (GEs 1, 4; Tr. 34-38.)

Financial

Applicant learned the carpentry trade on the job, starting as a framer for a construction company. He worked as a carpenter for a private business from late 2000 (GEs 1, 2) or late 2001 (GE 3) until he was laid off in October or November 2004. In February 2002, Applicant was ordered by state X to pay child support for his daughter. In July 2003, Applicant was ordered by state Y to pay child support for his son. (GE 7.)

Applicant was unemployed from November 2004 to March 2005. From March to September 2005, he worked in receiving for a home improvement company. He was terminated for "points" issues. (GEs 1-3, 8.)

In mid-September 2005, Applicant committed to work for his current employer starting in October 2005. In application for a secret security clearance, Applicant completed and certified to the accuracy of an Electronic Questionnaire for Investigations Processing (e-QIP). In response to the financial record inquiries, Applicant indicated that his wages were being garnished at $117 every two weeks for child support to state X for his daughter and that he owed a hospital debt of approximately $2,000 from December 2004. (GE 3.)

On May 10, 2006, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM). He explained that the $2,000 medical debt was for a diagnostic test (MRI) when he did not have insurance and that he fell behind six months in his child support by late 2004 because he lacked steady employment. Applicant maintained that he was paying his current child support on time and was repaying an arrearage. Applicant, who was living with his girlfriend, estimated a net household income of $1,233 after expenses, including $600 a month for child support. (GE 8.)

Applicant worked for his current employer from October 2005 until he was laid off in September 2006. After a few months of unemployment, he worked as subcontractor for a local carpentry business from December 2006 to March 2007. Applicant was employed as a foreman for a private company from March 2007 until October 2008, when he was laid off. (GEs 1, 2.) Applicant's driver's license in state X was suspended from February 20, 2007, to October 23, 2007, for noncompliance with his child support for his daughter. (AE K.)

Applicant was rehired by his current employer in 2009. Applicant completed and certified to the accuracy of an e-QIP on September 17, 2009, indicating that he began work on March 30, 2009, and needed a DOD secret clearance. Applicant responded "Yes" to inquiries concerning any bills or debts turned over for collection in the last seven years; any accounts or credit cards suspended, charged off, or cancelled for failing to pay as agreed in the last seven years; any delinquency on alimony or child support payments in the last seven years; any debts over 180 days delinquent in the last seven years; and any debts currently over 90 days delinquent. Applicant listed unpaid consumer debts of $437, $180, and $745. He indicated that he was making child support payments at $152 per week to state X. (GE 2.) Applicant was granted a secret clearance around December 2009.

Applicant's driver license in state X was suspended from November 3, 2010, to March 23, 2011, for noncompliance with his child support for his daughter. (AE K.) In June 2011, Applicant was laid off from his defense contractor job. He had no income apart from his business as a self-employed carpenter (GE 1), and his operator's license was again suspended in October 18, 2011, for noncompliance with his child support obligation. (AE K.)

Applicant had been without any work for a month when he was rehired by his defense contractor employer in October 2013. (GE 4.) On an October 21, 2013 e-QIP, Applicant responded affirmatively that he had been delinquent on child support payments in the last seven years, and disclosed that he was $500 past due in state X (SOR ¶ 1.d) and $2,000 past due in state Y (SOR ¶ 1.e). Applicant also answered "Yes" to whether any judgments had been entered against him in the last seven years. He listed a $3,230 unpaid judgment (SOR ¶ 1.a) from April 2011 against him and his ex-girlfriend, and indicated that his ex-girlfriend was repaying the debt. Applicant also listed collection debts of $1,607 (SOR ¶ 1.b), $1,615 (SOR ¶ 1.c), and $1,418 (SOR ¶ f). (GE 1.)

A check of Applicant's credit on November 26, 2013, revealed that Applicant owed child support arrearages of $2,734 to state X and $13,297 to state Y. Additionally, he had made no progress toward repaying the collection debts identified in SOR ¶¶ 1.b, 1.c, and 1.f. (GE 7.)

On January 6, 2014, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM). Applicant had not yet started working for his current employer. He indicated that he was paying $75 a week in child support ($65 in current support and $10 toward arrearages) to state Y for his son, whom he has not seen in three years, and $5 to $10 per week to state X in child support arrearage for his daughter, who was living with her maternal grandmother. Applicant disputed the reported arrearages of $2,734 to state X for his daughter and of $13,297 to state Y for his son. He claimed that he owed $500 in back child support for his daughter and $2,000 for his son. He maintained that his son's mother was trying to receive child support payments from both state Y and also state Z, where his son now resides.[2] About the financial judgment on his record, Applicant explained that he co-signed a lease for his ex-girlfriend, who moved out, and that $20 to $25 per week was being deducted from his ex-girlfriend's wages to pay the debt. Applicant denied any knowledge of the collection debts on his credit record, which he had included on his e-QIP because they were on his credit record. (GE 4.)

