DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
---	)	ISCR Case No. 15-00312
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Andrea M. Corrales, Esquire, Department Counsel
For Applicant: *Pro se*

03/02/2016

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant has mitigated the security concerns regarding financial considerations. Eligibility for a security clearance and access to classified information is granted.

Statement of the Case

On December 1, 2011, Applicant applied for a security clearance and submitted an Electronic Questionnaire for Investigations Processing (e-QIP) version of a Security Clearance Application.[1] On August 27, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to him, pursuant to Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and the *Adjudicative Guidelines for Determining Eligibility For Access to Classified Information* (December 29, 2005) (AG) applicable to all adjudications and other determinations made under the Directive, effective September 1, 2006. The SOR alleged security concerns under Guideline F (Financial

[1] Item 3 (e-QIP, dated December 1, 2011).

Considerations), and detailed reasons why the DOD CAF was unable to make an affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The SOR recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

It is unclear when Applicant received the SOR, as there is no receipt in the case file. In a sworn statement, dated September 15, 2015, Applicant responded to the SOR allegations and elected to have his case decided on the written record in lieu of a hearing.[2] A complete copy of the Government's file of relevant material (FORM) was provided to Applicant on December 2, 2015, and he was afforded an opportunity, within a period of 30 days after receipt of the FORM, to file objections and submit material in refutation, extenuation, or mitigation. In addition to the FORM, Applicant was furnished a copy of the Directive as well as the Guidelines applicable to his case. Applicant received the FORM on December 8, 2015. A response was due by January 7, 2016. On January 6, 2016, Applicant submitted his response with attachments. Department Counsel had no objections to the documents submitted, and I marked them as Applicant Items (AI) A through F. He also resubmitted a copy of his Answer to the SOR, but it was not marked as it was already part of the record. The case was assigned to me on February 17, 2016.

Findings of Fact

In his Answer to the SOR, while not specifically using the terms "admit" or "deny," Applicant acknowledged and addressed the sole factual allegation pertaining to financial considerations in the SOR (¶ 1.a.). Applicant's admission is incorporated herein as a finding of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

Applicant is a 57-year-old employee of a defense contractor. He has been serving as an engineering staff analyst with his current employer since August 2002.[3] He received a bachelor's degree in business administration in May 1980.[4] He has never served with the U.S. military.[5] Applicant has held a secret security clearance since 1984.[6] Applicant was married in December 1984.[7] He has one daughter, born in 1991.[8]

[2] Item 2 (Applicant's Answer to the SOR, dated September 15, 2015).

[3] Item 3, *supra* note 1, at 9-10.

[4] Item 3, *supra* note 1, at 8.

[5] Item 3, *supra* note 1, at 12.

[6] Item 3, *supra* note 1, at 25-26.

[7] Item 3, *supra* note 1, at 14.

[8] Item 3, *supra* note 1, at 16-17.

Financial Considerations[9]

Although Applicant experienced some periodic financial difficulties as early as late 2006 and early 2007, there was essentially nothing unusual about his finances until mid-2007. In May 2007, Applicant's wife was injured at work when an item weighing one-half ton was dropped on her foot. During the ensuing two years, she received a worker's compensation package of partial wages. The payments ceased in May 2009. Two months later, her employer terminated her employment, thus denying her a pension accumulated over 27 years of employment. The following year, her state disability payments ended in May 2010. Applicant contends his financial problems commenced in 2010 when the payments ceased and the family monthly income was reduced by $1,600. Family finances recently improved when Applicant's wife was awarded monthly Social Security disability insurance (SSDI) benefits of $1,500.

At about the same time his financial problems started, the large national bank (Bank A) that had absorbed his original home mortgage lender invoked a clause which allowed them to add an escrow account plus homeowners insurance which added $1,290 to the monthly payment, making the new amount $3,200. Since he was already paying homeowners insurance and escrow taxes, it was easier to manage the new schedule. However, the bank required 24 months' worth of escrow payments rather than the normal 12 months, and that action negatively impacted the family budget even further. With the reduced income, some monthly mortgage payments were missed during 2010, but all 2011 payments were timely made. Other accounts became delinquent as well, and they were placed for collection and, in some cases, charged off. Applicant also lost two cars in accidents in 2011 and 2012, and replaced one with an approved loan, and he has never missed a timely payment. In 2013, a shared 80-foot fence was destroyed by storms, and was rebuilt. Applicant's portion of the shared-cost was $6,360, setting his finances back even further.

