ÿWPC(l‹ â ÐK äE Ï¿ld{©sÂ ¦ Ê€2¢…ióký'|b¥v¾«9ƒØÚ[U½BQ9¥Lr°}þ‰²3'8eVÖ+3\…ž8~Y‘ä²Ú0ÎK1<ùgÃÐ @ /Ìñîì„k+ÕÀ ž®Õ p @ …"Ñß ª«"M•p!BùÎX,\šxú +‹š°¿ÉkÙDAüAÈÕ© Û-îð)‘"LÕWìÞë 4‘ ó c wümˆîêÐ æñ|`]éæÂf,ë. ;Cç„!ÿr Ø (^ù…ð
Êþ,áœ¿¬Dÿ© a=Ò¤ ó¶Þ ·-ÇVj^À¢&ÀÿÀ"e•Á òA œ† œ+ þ\'ïxàÌÝ° …^{n®ŽR… /hÿëZÁu'¥·©O ±î ÕRr"2Ás&ùGs<~Êà'§,rÂ²Ê= Ã{a^eV†/< ^u °+*A·à Ã Ù¦°~h¿ÎNSÚ (^ŽŽlž ºÒ¯â÷avH Ú,r,¼ Œ'#,ÁZ_8 ˜Ç OÊˆÉó9?ZëÑqéõ x„þD+
¤Ì*† 4Þtµ¢ƒÚÅœÍó6˜M>AoiŽ'Jf ¬Ø$ym<1Íâ—Ÿ ëÜvÅ²L,ÿô$B \ # Á U#NÉ % 0 F Þc E A b C ê G 0 b1 ^ “ w Ÿ 4 £ · Æ m È U @ß ß ß U * U >I 0 ©‡
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ÐÔ #† X ëäX X X ëä B#ÔÔ ‡ X ëäX X X ëä ÔÌÔ #† X ëäX X X ëä‹H#ÔÔ ‡ X ëäX X X ëä Ôà @ àThe€record€shows€Applicant€took€action€after€receiving€the€SOR€and€attempted€to€resolve€some€of€his€financial€delinquencies.
€€Working€with€oneð ðs€creditors€toÐ X X " Ðpay€and€settle€long,,standing€debts€is€commendable.€€However,€Applicantð ðs€last,,minute€actions€are€not€a€substitute€ð ðfor€evidence€of€a€demonstrated€track€recordÐ D D # Ðof€financial€reform,
€a€track€record€that€is€necessary€to€satisfy€Applicantð ðs€burden€of€persuasion€that€it€is€clearly€consistent€with€the€national€interest€to€grant€orÐ 0!0!$ Ðcontinue€access€to€classified€information.ð ð€€Ô_ ÔISCRÔ_ Ô€Case€No.€98,,0445€at€3€(App.€Bd.
€April€2,€1999.)€€Ð " "% Ðà @ àWhile€Applicant€initially€denied€owing€the€creditor€of€the€debt€identified€at€1.g.€of€the€SOR,€€he€presented€evidence€that€he€had€paid€it.€€I€conclude€thatÐ # #& ÐApplicantð ðs€denial€of€the€debt€was€not€credible.
€€While€Applicant€stated€that€a€debt€of€$2,846.00€to€Creditor€A,€allegedl€in€ð ð€1.b.€of€the€SOR,€was€the€same€debtÐ ô#ô#' Ðallegedl€in€ð ð€1.c.,€for€which€a€judgment€of€$3,630€had€been€entered€against€him€by€Creditor€B,
€he€did€not€provide€credible€evidence€supporting€his€claim.Ð à$à$(ÐÌÔ #† X ëäX X X ëäÌH#ÔÔ ‡ X ëäX X X ëä Ôà @ àThe€Government€has€established,€through€Applicantð ðs€admissions€and€the€record€evidence,
€a€ò òprima€facieó ó€case€that€Applicant€is€financially€overextended.€Ð ,&,&* ÐApplicant€provided€no€persuasive€evidence€to€rebut€the€financial€concerns€specified€in€the€SOR€and€identified€as€disqualifying€conditions€under€ð ðð ð€E2.A6.1.2.1.Ð ¤'¤'+
Ðand€E2.A6.1.2.3.€of€Guideline€F.Ð ((, ÐÌà @ àWe€turn€to€a€review€of€the€several€conditions€that€could€mitigate€the€security€concerns€raised€by€Applicantð ðs€financial€delinquencies.€€Applicantð ðs€acknowledgedÐ h*h*.