Child support enforcement records from state Y do not show any child support payments from Applicant in 2014 for his son before July 25, 2014, when the state began garnishing his wages at $75 a week. (AE L.) As of November 2014, Applicant reportedly owed $2,384 to state X and $15,627 to state Y in child support arrearages. Equifax had no record of any progress toward resolving the $1,607 debt from October 2012 (SOR ¶ 1.b), the $1,615 debt from April 2012 (SOR ¶ 1.c), or the $3,350 judgment from April 2011 (SOR ¶ 1.a). Applicant was making $263 monthly payments on a $7,295 automobile loan opened

[2] State Y's child support records show that the order was issued in state Y, and that Applicant was paying child support to state Z. (AE L.)

in April 2014. (GE 6.) In March 2015, Applicant paid $288.54 to resolve a telephone debt not alleged in the SOR. (AE H.)

On July 19, 2015, state Z acted to seize Applicant's bank assets by a notice of levy against Applicant for unpaid child support totaling $11,580 for his son (SOR ¶ 1.e). (AE R.) Applicant indicates that he does not have the bank account subject to the levy. (AE N.) As of July 24, 2015, Applicant owed $949.30 in child support arrearage for his daughter. (AE K.)

A check of Applicant's credit in August 2015 showed no progress toward resolving the $1,418 utility services delinquency, which had been in collection since November 2014 (SOR ¶ 1.f). He reportedly owed $15,226 in child support arrearage to state Y for his son. Applicant contests the balance in that his wages had been garnished since July 13, 2014, toward the debt. (AE L.) Applicant's pay statement for the period ending July 19, 2014, confirms that his wages were attached at $75 a week for his child support. (AE H.) According to Applicant, he paid $2,025 to state Z in 2014. (AE H.) State Y's records show payments of $1,725 to state Z in 2014. (AE L.) Applicant attributes the discrepancy to state Y not accounting for attachment of his federal income tax refund of $330 in February 2015 paid to state Z for back child support. Applicant estimated a $10,647 balance in child support arrearage for his son as of August 2015. (AE H.) Levy documents showed the arrearage at $11,580 as of mid-July 2015. (AE R.) Applicant's child support arrearage for his daughter in state X had been reduced to $924 as of August 2015. (GE 9.) Applicant anticipated that his child support arrearage for his daughter would be paid off sometime in early 2016. (AE H.)

According to Equifax, Applicant paid only $61 of his $263 scheduled monthly payment on the April 2014 auto loan, which had a reported balance of $4,823.[3] (GE 9.) Applicant's ex-girlfriend was paying the judgment, which she indicates had an outstanding balance of $525 (SOR ¶ 1.a). (AE O.) As of August 20, 2015, Applicant had arranged to pay $25 a month each toward the $1,607 and $1,614 telephone debts (SOR ¶¶ 1.b and 1.c) starting in September 2015. (AEs N, P, Q). Applicant arranged to repay the $1,418 debt in SOR ¶ 1.f by a $250 down payment followed by monthly payments of $97.39 for 12 months. (AE N.)

Applicant met his employer's expectations for his work performance when rated in June 2014 and in June 2015. He displayed dedication on the job and worked well with team members. He received increases in his pay from $17.40 in June 2014 to $19.44 in January 2015, to $20.19 in July 2015. (AE M.) Applicant's spouse works full time in the medical field. (Tr. 78, 116.) She earns approximately $29,000 a year. She has 13-year-old twin daughters for whom she receives $600 a month in child support. (Tr. 120-122.) Applicant's spouse handles the household finances. She estimates they have between $200 and $400 in net income each month after paying their living expenses. They are not presently behind on any bills. (Tr. 122.)

[3] His credit report reflected another auto loan, reportedly opened in February 2015 for $12,995. The lease was not accepted for assignment (AE H), so Applicant is taking action to have the loan removed from his credit report. (Tr. 95-97.)

Drug and Alcohol Involvement

Applicant first drank alcohol at age 15. From his late teens into his early 20s, he consumed alcohol on a daily basis. He attended counseling at the urging of his then girlfriend when he was in his mid-20s, for his alcohol and marijuana abuse. (GE 5.) Applicant now denies that he ever used marijuana. (Tr. 63.)

