

DATE: December 27, 2005

In re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 03-04628

DECISION OF ADMINISTRATIVE JUDGE

MICHAEL J. BRESLIN

APPEARANCES

FOR GOVERNMENT

Sabrina Redd, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant wrongfully used illegal drugs on numerous occasions between 1982 and 2004, including two instances after he obtained a security clearance. He willfully failed to file his federal income tax returns between 1995 and 1999, in violation of federal law, although he later complied. He also has a history of delinquent debts which he is currently unable or unwilling to resolve. Finally, Applicant falsified material facts on his security clearance application when he denied illegal drug use within the preceding seven years. He failed to mitigate the security concerns arising from his history of drug involvement, his financial considerations, and his falsification of the security clearance application. Clearance is denied.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) declined to grant a security clearance for Applicant under Executive Order 10865, *Safeguarding Classified Information Within Industry* (Feb. 20, 1960), as amended and modified, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended and modified (the "Directive"). On February 3, 2005, DOHA issued a Statement of Reasons (SOR) detailing the basis for its decision. The SOR alleges security concerns raised under the Directive, specifically Guideline H, Drug Involvement, Guideline J, Criminal Conduct, Guideline F, Financial Considerations, and Guideline E, Personal Conduct.

Applicant answered the SOR in writing on February 18, 2005. He elected to have a hearing before an administrative judge.

The case was assigned to me on August 1, 2005. With the concurrence of Applicant and Department Counsel, I convened the hearing on October 13, 2005. The government introduced Exhibits 1 through 9. Applicant presented Exhibits A through I, and testified on his own behalf. At Applicant's request, I left the record open for two weeks to allow him the opportunity to present additional materials, however no additional matters were offered. DOHA received the final transcript of the hearing (Tr.) on October 28, 2005.

FINDINGS OF FACT

Applicant admitted the factual allegations in ¶¶ 1.a through 1.f, ¶¶ 2.a through 2.e, and ¶¶ 3.a through 3.e of the SOR, with explanations. (Applicant's Answer to SOR, dated February 18, 2005.) Those admissions are incorporated herein as findings of fact. Applicant denied the allegations in ¶¶ 4.a and 4.b of the SOR. (*Id.*) After a complete and thorough review of the evidence in the record, I make the following additional findings of fact.

Applicant was born in December 1964. (Ex. 1 at 1.) Applicant began drinking alcoholic beverages and using illegal drugs when he was in high school and about 15 or 16 years old. (Ex. 3 at 1-3.) He experimented with marijuana two or three times but did not like it. (*Id.*) He also used cocaine on one occasion while in high school. (Ex. 3 at 2.) He graduated from high school in about 1981. Applicant then attended technical school for electronics and graduated in 1985. (Tr. at 22.)

After graduating from high school, Applicant worked in a variety of jobs, usually as an electrician or electrical technician. (Ex. 1 at 3-5; Tr. at 22.) Applicant held a security clearance from about 1988 until 1995. (Tr. at 23.) In about 1995, he changed jobs, resulting in a significant decrease in income. (Ex. 2 at 2.) He could not afford to make payments on his vehicle and allowed it to be repossessed. (*Id.*) The creditor sold the vehicle at auction and contacted Applicant about paying the deficiency, but he was unwilling to do so. (Tr. at 35.)

Between about 1995 and 2002, Applicant earned about \$10,000.00 per year. (Ex. 3 at 3.) Although his employers withheld estimated taxes from Applicant's pay, he did not file federal income tax returns for the years 1995 through 1999 because he thought he did not make enough money to make a difference, and because he felt it was not worthwhile. (*Id.*)

During this time, Applicant drank alcohol regularly. His habit was to stop at a bar after work two or three times a week for two or three beers. (Ex. 3 at 3.) About once a month he went out with friends to bars and drank until he was intoxicated. (*Id.*) Between high school and Christmas 2002, he used marijuana less than ten times at social events. (Ex. 3 at 1.) Applicant believes that this drug abuse occurred between 1995 and 2002. (Tr. at 53.)