Ðdelinquencies€date€to€at€least€1998.€€His€financial€delinquencies€involve€long,,standing€debts,€and€his€inability€or€unwillingness€to€pay€them€is€recent.€€Thus,Ð T+T+/ Ðneither€mitigating€condition€E2.A.6.1.3.1.€nor€mitigating€condition€E2.A6.1.3.2.€applies.Ð
@,@,0 ÐÌà @ àThe€record€shows€Applicant€has€been€Ô #† X ëäX X X ëä N#ÔÔ ‡ X ëäX X X ëä Ôsingle€and€steadily€employed€since€1998.€€He€has€not€sought€financial€counseling€and€has€not€presented€clear€indicationsÐ . .2
Ðthat€his€financial€problems€are€being€resolved€or€are€more€than€temporarily€under€control.€€He€has€not€demonstrated€that€his€financial€delinquencies€were€largelyÐ / /3 Ðbeyond€his€control.€€Therefore,€mitigating€conditions€E2.A6.1.3.3.€and€E2.A6.1.3.4.€are€inapplicable,
€and€the€Guideline€F€allegations€in€the€SOR€are€concludedÐ ð/ð/4 Ðagainst€the€Applicant.Ð Ü0Ü05 ÐÐ È1È16 Ð‡ò òGuideline€E€,,€Personal€ConductÐ
Ðó óÔ #† X ëäX X X ëä R#ÔÔ ‡ X ëäX X X ëä Ôlà @ àIn€the€SOR,€DOHA€alleged€Applicant€raised€concerns€under€Guideline€E,€Personal€Conduct,€when€he€failed€to€list€his€October€8,€1996€arrest€in€his€answer€toÐ Ø Ø
ÐQuestion€26€on€his€SF,,86€(ð ð€2.Ô_ Ôa.)Ô_ Ô€€€Guideline€E€conduct,€which€involves€questionable€judgment,€untrustworthiness,€unreliability,€lack€of€candor,€dishonesty,€orÐ Ã Ã Ðunwillingness€to€comply€with€rules€and€regulations,
€could€indicate€an€applicant€may€not€properly€safeguard€classified€information.€€Directive€ð ð€E2.A5.1.1.Ð ° ° ÐÌà @ àWith€respect€to€the€Guideline€E€conduct€alleged€in€the€SOR,€the€Government€has€established€its€case.€€The€Government€established,
€and€Applicant€failed€toÐ ˆ ˆ Ðpersuasively€rebut,€the€allegation€he€had€omitted,€concealed€and€falsified€relevant€and€material€facts€from€his€personnel€security€questionnaire.€€ð ð€E2.A5.1.2.2.Ð t t
ÐHis€concealment€of€information€he€considered€embarrassing€or€professionally€damaging€could€make€him€vulnerable€to€coercion€and€blackmail.€€ð ð€E2.A5.1.2.4.Ð ` `
ÐHis€conduct€raises€additional€concerns€under€E2.A5.1.2.5.€because€it€suggests€a€pattern€of€dishonesty€or€rule€violation.€€Applicantð ðs€reticence€to€reveal€the€truthÐ L L Ðabout€his€conduct€suggests€that,€under€some€circumstances,
€he€may€put€his€interests€before€those€of€the€Government.€€Ð 8 8 ÐÌà @ àMitigating€condition€E2.A5.1.3.1€does€not€apply€to€the€facts€of€this€case.€€The€information€Applicant€withheld€is€pertinent€to€a€determination€of€his€judgment,Ð
Ðtrustworthiness,€and€reliability.€€Only€one€other€mitigating€condition€under€Guideline€E€might€be€applicable€to€the€instant€case.€€The€security€concern€raised€byÐ ü ü
ÐApplicantð ðs€disqualifying€conduct€could€be€mitigated€if€the€falsification€was€an€isolated€incident,€was€not€recent,€and€if€the€Applicant€subsequently€provided€theÐ è è Ðcorrect€information€voluntarily.€€ð ðE.2.A.5.1.3.2.€