Applicant started using cocaine around October 2010. He was offered the drug at a bar and used it with the same people each time. (Tr. 83.) Applicant's alcohol and cocaine abuse adversely affected his relationship with his daughter, who came to live with him and his then girlfriend following the death of her mother. Around October 2011, state X's Department of Children and Families (DCF) became involved with Applicant and his daughter following a domestic dispute between Applicant's cohabitant girlfriend and a neighbor. (Tr. 43.) Applicant failed a drug screen and was referred by the DCF for a substance abuse assessment on December 8, 2011. Applicant reported that he drank alcohol once a month, averaging 12 to 24 beers, with no alcohol within the past month. He reported to the clinician that he had used cocaine about three months previously after several years of no use. (GE 5.) Applicant was given provisional diagnoses of alcohol abuse and cocaine abuse, "R/O dependency on both." Substance abuse education was recommended. (GEs 4, 5.)

After drug screens of December 8, 2011, and December 19, 2011, were positive for cocaine, Applicant admitted to his counselor that he had used cocaine within a week of the drug screens and that he drank alcohol weekly while playing pool. Applicant had been using cocaine once a week on the weekends while working out of state. (Tr. 45-46.) Applicant passed four urinalysis screens until March 12, 2012. He continued to use alcohol and cocaine, and he failed drug screens on March 19, 2012, April 5, 2012, and April 10, 2012. He passed drug screens on April 16, 2012, and April 30, 2012, while in an intensive outpatient program, only to again fail drug screens on May 14, 2012, and May 17, 2012.[4] His counselor reports that Applicant began to recognize his problem with substances, and he passed two drug screens on May 21, 2012, and June 11, 2012. After the intensity of his treatment was lowered to outpatient groups, Applicant stopped attending groups and did not return calls from his clinician. He was discharged on June 14, 2012, for lack of attendance. His prognosis was assessed as fair, provided he resumed treatment. (GE 5.)

Applicant now denies any use of cocaine after his premature discharge from substance abuse treatment in 2012 (Tr. 50), but there is evidence implicating Applicant in the use of cocaine and alcohol to self-medicate symptoms of anxiety through at least September 21, 2013. (GEs 4, 5.) In mid-August 2013, his daughter's grandmother reported to DCF that she found some cocaine in a container, which Applicant claims was a fabrication to get DCF involved. (Tr. 127.) DCF took custody of his daughter. Applicant tested negative for amphetamines, marijuana, cocaine, opium, and PCP on September 5,

[4] Applicant now disputes the validity of the drug screens in 2012 ("I tried to argue those with them, because I thought they were false negatives . . . ."). (Tr. 49.) He provided no evidence to rebut the reasonable inference that he continued to abuse cocaine based on the report of drug screens that tested positive.

2013, on admission into a program for anger management to start on September 10, 2013. (AE I.) However, he informed DOHA in May 2014 that he had used cocaine on September 21, 2013. (GE 4.)

On October 7, 2013, Applicant was assessed for substance use at the same treatment facility where he had attended outpatient counseling from December 2011 to June 2012. Applicant claimed that the cocaine found by his daughter's grandmother was from two years ago. He indicated that alcohol was his primary drug of choice, and that he was drinking only two beers a month, when he used to drink 30 beers a day. A drug screen on October 7, 2013, was positive for cocaine.[5] (GE 5; AE I.) A drug screen of November 12, 2013, was negative for all substances tested. (AE I.) On January 7, 2014, Applicant was discharged for failure to comply with recommended treatment. He had attended only four anger management sessions and none since November 11, 2013. Diagnosis at discharge was in part cocaine dependence and alcohol abuse. Applicant's lack of personal investment in his treatment was seen as an indication of his ongoing high risk behavior associated with co-morbid disorders. (GE 5.)

On June 3, 2014, Applicant began counseling with an independent, licensed chemical dependency professional, partially for substance abuse relapse prevention. (AE A.) Applicant's hair toxicology screen on June 19, 2014, was negative for all substances tested, i.e., cocaine, opiates, phencyclidine, amphetamines, and marijuana. (AE B.) Urinalysis tests conducted on June 21, 2014 (AE E), July 26, 2014 (AE D), and September 3, 2014 (AE C) were negative for drugs of abuse, including cocaine. As of January 19, 2015, Applicant was reporting to his therapist that he had not used any illicit substances in over two years. (AE A.) His therapist saw indicators of abstinence and early recovery in Applicant's ability to maintain employment, his consistent attendance in weekly therapy, his increased ability to tolerate stressful situations, and his healthy relationship with his significant other (now spouse) and her children. (AE A.)