Between about August 1999 and July 2002, Applicant attended a vocational school. (Ex. 3 at 2.) During this time, he lived with his mother to take care of her. (Tr. at 36.) In February 2000, Applicant leased a vehicle, with monthly payments of \$309.00. (Ex. 2 at 2.) His position as an apprentice did not pay well; after a time he was unable to continue making the payments. (*Id.*; Tr. at 36.) He arranged for the lessor to repossess the property. Applicant was unable to pay some bills (SOR ¶¶ 3.d and 3.e), including bills for medical services not covered by insurance. He completed the apprenticeship and was awarded a diploma. (Ex. 1 at 2.)

In about November 2001, he began living with his fiancée. (Ex. 3 at 3.) He continued drinking alcohol to excess on a regular basis; his practice was to stop at a bar about once a month, drink about three drinks, go home, and continue drinking until he was intoxicated. (Ex. 3 at 3.)

A defense contractor hired Applicant in September 2002. (Ex. 1 at 3.) Applicant was aware that his employer had a policy against illegal drug use. (Tr. at 54-55.) He submitted an SF 86, Security Clearance Application, on October 11, 2002. (Ex. 1 at 1.) Question 27 on the SF 86 asked whether Applicant had illegally used drugs, including marijuana, since he was 16 years old or within the last seven years, whichever was shorter. (*Id.* at 9-10.) Applicant answered "No," to Question 27. (*Id.*) Question 35 asked whether Applicant had any property repossessed within the preceding seven years. (*Id.* at 11.) He answered, "No." (*Id.*)

In December 2002, a security investigator interviewed Applicant about his financial problems. (Ex. 3.) Applicant asserted that he told his employer about his repossessions, but failed to list them on the security questionnaire because he was uncertain about the dates. (Ex. 2 at 2.) He acknowledged several delinquent debts, and explained how he intended to resolve them. (Ex. 2 at 2-3.) Thereafter, Applicant received an interim security clearance. (Tr. at 25.)

Applicant contacted an accountant who prepared his back tax returns. (Ex. 3 at 3.) According to Applicant, even after penalties were paid, the Internal Revenue Service owed him money. (*Id.*) He received tax refunds for the previous three

years. (Tr. at 32.) After 1999, Applicant filed all his federal tax returns as required. (*Id.* at 32-33.)

Applicant began making regular payments toward some delinquent medical bills. (Tr. at 40.) He paid off the debts listed in ¶ 3.d of the SOR, but has not yet paid off the debts listed in ¶¶ 3.a, 3.b, 3.c, or 3.e of the SOR. (Tr. at 37-38, 40, 41.)

In the fall of 2002, Applicant began visiting a nearby river to spend a day or a weekend. (Ex. 3 at 3.) On occasion, he consumed alcohol on these trips. Applicant spent the first weekend of August 2003 at the river, fishing, camping and drinking. (Ex. 3 at 1.) He admitted being drunk most of the weekend. (*Id.*) An acquaintance offered him some marijuana and he smoked it. (*Id.* at 1-2.)

The following Monday, Applicant's employer required him to submit a urine sample for random drug testing. (*Id.* at 2.) Applicant's specimen tested positive for marijuana. (*Id.*; Ex. 5.) Applicant's employer notified the Defense Security Service of the positive urinalysis. (Ex. 5.)

In September 2003, Applicant got married. (Ex. 3 at 1.) His wife handled paying the family's bills.

In July 2004, Applicant again visited the river to go fishing and camping. (Ex. 3 at 2.) He drank alcohol and became intoxicated. (*Id.*) An acquaintance brought a bag of cocaine, and Applicant snorted dozens of two- to three-inch lines of cocaine. (*Id.*)

The following Monday, Applicant submitted a urine specimen for random testing by his employer. (*Id.*) The sample tested positive for cocaine. (Ex. 2 at 2.) The employer automatically suspended him for 15 days. (*Id.*) Applicant submitted another sample several weeks later, and the result was negative. Applicant's employer allowed him to return to work in August 2004. (*Id.*)

The employer notified the Defense Security Service of Applicant's second positive urinalysis result. (Ex. 4.) In October 2004, a security investigator questioned Applicant about his drug use. (Ex. 3.) Applicant related the nature and extent of his drug abuse. (Ex. 3.)