Applicant engaged the professional services of an attorney to assist him in dealing with the mortgage lender. Two years later, a settlement with Bank A was achieved, and Applicant was awarded $12,500.[10] Bank A transferred the mortgage to

[9] General source information pertaining to the financial account discussed below can be found in the following exhibits: Item 3, *supra* note 1, at 29; Item 2, *supra* note 2, at 1; Item 5 (Combined Experian, TransUnion, and Equifax Credit Report, dated December 8, 2011); Item 4 (Equifax Credit Report, dated December 11, 2014); Item 6 (U.S. Bankruptcy Court, Order Confirming Chapter 13 Plan, dated September 16, 2015). More recent information can be found in the exhibits furnished and individually identified.

[10] Although not in evidence, I have taken administrative notice of a certain well-known fact regarding the bank in question. Administrative or official notice is the appropriate type of notice used for administrative proceedings. *See McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986); ISCR Case No. 05-11292 at 4 n.1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004)). The most common basis for administrative notice at ISCR proceedings, is to notice facts that are either well known or from government reports. *See* Stein, ADMINISTRATIVE LAW, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). Administrative notice may utilize authoritative information or sources from the internet. *See, e.g*. *Hamdan v. Rumsfeld*, 126 S.Ct. 2749 (2006) (citing internet sources for numerous documents).

In December 2014, as a result of a successful class-action lawsuit, the bank in question and an insurance company agreed to pay $228 million to settle claims that they engaged in a kickback scheme called "force-placed" insurance, inflating the cost of insurance that homeowners were forced to buy, even though routine mortgage

another large bank (Bank B), and Applicant's problems increased, rather than decreased. Bank B carried over the stale balance from Bank A, and Applicant's first payment coupon required a six-figure payment. Applicant then engaged the assistance of another law firm to assist him. The earlier award settlement contained a "fail-safe" clause which purportedly prevented Applicant from suing Bank B for any fraudulent activities it had inherited. He had tried working with the banks under the Home Affordable Modification Program (HAMP), but that effort was unsuccessful. Applicant's application for a loan modification was denied after two months, purportedly because his home value (between $675,000 and $700,000) was too high to qualify.[11] It also meant that Applicant could not seek a short sale. It did not prevent Bank B from attempting to auction the home for a fraction of the equity.

Applicant's attorney recommended a Chapter 13 bankruptcy to halt any foreclosure or auction, and to afford Applicant an opportunity to resolve the issues with Bank B over a five-year plan of payments. Applicant filed a Chapter 13 bankruptcy petition on August 6, 2015, nearly two weeks before the SOR was issued. That plan was confirmed on September 16, 2015. Under the plan, Applicant was to pay the Trustee $3,059 on September 6, 2015, and make subsequent monthly payments of $7,132 each month thereafter. The duration of the plan was 60 months. Per the plan, Applicant paid his attorney $4,000 prior to the filing of the bankruptcy case; and the Trustee was to pay the mortgage lender (Bank B) $2,658.53 per month. On August 28, 2015, Applicant also paid Bank B $3,407.21.[12]

Applicant made his initial payment, as well as three subsequent monthly payments in October, November, and December 2015, totaling $21,396, and his January 2016 payment was scheduled to be made on January 7, 2016.[13] On January 6, 2016, Applicant indicated he had paid the Trustee $34,634.21, of which $32,331.05 was

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agreements do allow lenders to charge homeowners for the insurance. *See Cheryl Hall, et al. v. [Bank A], et al.*, Case No. 12-cv-22700-FAM (S.D. Fla. 2014).

Also, in August 2014, the U.S. Department of Justice reached a $16.65 billion settlement with Bank A – the largest civil settlement with a single entity in American history — to resolve federal and state claims against the bank and its former and current subsidiaries. The bank agreed to provide $7 billion of relief to struggling homeowners, including funds that will help defray tax liability as a result of mortgage modification, forbearance or forgiveness. That relief was to take various forms, including principal reduction loan modifications that result in numerous homeowners no longer being underwater on their mortgages and finally having substantial equity in their homes. *See* Department of Justice, Office of Public Affairs, Press Release, *[- -] to Pay $16.65 Billion in Historic Justice Department Settlement for Financial Fraud Leading Up to and During the Financial Crisis*, dated August 21, 2014.

[11] The HAMP is an official program of the U.S. Department of the Treasury & the U.S. Department of Housing and Urban Development. A homeowner may be eligible for HAMP if he or she meets the following basic criteria: (a) is struggling to make mortgage payments due to financial hardship; (b) are delinquent or in danger of falling behind on the mortgage; (c) the mortgage was obtained on or before January 1, 2009; (d) the property has not been condemned; and (e) up to $729,750 is owed on the primary residence. For a full description of HAMP, see https://www.makinghomeaffordable.gov/steps/Pages/step-2-program-hamp.aspx

[12] AI D (Money Transfer, dated August 28, 2015); AI E (Money Transfer, dated August 28, 2015); AI F (Receipt, dated September 16, 2015); Item 2 (Check, dated September 15, 2015).