In July 2015, the frequency of Applicant's therapy was reduced to one session every other week. On September 10, 2015, his therapist rendered a clinical diagnosis that included alcohol abuse disorder, presently in early remission. The therapist opined that Applicant's history of cocaine abuse was in remission, as evidenced by random drug screens that were negative for cocaine. Applicant had kept all his appointments. The therapist considered him suitable for employment and no threat to his work environment. (AE S.)

Applicant had no alcohol in his residence as of his August 20, 2015 security clearance hearing. (Tr. 74-75.) He denied any consumption of alcohol since June 2012 (Tr. 63), although his spouse testified that she has seen Applicant consume alcohol "maybe once or twice" since they met in November 2013. He drank one or two beers at a pool party. (Tr. 119.) When asked about his last contact with the persons involved in his cocaine

[5] On his intake into counseling on October 7, 2013, Applicant reported that he had not used any alcohol or illegal drugs. An instant urine drug screen was apparently negative for all substances, including cocaine. However, a hair analysis drug test of that same date was positive for cocaine, which would indicate recent cocaine use.

use, Applicant responded, "I haven't seen them in almost two years . . . Actually, no, it was three years." (Tr. 83.) Applicant's spouse testified that she has not seen Applicant consume any illegal drugs. (Tr. 119-120.)

Psychological Conditions

Applicant had problems with anxiety and depression, especially after the death of his daughter's mother in February 2011. (Tr. 58.) After DCF took custody of his daughter, Applicant was referred for anger management sessions. (GE 5.) In October 2013, he exhibited symptoms of generalized anxiety disorder. He was discharged from his anger management sessions prematurely for lack of involvement in January 2014. (GE 5.) According to Applicant, the clinicians wanted him to take alcohol and drug classes again. (Tr. 59-60.)

Applicant had panic attacks after he stopped using cocaine. (Tr. 64.) On June 3, 2014, Applicant began therapy sessions for depression and anxiety, in addition to relapse prevention from substance abuse. His therapist rendered a clinical diagnosis of major depressive disorder reoccurring with mild to moderate symptoms without suicidal ideation, acute stress disorder, and alcohol abuse disorder. With the aid of continued counseling and pharmacological treatment, Applicant had significantly reduced his depression and anxiety by January 2015. (AE A, Tr. 65.) Applicant has been taking anti-depressant and anti-anxiety drugs for the past year. (Tr. 116.)

As of September 2015, Applicant had made significant progress toward managing his symptoms of depression and anxiety. He was able to exercise effective coping skills when in stressful situations and reported enjoying his work. The therapist is of the opinion that Applicant poses no threat to his work environment. She is aware that Applicant is under security review for his clearance. (AE S.)

Personal Conduct

When Applicant initially presented for a substance use assessment at the referral of the DCF in December 2011, he indicated that he had last used cocaine three months ago, after several years of no use. After his drug screen tested positive for cocaine, Applicant admitted that he had used cocaine within the week preceding his evaluation. Applicant also admitted that he had used alcohol weekly rather than the one time a month initially reported. (GE 5.)

On his October 21, 2013 e-QIP, Applicant responded "Yes" to having illegally used a drug or a controlled substance in the last seven years. He indicated that he used cocaine "recreationally, occasionally" from October 2010 to November 2011 and that he did not want to use cocaine in the future. He also reported that he had successfully completed treatment for cocaine use from November 2011 to June 2012 at the referral of the DCF. He denied that he had ever been ordered, advised, or asked to seek counseling or treatment as a result of his use of alcohol. (GE 1.)

During his January 6, 2014 interview with the OPM investigator, Applicant indicated about his drug use that he used cocaine once sometime between October 2011 and June 2012. He explained that he used one line of cocaine with a friend he met while working out of state; that he was drunk when he used the cocaine; and that on his return home, he failed a drug screen. Applicant denied any use of cocaine or alcohol since June 2012. (GE 8.)

On April 25, 2014, DOHA sent Applicant interrogatories inquiring in part about the first and last dates of his cocaine use. In his response of May 16, 2014, Applicant provided the same date, September 21, 2013, for both his first and last uses. He listed "1" for the frequency of use. (GE 5.)

When he responded to the SOR on January 23, 2015, Applicant indicated that he discontinued his drug use in 2011 rather than in 2013. He was "mistaken about the dates and confused the years." He estimated that he last used cocaine in September 2011. He asserted that he was being honest when he disclosed his drug use and explained that he listed his drug use on his October 2013 e-QIP "because it was asked and because it was a major change since his last clearance." (Answer.)