After the second positive drug test, Applicant's employer referred him to their employee assistance program, which in turn arranged for counseling for Applicant. (Ex. 2 at 2.) He saw one physician two or three times, and was referred to a second physician whom he visited weekly for several weeks. (*Id.*) In August 2004, his physician gave Applicant a diagnosis under the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR), Axis I, of § 305.60, Alcohol Abuse.

Applicant attended meetings of Alcoholics Anonymous (AA) three nights a week for about four or five months. (Tr. at 43; Ex. 2 at 2; Ex. F.) He indicated that he did not believe he had a problem with alcohol until after his counseling. (Ex. 3 at 3.)

Applicant asserts that he does not intend to use any illegal drugs in the future. (Ex. 2 at 2.) He is aware his employer has a policy requiring termination after a third positive drug test, and he does not want to lose his job. (*Id.*) He submitted to additional random drug tests, and all were negative. (Exs. E, G, H, and I.) His counselor notes that Applicant has discontinued using alcohol, and feels that with continued attendance at AA, Applicant's prognosis is good. (Ex. D.) Applicant abstains from alcohol. (Tr. at 45.) He does not attend AA meetings regularly anymore, but stops in from time to time. (Tr. at 43.) He is current on his regular credit accounts (Exs. A, B, and C) and intends to pay his delinquent debts over time.

POLICIES

The President has "the authority to . . . control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to occupy a position . . . that will give that person access to such information." *Department of the Navy v. Egan*, 484 U.S. 518, 527 (1988). In Executive Order 10865, *Safeguarding Classified Information Within Industry* (Feb. 20, 1960), the President set out guidelines and procedures for safeguarding classified information within the executive branch.

To be eligible for a security clearance, an applicant must meet the security guidelines contained in the Directive. Enclosure 2 of the Directive sets forth personnel security guidelines, as well as the disqualifying conditions and mitigating conditions under each guideline. The adjudicative guideline at issue in this case is:

Guideline H, Drug Involvement: Improper or illegal involvement with drugs, raises questions regarding an individual's willingness or ability to protect classified information. Drug abuse or dependence may impair social or occupational functioning, increasing the risk of an unauthorized disclosure of classified information. (Directive, ¶ E2.A8.1.1.1.)

Guideline J, Criminal Conduct: A history or pattern of criminal activity creates doubt about an applicant's judgment, reliability, and trustworthiness. (Directive, ¶ E2.A10.1.1.)

Guideline F, Financial Considerations: An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. (Directive ¶ E2.A6.1.1.)

Guideline E, Personal Conduct: Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations could indicate that the applicant may not properly safeguard classified information. (Directive, ¶ E2.A5.1.1.)

Conditions that could raise a security concern and may be disqualifying, as well as those which could mitigate security concerns pertaining to this adjudicative guideline, are set forth and discussed in the conclusions below.

"The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance." Directive, ¶ E2.2.1. An administrative judge must apply the "whole person concept," and consider and carefully weigh the available, reliable information about the person. *Id.* An administrative judge should consider the following factors: (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 voluntariness of participation; (6) the presence or absence of rehabilitation and other pertinent 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. *Id.*

Initially, the Government must present evidence to establish controverted facts in the SOR that disqualify or may disqualify the applicant from being eligible for access to classified information. (Directive, ¶ E3.1.14.) Thereafter, the applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate the facts. (Directive, ¶ E3.1.15.) An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security." (Directive, ¶ E2.2.2.)

A person granted access to classified information enters into a special relationship with the government. 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. The decision to deny an individual a security clearance is not a determination as to the loyalty of the applicant. (Exec. Ord. 10865, § 7.) It is merely an indication that the applicant has not met the strict guidelines the President has established for issuing a clearance.