[13] AI C (Transactions, undated); Trustee Pay Summary, undated).

obligated to the mortgage lender, with the balance applied to other debts in the plan. Applicant included several creditors, including Bank B, in the bankruptcy plan.

On January 7, 2016, attorneys for Bank B filed a Notice of Motion and Motion for Relief from the Automatic Stay, alleging that the post-petition mortgage payments due on the note secured by a deed of trust on the property had not been made to Bank B. Bank B sought to terminate the bankruptcy as it pertains to the property, and sought permission to proceed directly to foreclosure.[14] The declared costs on the original mortgage of $333,000 were listed by Bank B as follows: principal was $345,637; accrued interest was $128,998.14; costs were $6,200.99; advances for property taxes and insurance were $25,400.89; minus a partial balance of $2,915.23 already paid; and the total claim was $503,357.79. Bank B failed to credit Applicant with any of his post-petition payments. Applicant's attorney filed an opposition to the Motion, and no decision had yet been made with respect to the motion.[15]

Applicant listed the residence for sale with a realtor in December 2015 with the expectation that it should sell relatively quickly. Once the sale is approved by the Trustee, Applicant plans to use any remaining proceeds from the sale to apply to any remaining non-SOR delinquent debt.[16] In this regard, Applicant's December 2011 credit report notes that several formerly delinquent debts that had been charged off are no longer in that status in that those charged-off debts have been paid.[17] Applicant is in the process of resolving his SOR-related mortgage account.

Applicant did not submit a Personal Financial Statement reflecting his net monthly income, his estimated monthly expenses, his total debt payments (aside from the monthly payments made to the Trustee), or any monthly remainder available for discretionary spending or savings. There is no evidence that Applicant ever received financial counseling. While he is in the process of resolving the one delinquent mortgage account, it appears that Applicant's financial problems are under control and that his financial status has improved significantly.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no one has a 'right' to a security clearance."[18] As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information. The President has authorized the Secretary of Defense or his

[14] Item 7 (Notice of Motion and Motion for Relief from the Automatic Stay, dated January 7, 2016).

[15] AI A (Applicant's Response to the FORM, dated January 6, 2016).

[16] AI A, *supra* note 14.

[17] *See* Item 5, *supra* note 9.

[18] *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

designee to grant an applicant eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so."[19]

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

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. 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 meaningful decision.

In the decision-making process, facts must be established by "substantial evidence."[20] The Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government's case. The burden of disproving a mitigating condition never shifts to the Government.[21]

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 as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those 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. Furthermore, "security clearance determinations should err, if they must, on the side of denials."[22]

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[19] Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

[20] "Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record." ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). "Substantial evidence" is "more than a scintilla but less than a preponderance." *See v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

[21] *See* ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

[22] *Egan*, 484 U.S. at 531.

Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned."[23] Thus, nothing in this decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to Applicant's allegiance, loyalty, or patriotism. It is merely an indication the Applicant has or has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance. In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline 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(a), an "inability or unwillingness to satisfy debts*"* is potentially disqualifying. Similarly, under AG ¶ 19(c), "a history of not meeting financial obligations*"* may raise security concerns. Applicant's significant financial problems arose in 2010 when he had insufficient money to maintain all of his monthly payments. He was apparently forced to prioritize his bills, and his home mortgage with Bank A and various non-SOR accounts became delinquent. Some of those non-SOR accounts were placed for collection and charged off, and the residence went into pre-foreclosure. AG ¶¶ 19(a) and 19(c) apply.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. Under AG ¶ 20(a), the disqualifying condition may be mitigated where "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." Also, under AG ¶ 20(b), financial security concerns may be mitigated where "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." Evidence that "the person has received or is receiving counseling for the problem and/or there are

[23] *See* Exec. Or. 10865 § 7.

clear indications that the problem is being resolved or is under control" is potentially mitigating under AG ¶ 20(c). Similarly, AG ¶ 20(d) applies where the evidence shows "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts."[24] Under AG ¶ 20(e) it is potentially mitigating if "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."

AG ¶¶ 20(a), 20(b), 20(c), 20(d), and 20(e) apply. Applicant's financial problems were not caused by his frivolous or irresponsible spending, and he did not spend beyond his means. Instead, those financial problems were largely beyond his control. The activities and actions leading up to the period of financial difficulty actually started to develop in May 2007 when Applicant's wife was injured on the job. During the ensuing two years, she received a worker's compensation package of partial wages. The payments ceased in May 2009. Two months later, her employer terminated her employment, thus denying her a pension accumulated over 27 years of employment. The following year, her state disability payments ended. When the payments ceased and the family monthly income was reduced by $1,600, the financial problems commenced. They were exacerbated by the loss of two cars in accidents and when an 80-foot fence was destroyed by storms and rebuilt for $6,360.