At his security clearance hearing, Applicant denied any use of cocaine after 2011. He claimed he "didn't remember the years." (Tr. 52.) When confronted about his reported one-time use of cocaine, Applicant responded, "I mean you guys already knew I used it frequently in between then." As to why he told the OPM investigator that he used cocaine only one time, he responded:

> I said one time to her because that's part of my medical records. I mean, I didn't think that really mattered. I used it. I was being honest by putting it down on the clearance [form] that, hey, yes, I went to treatment because of it. I didn't know that you guys really wanted to know how many times I've used it. I mean it's like—

(Tr. 54-55.) As to whether he was counting on the government to obtain his medical records reporting his drug use, Applicant discrepantly responded that he did not expect the government to obtain his medical records "being as there was no need for it."[6] (Tr. 56.) He added that the information is "part of the stuff that shouldn't even have anything to do with [his] clearance." (Tr. 56.) Applicant had no explanation for the positive hair follicle drug screen of October 7, 2013. (Tr. 63.) Applicant subsequently admitted that he told the OPM investigator that he had used cocaine only one time because he was "nervous and scared" that his self-medicating with cocaine could cost him his livelihood. (Tr. 76-77.)

Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing

[6] Applicant did not authorize DOHA to obtain the records of his substance abuse treatment until August 6, 2014. (GE 5.)

that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). 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 required to be considered 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 overall 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 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, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The applicant 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 the 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 F, Financial Considerations

The security concern about financial considerations is articulated 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 F concerns are established by the judgment debt in SOR ¶ 1.a, the collection debts in SOR ¶¶ 1.b, 1.c, and 1.f, and the child support arrearages in SOR ¶ 1.d for his daughter and SOR ¶ 1.e for his son. Disqualifying conditions AG ¶ 19(a), "inability or unwillingness to satisfy debts," and AG ¶ 19(c), "a history of not meeting financial obligations," are implicated.

The judgment was entered against Applicant and his ex-girlfriend in April 2011. The cell phone debts in SOR ¶¶ 1.b and 1.c are from 2012. The electric utility delinquency in SOR ¶ 1.f is from 2013. He has been behind in his child support since at least 2009. None of those debts had been resolved as of late December 2014, although Applicant had made some child support payments for his daughter in the past when he could. Applicant had made minimal efforts to address the child support arrearage for his son before his wages were garnished at $75 a week starting in July 2014. None of the delinquencies in the SOR were incurred after Applicant resumed working for his current employer in January 2014. Yet, it is difficult to apply mitigating condition AG ¶ 20(a), "the behavior happened so long ago, was so infrequent, or occurred under circumstances that it is unlikely to recur and does not cast doubt on the individual's current, reliability, or good judgment." As of his hearing, he had made no payments toward the collection debts, and he owed $11,580 in child support for his son as of July 2015.

Lack of income appears to be a significant factor in Applicant's financial difficulties, although Applicant bears responsibility for some of his unemployment. After he was ordered to pay child support for his daughter in February 2002 and for his son in July 2003, Applicant was unemployed from November 2004 to March 2005. He began working for a home improvement retailer but was terminated six months later for "points" issues, which were not shown to be outside of his control. Applicant started working for his current employer the first time in October 2005. His layoff in September 2006 was unforeseen. Applicant worked as a subcontract carpenter and then as a foreman until another layoff in September 2008. Applicant was unemployed through at least March 2009, if not later that year, when he returned to work for his current employer. By then, he was seriously behind in his child support. He was laid off by the defense contractor in June 2011, and lacked a steady income until he was recalled to work in January 2014. There is a basis to apply AG ¶ 20(b), which provides:

> (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.

AG ¶ 20(b) requires that Applicant act responsibly to address his debts once he is in a position to do so. His evidence falls short in that regard. Applicant checked his credit to complete his October 2013 e-QIP, and he learned about the collection debts in SOR ¶¶

1.b, 1.c, and 1.f. He made no effort to address them until August 2015, when he arranged repayment plans. Efforts to address his substantial child support arrearage were sporadic before mid-2014. As of November 2014, Equifax was reporting $15,627 in past-due child support for his son.