CONCLUSIONS

I considered carefully all the facts in evidence and the legal standards discussed above. I reach the following conclusions regarding the allegations in the SOR.

Guideline H, Drug Involvement

Under the Directive, ¶ E2.A8.1.2.1, any drug abuse could raise a security concern. The Directive defines "drug abuse" as "the illegal use of a drug or the use of a legal drug in a manner that deviates from approved medical direction." (Directive, ¶ E2.A8.1.1.3.) The evidence shows Applicant wrongfully consumed illegal drugs on multiple occasions between about 1980 and July 2004. The evidence raises this potentially disqualifying condition.

It is possible to mitigate the security concerns that arise from drug involvement. Under the Directive, ¶ E2.A8.1.3.1, it may be mitigating where, "[t]he drug involvement was not recent." The Directive does not define the term "recent." The determination of recency depends upon all the relevant circumstances of each case. In this case, Applicant wrongfully used marijuana as recently as August 2003, and used cocaine as recently as July 2004. Although he has remained drug-free for over a year since then, the period of abstinence is relatively short, compared to the history of drug abuse. I conclude Applicant's drug involvement was recent, therefore this mitigating condition does not apply.

Paragraph E2.A8.1.3.2 indicates that it may be mitigating where the drug involvement "was an isolated or aberrational event." Applicant abused drugs on numerous occasions spanning many years, therefore I find this potentially mitigating condition does not apply.

"A demonstrated intent not to abuse drugs in the future" may also be mitigating under the Directive, ¶ E2.A8.1.3.3. The available evidence indicates Applicant has abstained from illegal drugs (and alcohol) since July 2004, and participated in a drug abuse counseling program. Applicant realized the dangers of drug abuse and has resolved to remain drug-free in the future. Applicant has convinced me that this potentially mitigating condition applies.

Finally, the Directive, ¶ E2.A8.1.3.4, provides that it may be mitigating where the evidence demonstrated "[s]atisfactory completion of a prescribed drug treatment program, including rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a credentialed medical professional." As noted above, Applicant has completed a drug treatment program. His physician gave a favorable prognosis (Ex. D), conditioned upon his continued attendance at AA meetings. Applicant has not continued to attend AA regularly, but stops in from time to time. I conclude this mitigating condition applies.

I balanced the potentially disqualifying and mitigating conditions in light of the "whole person" concept. Applicant is a mature individual who has worked for the government for many years. He held a security clearance in the past, and was well aware of the policy against drug abuse when he wrongfully used marijuana. After he was caught in a random drug test, Applicant again wrongfully used an illegal drug: cocaine, and was caught a second time. This history suggests a long-term problem with drug abuse. To his credit, Applicant attended the required counseling sessions and continued going to AA meetings for some time. However, his attendance at present is sporadic, leaving him without a strong support network. Although Applicant's effort to abstain from alcohol and drug abuse shows great promise, it is too early for me to be convinced that his history of drug abuse will not raise security concerns in the future. I conclude Applicant has not mitigated the security concerns arising from his drug involvement.

Guideline J, Criminal Conduct

Paragraph E2.A10.1.2.1 of the Directive provides an "admission of criminal conduct" may be disqualifying. Similarly, under ¶ E2.A10.1.2.2 of the Directive, it may be disqualifying where an applicant committed "a single serious crime or multiple lesser offenses." Applicant failed to file his federal income tax returns for the years 1995 through 1999, in violation of Title 26 U.S.C. § 7203, a misdemeanor. I note Applicant did not owe any federal taxes—indeed, he was probably due a refund. However, his failure to file shows a disregard for the law and an unwillingness to abide by legal requirements.

Under the Directive, the security concerns arising from a history of criminal conduct may be mitigated in certain circumstances. Under ¶ E2.A10.1.3.1 of the Directive, it may be mitigating when "the criminal behavior was not recent." Applicant's offenses occurred more than five years ago, and he properly filed his federal tax returns since then. I conclude this conduct is not recent, therefore this potentially mitigating condition applies.