€Applicant€acknowledged€the€correct€information€when€confronted€by€an€investigator€of€the€Defense€SecurityÐ Ô Ô ÐService€in€November€2003.€€However,€in€his€signed,€sworn€statement€and€in€his€Ex.€A,
€Applicant€attempted€to€minimize€his€falsification€by€stating€he€thought€itÐ À À Ðhad€occurred€more€than€six€or€seven€years€before€he€completed€his€SF,,86,€when,€in€fact,€it€had€occurred€five€years€before€he€completed€his€SF,,86.€Ð ¬ ¬ ÐAdditionally,
€he€claimed€he€did€not€understand€the€question.€€Applicant€is€college,,educated€and€earns€his€living€as€a€financial€analyst,€a€profession€requiringÐ ˜ ˜ Ðresponsibility€as€a€fiduciary€and€the€accurate€use€of€numbers€and€language.€
€While€his€falsification€of€his€SF,,86€occurred€in€2001,€Applicantð ðs€subsequentÐ ,, ,, Ðexplanations€for€failing€to€answer€Question€26€accurately€and€fully€suggest€on,,going€lack€of€candor.€€His€disqualifying€personal€conduct€is€recent€and€notÐ p p
Ðisolated.€€Accordingly,€the€allegation€in€subparagraph€2.a.€of€the€SOR€is€concluded€against€the€Applicant.Ð \ \ ÐÌò òGuideline€J€,,€Criminal€Conductó óÐ 4 4
ÐÔ #† X ëäX X X ëäÈT#Ôò òò òÓ Óó óÔ ‡ X ëäX X X ëä Ôó óÌÓ Ôà @ àIn€the€SOR,
€DOHA€alleged€Applicant€knowingly€and€willfully€falsified€his€answer€to€Question€26€on€his€security€clearance€application€in€violation€of€18€U.S.C.Ð Ðð ð€1001€and€that€this€act€constituted€felonious€criminal€conduct.€€(ð ðð ð€3.a.
€and€3.Ô_ Ôb.)Ô_ Ô€€It€is€a€criminal€offense€to€knowingly€and€willfully€make€any€materially€false,Ð ø ø
Ðfictitious€or€fraudulent€statement€or€representation€in€any€matter€within€the€jurisdiction€of€the€executive€branch€of€the€Government€of€the€United€States.€€18Ð ä ä ÐU.S.C.€ð ð€1001.€€Security€clearances€are€within€the€jurisdiction€of€the€executive€branch.€
€ò òSeeó ó€ò òEganó ó,€484€U.S.€at€527.Ð Ð Ð ÐÌà @ àA€person€seeking€access€to€classified€information€enters€into€a€fiduciary€relationship€with€the€Government€based€upon€trust€and€confidence.€€Where€the€factsÐ ¨ ¨
Ðproven€by€the€Government€or€admitted€by€the€applicant€raise€doubts€about€the€applicantð ðs€judgment,€reliability€or€trustworthiness,€the€applicant€has€a€heavyÐ " " Ðburden€of€persuasion€to€demonstrate€that€he€or€she€is€nevertheless€security€worthy.€€Ð
€ € ÐÔ #† X ëäX X X ëäßa#ÔÔ ‡ X ëäX X X ëä Ôlà @ àA€history€or€pattern€of€criminal€activity€raises€doubts€about€a€personð ðs€judgment,€reliability,€and€trustworthiness.€(ð ð€E2.A10.1.1)€€Disqualifying€conditionsÐ X X "
Ðinclude€allegations€or€admissions€of€criminal€conduct,€regardless€of€whether€the€person€was€formally€charged€€(ð ð€E2.A10.1.2.1.),€and€a€single€serious€crime€orÐ D D # Ðmultiple€lesser€offenses€€(ð ð€E2.A10.1.2.2.).€
€Applicantð ðs€conduct€raises€security€concerns€underð ð€E2.A10.1.2.1.€and€ð ð€E2.A10.1.2.2.€of€Guideline€J.Ð 0!0!$
ÐÌà @ àÔ #† X ëäX X X ëäùf#ÔÔ ‡ X ëäX X X ëä ÔApplicant€denied€the€criminal€conduct€alleged€by€the€Government€in€ð ðð ð€3.a.€and€3.b.€of€the€SOR,€but€offered€no€credible€explanations€in€support€of€his€denials.