As of August 2015, Applicant owed a manageable $924 in child support arrearage for his daughter. At $25 per week being deducted from his pay, he credibly testified that the debt would be satisfied in 2016. Applicant showed some good faith by recently arranging repayment terms for the $4,640 in collection debt on his record. His former girlfriend indicates that she assumed responsibility for repaying the judgment in SOR ¶1.a, which had a balance of $525 as of mid-September 2015. Both AG ¶ 20(c) and ¶ 20(d) have some applicability in this case. They provide as follows:

> (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, and
>
> (d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

Even so, it would be premature to fully mitigate the financial considerations concerns without some payments toward the collection debts and with approximately $11,000 in child support arrearage owed for his son. In July 2015, state Z sought to seize money in a bank account that Applicant claims he does not have. That issue is not resolved. Applicant's first payment of $25 on the debt in SOR ¶ 1.c was due on September 11, 2015. He arranged for a September 18, 2015 due-date for his first $25 payment on the debt in SOR ¶ 1.b. About the debt in SOR ¶ 1.f, Applicant indicates that the creditor has agreed to repayment terms at a $250 lump sum down payment followed by $97.39 monthly payments for 12 months. While the terms of repayment appear to be affordable for Applicant, there is no evidence that any of those payments were made by the close of the evidentiary record.

Guideline H, Drug Involvement

The security concern for drug involvement is articulated in AG ¶ 24:

> 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.

Under AG ¶ 24(a), drugs are defined as "mood and behavior altering substances," and include:

(1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and

(2) inhalants and other similar substances.

Under AG ¶ 24(b), drug abuse is defined as "the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction." Disqualifying conditions AG ¶ 25(a), "any drug abuse," and ¶ 25(b), "testing positive for illegal drug use," apply. Applicant used cocaine at times between October 2010 and late September 2013. Applicant indicated on his October 2013 e-QIP that he first used cocaine in October 2010, even though he now claims that he did not use cocaine before the death of his daughter's mother in February 2011. Even assuming he did not start using cocaine until February 2011, he admitted at his hearing that he used cocaine once a week in the months leading up to his positive drug screen in December 2011. When he answered the SOR, he maintained that he was mistaken about his last cocaine use in that it occurred in 2011 and not in September 2013, as he had reported in response to DOHA interrogatories. Yet, he failed drug screens on March 19, 2012, April 5, 2012, April 10, 2012, May 14, 2012, May 17, 2012, and October 7, 2013. He tested negative on other occasions, including on September 5, 2013, which would be consistent with his claim of occasional, recreational use. As for the October 7, 2013 drug screen, Applicant presented evidence showing that the instant urine screen was negative. However, the more accurate hair analysis test was positive for cocaine.

Applicant was diagnosed with cocaine abuse when he was discharged from his counseling for substance abuse in June 2012 for lack of commitment. He was referred for anger management counseling in September 2013, but attended only four sessions. When discharged on January 7, 2014, for noncompliance, he was diagnosed in part with cocaine dependence. Not enough is known about the qualifications of the clinicians who rendered the diagnoses of cocaine abuse and more recently cocaine dependence to apply AG ¶ 25(d), "diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence." To the extent that AG ¶ 25(e), "evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program," can be considered, the medical record does not reference specific diagnostic criteria or evidence of cocaine use that would reasonably substantiate a diagnosis of dependency rather than abuse.

Concerning factors in mitigation, his cocaine abuse was very recent as of his completion of his October 2013 e-QIP. As of his August 2015 hearing, it had been fewer than two years since Applicant last used cocaine. Under those circumstances, AG ¶ 26(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," does not apply in this case.

Applicant has taken drug screens since November 2013, which have been negative for cocaine. His present therapist indicates that his cocaine abuse is in full remission, as

evident by the random drug screens which tested negative for cocaine. (AE S.) With the aid of his counseling and pharmacological treatment, he appears to be managing his anxiety and depression without turning to cocaine to self-medicate as he had done previously. Applicant indicates that he is no longer associating with the persons who provided him cocaine in the past. He stated on his October 2013 e-QIP that he had no desire to use cocaine in the future. His spouse has never seen him use any illegal drug since they met in November 2013. Under AG ¶ 26(b), "a demonstrated intent not to abuse any drugs in the future," can be shown by:

> (1) disassociation from drug-using associates and contacts;
>
> (2) changing or avoiding the environment where drugs were used;
>
> (3) an appropriate period of abstinence; or
>
> (4) a signed statement of intent with automatic revocation of clearance for any violation.