The Directive, ¶ E2.A10.1.3.2, also provides that it may be mitigating where "the crime was an isolated incident." Applicant failed to file the taxes for five years in a row, thus I cannot find that this was an isolated incident. I conclude this mitigating condition does not apply.

Paragraph E2.A10.1.3.4 of the Directive states it may be mitigating where "the factors leading to the violation are not likely to recur." Applicant's offenses occurred while he was a younger and unmarried; since then, he has matured and gotten married to a woman who handles his financial matters. He changed his lifestyle so substantially that I find the

factors leading to his offenses are not likely to recur.

Under ¶ E2.A10.1.3.6 of the Directive, it may be mitigating where "there is clear evidence of successful rehabilitation." Applicant recognizes the mistakes he made and is resolved not to offend in the future. I considered carefully Applicant's demeanor during the hearing and find that he has matured and is unlikely to commit similar acts in the future. I conclude this mitigating factor applies.

I carefully considered the disqualifying and mitigating conditions in this case, in light of the "whole person" concept. I conclude Applicant has mitigated the security concerns arising from his history of criminal conduct.

Guideline F, Financial Considerations

Paragraph E2.A6.1.2.1 of the Directive provides that it may be a disqualifying condition if the evidence reveals "[a] history of not meeting financial obligations." Similarly, ¶ E2.A6.1.2.3 indicates that an "[i]nability or unwillingness to satisfy debts" may be disqualifying. Applicant has a history of not meeting his financial obligations. He has unpaid debts totaling over \$12,000.00 that have remained unpaid for many years. Applicant has been unable or unwilling to resolve his delinquent debts, or arrange a repayment plan. I find Applicant has shown both a history of failing to meet his financial obligations and an inability or unwillingness to satisfy his debts. I conclude both these potentially disqualifying conditions apply.

The security concerns arising from Applicant's financial difficulties can be mitigated under certain circumstances. Under the Directive, ¶ E2.A6.1.3.1, it may be mitigating where "the behavior was not recent." Most of Applicant's delinquent debts remain unresolved, therefore they are recent. This mitigating condition does not apply.

Paragraph E2.A6.1.3.2 of the Directive provides that it may be mitigating where the financial difficulty "was an isolated incident." Applicant's numerous delinquent debts arose over many years because of a variety of reasons. I conclude this mitigating condition does not apply.

Under ¶ E2.A6.1.3.3, it may be mitigating where, "[t]he conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation)." Several conditions beyond Applicant's control contributed to his financial problems, including periods of unemployment or underemployment, his need to care for his mother, and unexpected medical emergencies. I conclude this potentially mitigating condition applies.

Proof that "[t]he person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control," may be mitigating, under ¶ E2.A6.1.3.4 of the Directive. Applicant has not sought or received financial counseling. He paid the two medical bills that were combined in ¶ 3.d of the SOR, but has not begun a formal plan to repay or resolve his remaining delinquent debts. I cannot find that his debt problem is under control or is being resolved. I conclude this mitigating condition does not apply.

Finally, it may be mitigating where "[t]he individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." (Directive, ¶ E2.A6.1.3.6.) As noted above, Applicant has not begun repaying the bulk of his delinquent debts listed in the SOR. I conclude this mitigating condition does not apply.

I considered the potentially disqualifying and mitigating circumstances in light of the "whole person" concept. Applicant served the United States in positions of trust for several years and successfully held a security clearance. His financial difficulties arose in part from circumstances beyond his control, rather than his own malfeasance. At the same time, Applicant was somewhat inattentive to his financial circumstances, which contributed to his problems. After the problems arose, Applicant did not make a concerted effort to resolve the debts, even after being alerted to them. Presently, Applicant is unable to resolve the delinquent debts that have existed for such a long time. Balancing the disqualifying conditions and the mitigating conditions, I conclude Applicant has not mitigated the security concerns arising from his history of failing to meet his financial obligations and his inability or unwillingness to pay his debts.