€Ô #† X ëäX X X ëäwi#ÔÔ ‡ X ëäX X X ëä ÔÐ # #& ÐApplicant€failed€to€report€his€1996€arrest€and€charges€of€financial€card€theft,€financial€card€fraud,€and€possession€of€stolen€goods,€criminal€conduct€that€occurredÐ ô#ô#'
Ðfive€years€before€he€completed€his€SF,,86€in€2001.€€As€a€result€of€his€guilty€plea€to€possession€of€stolen€goods€in€1996,€Applicant€was€sentenced€to€45€daysÐ à$à$(Ðconfinement€and€36€months€of€probation.€
€While€the€conduct€that€gave€rise€to€his€arrest€occurred€in€1996€and€was€not€recent,€his€falsification€took€place€in€2001Ð Ì%Ì%) Ðand€was€recent.€€Together,€the€two€acts€are€not€isolated€and€demonstrate€a€pattern€of€criminal€conduct.€€Thus,
€mitigating€conditions€ð ðð ð€E2.A10.1.3.1.€andÐ ,&,&* ÐE2.A10.1.3.2€of€Guideline€J€do€not€apply€in€this€case.Ð ¤'¤'+
ÐÌÔ #† X ëäX X X ëä_j#ÔÔ ‡ X ëäX X X ëä Ôà @ àI€conclude€Applicant€deliberately€falsified€his€security€clearance€application€by€omitting€relevant€and€material€information€and€then€certifying€his€statements€onÐ |)|)- Ðhis€SF,,86€as€true,
€complete,€and€correct€to€the€best€of€his€knowledge€and€belief€and€made€in€good€faith.€€After€weighing€the€disqualifying€and€mitigatingÐ h*h*.
Ðconditions€of€Guideline€J€and€after€evaluating€Applicantð ðs€conduct€in€light€of€the€whole€person€concept€identified€at€ð ð€E2.2€of€Enclosure€2€of€the€Directive,€IÐ T+T+/ Ðconclude€the€Guideline€J€allegations€of€the€SOR€against€the€Applicant.€€Ð @,@,0
ÐÌÌà@ Ã Ã /~ àÔ #† X ëäX X X ëäÔm#Ôò òò òÔ ‡ X ëäX X X ëä Ôò òò óó óó óFORMAL€FINDINGS˜Ð / /3
ÐÌó óó óÔ #† X ëäX X X ëä¹p#ÔÔ ‡ X ëäX X X ëä Ôà @ àThe€following€are€my€conclusions€as€to€each€allegation€in€the€SOR:Ð Ü0Ü05 ÐÐ È1È16 Ðà @ àParagraph€1.:€Guideline€F:€AGAINST€APPLICANTÐ
ÐÌà @ àà @` àSubparagraph€1.a.:€Against€ApplicantÐ Ø Ø Ðà @ àà @` àSubparagraph€1.b.:€Against€ApplicantÐ Ã Ã Ðà @ àà @` àSubparagraph€1.c.:€Against€ApplicantÐ ° ° Ðà @ àà @`
àSubparagraph€1.d.:€Against€ApplicantÐ œ œ Ðà @ àà @` àSubparagraph€1.e.:€Against€ApplicantÐ ˆ ˆ Ðà @ àà @` àSubparagraph€1.f.:€Against€ApplicantÐ t t Ðà @ àà @` àSubparagraph€1.g.:
€Against€ApplicantÐ ` ` Ðà @ àà @` àSubparagraph€1.h.:€Against€ApplicantÐ L L ÐÌà @ àParagraph€2.:€Guideline€E:€AGAINST€APPLICANTÐ $ $ ÐÌà @ àà @` àSubparagraph€2.a.:€Against€ApplicantÐ
ü ü Ðà @ àà @` àÌà @ àà @` àÔ #† X ëäX X X ëä3q#ÔÔ ‡ X ëäX X X ëä Ôlà @ àParagraph€3.:€Guideline€J:€AGAINST€APPLICANTÐ À À ÐÌà @ àà @` àSubparagraph€3.a.:
€Against€ApplicantÐ ˜ ˜ Ðà @ àà @` àSubparagraph€3.b.:€Against€ApplicantÐ ,, ,, ÐÌà @ àà @` àÌÔ #† X ëäX X X ëä"u#ÔÔ ‡ X ëäX X X ëä Ôò òò òÓ ÔDECISIONó óó óÐ H H
ÐÓ w ÔÌà @ àIn€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€securityÐ Ðclearance€for€Applicant.€€Clearance€is€denied.Ð
ÐÌÌÓ Óò òó óÌJoan€Ô_ ÔCatonÔ_ Ô€AnthonyÐ ¼ ¼ ÐAdministrative€JudgeÐ ¨ ¨ ÐÔ #† X ëäX X X ëäâv#ÔÔ ‡ X ëäX X X ëä ÔÌò òò òÔ #† X ëäX X X ëäõx#Óó óó ó