Applicant's consistent participation in counseling with his present therapist since June 2014 weighs favorably when assessing whether he can be counted on to continue to abstain from cocaine. On the other hand, he has not been completely forthright with the Government about his cocaine use. While illegal drug use cannot be inferred on the basis of negative credibility, Applicant's failure to provide a consistent, credible account of his cocaine abuse makes it difficult to find that he is fully rehabilitated. His present two years of abstinence is not sufficient to guarantee against recurrence of his cocaine abuse, especially given he had used cocaine during and after his treatment for substance abuse. The drug involvement concerns raised by his cocaine abuse are not yet fully mitigated.

Guideline G, Alcohol Consumption

The security concern for alcohol consumption is set out in AG ¶ 21:

> Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

Applicant started drinking at age 15. Treatment records from Applicant's counseling in 2012 indicate that he consumed alcohol on a daily basis from his late teens into his early 20s, which led him to attend counseling at the urging of his then girlfriend. Although the evidentiary record is largely silent as to the extent of Applicant's drinking over the years, his abuse of alcohol was adversely affecting his relationship with his daughter by 2011. After state X's DCF became involved, he was referred to substance abuse treatment. At his initial intake evaluation on December 8, 2011, he was diagnosed provisionally with alcohol abuse. He initially reported that he was drinking once a month in quantity averaging 12 to 24 beers. After failing a drug screen, he admitted that he drank alcohol once a week while playing pool. He continued to use alcohol to deal with symptoms of anxiety. During his

OPM interview in January 2014, Applicant indicated that he was drunk when he abused cocaine. He denied any consumption of alcohol since his discharge from outpatient substance abuse treatment in June 2012. However, when re-evaluated at the facility in October 2013 following a drug screen positive for cocaine, Applicant indicated that alcohol was his primary drug of choice. He told clinicians then that he was drinking two beers a month when he used to drink 30 beers a day. Applicant was diagnosed with alcohol abuse. He did not follow up with recommended substance abuse treatment at the facility, but in June 2014, he began counseling with a private therapist licensed in chemical dependency. She diagnosed him in part with alcohol abuse.

The evidence substantiates binge drinking as contemplated within AG ¶ 22(c) and a diagnosis of alcohol abuse as contemplated within 22(e):

> (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent; and
>
> (e) evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

Concerning AG ¶ 22(f), "relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program," Applicant was diagnosed with alcohol abuse in October 2013 after he had received substance abuse treatment. Available accounts of his alcohol consumption after 2012 do not indicate excessive drinking. However, as of September 2015, Applicant's alcohol abuse disorder was in early remission, which would be consistent with more recent evidence of abuse than Applicant appears willing to admit.[7]

Given that his alcohol abuse problem was in early remission as of September 2015, AG ¶ 23(a), "so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment," does not yet apply. However, Applicant's ongoing therapy sessions since June 2014 with a good prognosis satisfy AG ¶ 23(b):

> (b) the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser).

[7] The diagnostic code of 305.00 for alcohol abuse disorder relied on by the therapist is not used in the current Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5). The DSM-5 now combines the categories of substance abuse and substance dependence from the Diagnostic and Statistical Manual of Mental Disorders, 4th Edition (DSM-IV) into a single disorder measured on a continuum from mild to severe. Under the DSM-IV, a specifier of early remission indicated no criteria for dependence or abuse for at least one month but less than 12 months.

In January 2014, Applicant told the OPM investigator that he had not used any alcohol since he was discharged from his substance abuse treatment in June 2012. At his hearing, he again denied any consumption of alcohol since June 2012 (Tr. 63), although his spouse testified that she has seen him consume alcohol "maybe once or twice" since they met in November 2013. He drank one or two beers at a pool party. (Tr. 119.) The discrepancy notwithstanding, there is no indication of any ongoing alcohol abuse. The security concerns raised by his past alcohol abuse are mitigated.

Guideline I, Psychological Conditions

The concern about psychological conditions is articulated AG ¶ 27:

> Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline. No negative inference concerning the standards in this Guideline may be raised solely on the basis of seeking mental health counseling.

Applicant's issues with depression and anxiety led him to self-medicate with alcohol and cocaine in the past. Problems with anger stemming over the custody of his daughter led state X's DCF to refer him for anger management sessions in 2013. He presented in October 2013 with symptoms of generalized anxiety disorder, and he was discharged from his counseling for anger management for noncompliance in January 2014. To the extent that disqualifying condition AG ¶ 28(c), "the individual has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, e.g., failure to take prescribed medication," is implicated, Applicant has mitigated those concerns by his private counseling and ongoing pharmacological medication management since June 2014 for diagnosed major depressive disorder reoccurring with mild to moderate symptoms without suicidal ideation and acute stress disorder. Applicant's therapist reports that he had made significant progress towards managing his symptoms of depression and anxiety. She does not consider Applicant's conditions to pose a threat to the work environment. Three mitigating conditions under AG ¶ 29 apply:

> (a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;
>
> (b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional; and
>
> (e) there is no indication of a current problem.