Guideline E, Personal Conduct

The Directive sets out various factors relevant to an applicant's personal conduct that may be potentially disqualifying. Under ¶ E2.A5.1.2.2 of the Directive, "[t]he deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire" may be disqualifying.

Paragraph 4.a of the SOR alleges that in October 2002, Applicant deliberately failed to report on his SF 86 his use of illegal drugs within the previous seven years. Applicant admitted that he used illegal drugs about ten times between 1995 and 2002 (Tr. at 53), but denied that he intended to deceive the government. He asserted he could not recall specific dates and therefore could not properly answer the question. Applicant's assertions are unpersuasive. Applicant has a lengthy record of drug abuse—a record he would have known to be a liability in obtaining a clearance. I find Applicant deliberately falsified his answer to question 24 of the security clearance application. I conclude this potentially disqualifying condition applies.

Paragraph 4.b of the SOR alleges Applicant deliberately failed to report on his SF 86 the repossession of his vehicles in 1996 and 2000. Applicant denied that he intended to deceive the government. He asserted he could not recall specific dates, but told his employer about the repossessions. Significantly, Applicant reported a delinquent loan for an automobile in response to question 38, and that he reported the loss of his personal paperwork in the comments section of the questionnaire. These comments are inconsistent with an intent to mislead the government. I find Applicant did not deliberately falsify his answer to question 35 of the security clearance application. I conclude this potentially disqualifying condition does not apply with regard to these facts.

Under the Directive, an applicant may mitigate the security concerns arising from questionable personal conduct under certain circumstances. (Directive, ¶ E2.A5.1.3.) Under ¶ E2.A5.1.3.1, it may be mitigating where "[t]he information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability." Applicant's history of drug abuse was substantiated by his detailed admissions and was pertinent to a determination of his judgment, trustworthiness, and reliability. Applicant's falsification of this information raises a security concern. I find this mitigating factor does not apply.

Paragraph E2.A5.1.3.2 of the Directive arises where "the falsification was an isolated incident, was not recent, and the individual subsequently provided correct information voluntarily." The security clearance application in issue was executed in October 2002, therefore it was recent. I conclude this potentially mitigating condition does not apply.

Under ¶ E2.A5.1.3.3 of the Directive, it may be mitigating where, "[t]he individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts." Applicant has not met his burden of proving that he made good-faith efforts to correct the falsification in his security clearance application. I find this potentially mitigating condition does not apply. I also considered carefully the other potentially mitigating conditions and conclude they do not apply.

I considered carefully all the facts and circumstances in this case in light of the "whole person" concept. I conclude Applicant has not mitigated the security concerns arising from his falsification of his security clearance application.

FORMAL FINDINGS

My conclusions as to each allegation in the SOR are:

Paragraph 1, Guideline H: AGAINST APPLICANT

Subparagraph 1.a: Against Applicant

Subparagraph 1.b: Against Applicant

Subparagraph 1.c: Against Applicant

Subparagraph 1.d: Against Applicant

Subparagraph 1.e: Against Applicant

Subparagraph 1.f: Against Applicant

Paragraph 2, Guideline J: FOR APPLICANT

Subparagraph 2.a: For Applicant

Subparagraph 2.b: For Applicant

Subparagraph 2.c: For Applicant

Subparagraph 2.d: For Applicant

Subparagraph 2.e: For Applicant

Paragraph 3, Guideline F: AGAINST APPLICANT

Subparagraph 3.a: Against Applicant

Subparagraph 3.b: Against Applicant

Subparagraph 3.c: Against Applicant

Subparagraph 3.d: For Applicant

Subparagraph 3.e: Against Applicant

Paragraph 4, Guideline E: AGAINST APPLICANT

Subparagraph 4.a: Against Applicant

Subparagraph 4.b: For Applicant

DECISION

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 a security clearance for Applicant. Clearance is denied.

Michael J. Breslin

Administrative Judge