

KEYWORD: Personal Conduct; Drugs; Financial Considerations; Criminal Conduct

DIGEST: Applicant has a history of drug-related and other arrests over a 12-year period that resulted in warrants, convictions, and fines. He has also brings a considerable history of drug abuse (to include hashish, marijuana and cocaine), for which he was referred to treatment by his employer's employee assistance program and ultimately terminated for failure to adhere to the program's drug-related directives. Applicant's drug problems contributed to severe financial difficulties, which are still not satisfactorily resolved. His restorative efforts to date, while encouraging, are insufficient to enable safe predictive assessments about his ability to stabilize his finances and avoid drug use recurrence in the foreseeable future. Applicant's deliberate omissions in his security clearance application (SF-86) were not mitigated by his ensuing DSS disclosures. Clearance is denied.

CASE NO: 04-03849.h1

DATE: 06/20/2006

DATE: June 20, 2006

In re:

SSN:-----

Applicant for Security Clearance

ISCR Case No. 04-03849

DECISION OF ADMINISTRATIVE JUDGE

ROGER C. WESLEY

APPEARANCES

FOR GOVERNMENT

Edward W. Loughran, Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant has a history of drug-related and other arrests over a 12-year period that resulted in warrants, convictions, and fines. He has also brings a considerable history of drug abuse (to include hashish, marijuana and cocaine), for which he was referred to treatment by his employer's employee assistance program and ultimately terminated for failure to adhere to the program's drug-related directives. Applicant's drug problems contributed to severe financial difficulties, which are still not satisfactorily resolved. His restorative efforts to date, while encouraging, are insufficient to enable safe predictive assessments about his ability to stabilize his finances and avoid drug use recurrence in the foreseeable future. Applicant's deliberate omissions in his security clearance application (SF-86) were not mitigated by his ensuing DSS disclosures. Clearance is denied.

STATEMENT OF CASE

On July 6, 2005, the Defense Office of Hearings and Appeals (DOHA), under Executive Order 10865 and Department of Defense Directive 5220.6 (Directive), dated January 2, 1992, issued a Statement of Reasons (SOR) to Applicant. The SOR detailed reasons why DOHA could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance, and recommended referral to an administrative judge for determination whether clearance should be granted or continued.

Applicant responded to the SOR on August 1, 2005, and elected to have his case decided on the basis of the written record. Applicant received the File of Relevant Material (FORM) on September 30, 2005. Applicant responded to the FORM within the 30 days provided him with supplemental documentation regarding payment of his traffic fines, his turning away from drugs, and his debt repayments. The case was assigned to me November 28, 2005.

SUMMARY OF PLEADINGS

Under Guideline H, Applicant is alleged to have (a) used marijuana with varying frequency, at times daily, from about 1972 to at least January 2000, (b) purchased marijuana, (c) continued to use marijuana after he had been granted a security clearance in May 1988 and September 1993, respectively, and (d) been terminated from his employment with Company A in January 2000 for violation of a last chance memo and violation of the terms and conditions of Company A's drug-free workplace program, after testing positive for marijuana in a urinalysis test.

Under Guideline E, Applicant is alleged to have (a) been charged on five separate occasions between May 1988 and March 2000 for traffic-related offenses, (b) been terminated by his former employer for failure to comply with his company's employee assistance program (EAP) relating to his drug usage, (c) falsified his security clearance application (SF-86) of September 1992 by answering no to ever using illegal substances, omitting two of his alcohol-related arrests, (d) falsified his SF-86 of June 2002 by omitting two of his alcohol-related offenses, and (e) understated his marijuana use in a signed, sworn statement given to a DoD investigator in 1999.

Under Guideline F, Applicant is alleged to have (a) petitioned for Chapter 7 bankruptcy in September 1996 and received his discharge in December 1996 and (b) accumulated additional delinquent debts between (four in all) between 1998 and 2000 that exceed over \$8,000.00.

For his response to the SOR, Applicant admitted most of the allegations with explanations. He denied his alleged charge-off debt with creditor 3.d and his criminal falsification of his SF-86.

FINDINGS OF FACT

Applicant is a 55-year-old employee of a defense contractor who seeks a security clearance. The allegations covered in the SOR and admitted by Applicant are incorporated herein by reference and adopted as relevant and material findings. Additional findings follow.

Applicant began experimenting with hashish while he was on active duty with the U.S. Army between 1972 and 1974. Typically, he used the drug during this time period on a weekly basis in the social company of other soldiers. Applicant continued using illegal substances (primarily marijuana) after he was discharged from the Army in 1974. He estimates to have used marijuana a couple of times a week between 1974 and the mid-1980s.