AG ¶ 29(e) applies in that Applicant's mental health issues have not been shown to impair his current judgment, reliability, or trustworthiness with regard to his handling of security matters. The psychological conditions security concerns are sufficiently mitigated.

Guideline E, Personal Conduct

The security concern about personal conduct is articulated 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.

The evidence establishes the SOR allegations that Applicant was not fully candid about the extent of his cocaine abuse on his October 2013 e-QIP, during his January 2014 interview with the OPM investigator, or in response to DOHA interrogatories in May 2014. He indicated on his e-QIP that he used cocaine from October 2010 to November 2011. He told the OPM investigator that he used cocaine only one time, sometime before June 2012. In May 2014, he indicated that he last used cocaine in September 2013, but also that he used the drug one time. The evidence shows that he failed several drug screens in 2012 and again tested positive for cocaine on October 7, 2013. Two disqualifying conditions under AG ¶ 16 apply because of his deliberate falsifications:

> (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.

None of the Guideline E mitigating conditions apply. The evidence shows that Applicant's misrepresentations of his cocaine involvement extend beyond the three instances identified in the SOR. When he was evaluated for substance abuse treatment at the referral of state X's DCF in December 2011, Applicant initially told clinicians that he had not used cocaine in three months. It was only after testing positive for cocaine that he revealed that he had used cocaine within a week of his intake evaluation. When he responded to the SOR, Applicant claimed that he had inaccurately recalled the date of his last use of cocaine. He maintained then and at his security clearance hearing that he had last used cocaine in 2011. At his hearing, he claimed that the positive drug screens in 2012 and October 2013 were "false positives." He later acknowledged that he had used cocaine a couple of times while he was in treatment for substance abuse, but he persisted in

disavowing any cocaine use in 2013, despite his May 2014 admission that he used cocaine on September 21, 2013. Applicant did not make the prompt, good-faith effort to correct the record required under AG ¶ 17(a), "the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts." The recurrent nature of his deliberate falsifications also removes AG ¶ 17(c) from any serious consideration. AG ¶ 17(c) provides:

> (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.

Finally, Applicant has not demonstrated adequate reform. When asked why he indicated in May 2014 that he used cocaine only once, on September 21, 2013, Applicant responded that the Government already knew that he had used cocaine more frequently, from the information in the records of his substance abuse treatment. Applicant gave a similar reason for his failure to accurately disclose his cocaine abuse to the OPM investigator in January 2014. Yet, the evidence shows that Applicant did not sign a release for DOHA to obtain the substance abuse treatment records until August 2014. He testified that he saw no need for the Government to obtain his medical records as it was information that he believes should have nothing to do with his clearance eligibility. Applicant eventually admitted that he had not fully disclosed his drug use to the OPM investigator because he was "nervous and scared" that his self-medicating with cocaine could cost him his livelihood, but I am not persuaded that he has fully disclosed his cocaine use to the DOD. He has not demonstrated the reform needed for mitigation under AG ¶ 17(d):

> (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.

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 his 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.

My analyses under Guidelines F, H, G, I, and E are incorporated in the whole-person assessment of Applicant's security eligibility, but some factors warrant additional comment. Applicant's work performance evaluations show that he is meeting his employer's expectations. There is no evidence that his work has been negatively affected or compromised by drug or alcohol abuse, anxiety or depression, or financial problems. That being said, he raised significant doubts about his judgment and reliability by engaging in illegal drug use. The Government has ample reason to question his trustworthiness in light of his record of misrepresentations regarding his cocaine use.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance. *See Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990). After considering all the facts and circumstances, I conclude that it is not clearly consistent with the national interest to continue Applicant's eligibility for 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:	For Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	Against Applicant
Subparagraph 1.f:	Against Applicant
Subparagraph 1.g:	Withdrawn
Paragraph 2, Guideline H:	AGAINST APPLICANT
Subparagraphs 2.a-2.d:	Against Applicant
Paragraph 3, Guideline G:	FOR APPLICANT
Subparagraph 3.a-3.b:	For Applicant
Paragraph 4, Guideline I:	FOR APPLICANT
Subparagraphs 4.a-4.b:	For Applicant
Paragraph 5, Guideline E:	AGAINST APPLICANT
Subparagraphs 5.a-5.c:	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 or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

_____
Elizabeth M. Matchinski
Administrative Judge