The family finances were even further negatively impacted by the questionable and illegal actions of Bank A that absorbed his original home mortgage lender. Those actions increased Applicant's monthly payments an additional $1,290, and required 24 months' worth of escrow payments rather than the normal 12 months. His loan modification efforts under HAMP were denied.

Applicant never shied away from his fiscal responsibilities. He did not ignore his creditors. While attempting to work with Bank A and its eventual successor, Bank B, Applicant addressed non-SOR accounts. Applicant resolved a number of those accounts well before the SOR was issued. The biggest hurdle was Applicant's home mortgage account, which Banks A and B made nearly impossible to resolve. Following the guidance received from his attorney, Applicant filed for a Chapter 13 bankruptcy, not to avoid his financial responsibility, but to enable him the time and opportunity to resolve the delinquency. Applicant complied with the bankruptcy plan and has made large

[24] The Appeal Board has previously explained what constitutes a good-faith effort to repay overdue creditors or otherwise resolve debts:

> In order to qualify for application of [the "good-faith" mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant's debts. The Directive does not define the term "good-faith." However, the Board has indicated that the concept of good-faith "requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation." Accordingly, an applicant must do more than merely show that he or she relied on a legally available option (such as bankruptcy [or statute of limitations]) in order to claim the benefit of [the "good-faith" mitigating condition].

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. June 4, 2001)).

monthly payments to the Trustee since the plan was approved. Applicant furnished documentary proof of those payments. Nevertheless, Bank B denied that any such payments had been received. Instead of resolving the issue amicably, Bank B has inflated the value of the mortgage and is seeking to terminate the bankruptcy plan as it pertains to the mortgage, and it wants to foreclose on the property and sell it.

Applicant's house is now on the market. Once it is sold, the issue will be resolved. Family finances recently improved when Applicant's wife was awarded monthly SSDI benefits of $1,500. The non-SOR accounts are currently in the process of being resolved or are awaiting their turn in the process. Applicant's financial problems are being resolved and are under control. While Applicant may not have enjoyed the benefit of financial counseling, he appears to have acted prudently and responsibly with the assistance of attorneys. Applicant's actions, under the circumstances confronting him, do not cast doubt on his current reliability, trustworthiness, or good judgment.[25]

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. Moreover, I have evaluated the various aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis.[26]

There is some evidence against mitigating Applicant's conduct. Applicant failed to insure that his home mortgage account was kept current. As a result, the mortgage went into a pre-foreclosure status. He filed for bankruptcy under Chapter 13.

[25] *See* ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

[26] *See U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966). *See also* ISCR Case No. 03-22861 at 2-3 (App. Bd. June 2, 2006).

The mitigating evidence is more substantial and compelling. Applicant has been with his current employer since August 2002. He has held a secret security clearance since 1984. There is no evidence of misuse of information technology systems, mishandling protected information, substance abuse, or criminal conduct. Applicant's financial problems were not caused by his frivolous or irresponsible spending, and he did not spend beyond his means. Rather, they were largely beyond his control. The activities and actions leading up to the period of financial difficulty actually started to develop in May 2007 when Applicant's wife was injured on the job. For two years, she received a worker's compensation package of partial wages. The payments ceased in May 2009. Two months later, her employer terminated her employment, thus denying her a pension accumulated over 27 years of employment. The following year, her state disability payments ended. When the payments ceased and the family monthly income was reduced, the financial problems commenced. They were exacerbated by the loss of two cars in accidents; the costs of rebuilding a destroyed fence; and the questionable and illegal actions of two banks holding the mortgage.

Applicant applied for HAMP, but his application was denied. He subsequently filed for bankruptcy under Chapter 13 to enable him the time and opportunity to resolve the delinquency. He complied with the bankruptcy plan and has made large monthly payments to the Trustee since the plan was approved, and payments are continuing. The house is now on the market, and once it is sold, the issue will be resolved. Also, family finances recently improved when Applicant's wife was awarded her monthly SSDI benefits. The non-SOR accounts are currently in the process of being resolved or are awaiting their turn in the process. There are clear indications that Applicant's financial problems are being resolved and are under control.

Overall, the evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all of these reasons, I conclude Applicant has mitigated the security concerns arising from his financial considerations. *See* AG ¶ 2(a)(1) through AG ¶ 2(a)(9).

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:	FOR APPLICANT
Subparagraph 1.a.:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

ROBERT ROBINSON GALES
Administrative Judge