Applicant was introduced to cocaine around 1985 and regularly used the substance on a weekly basis until he married W in 1987. He remained married to W until 1990, and during the three years of their marriage, he switched back to marijuana in deference to her wishes. Applicant's spouse did not use illegal drugs of any kind according to Applicant. His account of his spouse's avoidance of illegal drugs during their marriage is accepted.

Following his divorce from W in 1990, Applicant briefly resumed his use of cocaine. Between 1990 and 1994 he used cocaine weekly with friends, and sometimes alone. He met a single woman (a mortgage banker by profession) in 1994, who used cocaine. They soon established a romantic relationship between them that lasted through most of 1998. During their time together, they regularly used cocaine (approximately three times a week for Applicant and daily for his girlfriend) and shared the expense of purchasing the drug.

Applicant and his girlfriend continued their regular use of cocaine through the 1994-1998 time frame. After missing a number of workdays, Applicant was confronted by his supervisors at work about his drug use. He was permitted to continue working at the company on the condition he enter a 30-day drug rehabilitation program (15 days of inpatient care and 15 days of outpatient therapy). The company subsequently terminated his employment in December 1998 upon learning that Applicant was not complying with the treatment conditions established by his EAP, related to his illegal drug use. Whether Applicant was ever credited with successfully completing his treatment program is unclear.

Applicant assures he terminated his relationship with his longtime girlfriend over drug-related issues and has not used illegal substances since completing his rehabilitation program in 1998. He provides no corroboration of either claim, however, and neither claim can be probatively established on the basis of Applicant's written submissions.

To support his active drug use over a four-year stretch spanning 1994 and 1998, Applicant ignored many of his other debts. His financial problems were compounded by his girlfriend's taking his money without permission and using it to purchase drugs and other items. Unable to address his delinquent debts, Applicant petitioned for Chapter 7 bankruptcy protection in September 1996. In his bankruptcy schedules, he listed real property valued at \$113,000.00 (his home) and personal property valued at \$18,210.00 (primarily his car). He scheduled secured claims of \$135,533.99 (consisting of a \$103,000.00 first mortgage, a \$25,000.00 second mortgage, and a \$7,533.99 secured loan on his Mazda vehicle). And unsecured claims of \$22,639.52 (*see* item 16).

Applicant received his bankruptcy discharge in December 1996 and subsequently lost his house in 1999 to non-judicial foreclosure. Because his home was foreclosed non-judicially, there is no deficiency recorded and no reported deficiency liability. However, the bank creditor that repossessed Applicant's Mazda vehicle apparently was not able to sell the vehicle for a sufficient sum to satisfy the amount owing on the loan. Applicant's credit reports continue to list an \$8,473.00 deficiency, which Applicant to date has been unable to address.

Besides his vehicle deficiency, Applicant incurred several debts between December 1996 and December 2000, which he permitted to become delinquent. Altogether, he accumulated an additional four debts that exceed \$9,000.00. The largest of these four debts is a \$8,473.00 credit card debt, which Applicant used to finance his drug purchases. To date, he documents paying the three smaller debts (creditors 3.b, 3.c and 3.e), but not the largest debt (creditor 3.d). Claiming to dispute the creditor d debt, Applicant provides no documentation of any payment of this account of satisfactory explanation of why he is not obligated to this creditor. In his handwritten dispute of the claim, he claims the creditor unjustifiably demanded \$12,000.00 from him. He has never disputed the original \$8,473.00 debt carried in his credit reports, and this claim appears by all accounts to be a valid debt. Based on the June 28, 2005 letter he received from one of the credit reporting agencies, this disputed account was removed from at least one of his creditor reports. Applicant provides no further documentation of correspondence between himself and the bank creditor.

Between May 1988 and March 2000, Applicant was involved in five traffic-related offenses in State A. In May 1988 he was charged with no valid driver's license. When he failed to appear for his scheduled hearing in June 1988, a bench warrant was issued for failure to appear. A judgment of bail forfeiture was entered against him, and he was fined \$47.00. Ten years later (in March 1998), he was charged with operating a motor vehicle without liability insurance, and was fined \$527.00.

In December 1998, he was charged with driving while his license was suspended (third degree). He failed to appear for his scheduled hearing, and a warrant was issued for his arrest in March 2000.

Applicant was found guilty of the amended charge of no driver's license on his person and fined \$71.00.

In August 1999, Applicant was charged with driving with a suspended license (third degree) and operating a motor vehicle without liability insurance. He was fined \$527.00 (later amended to \$100.00). And Applicant was arrested in March 2000 and charged with driving while his license was suspended or revoked (third degree) and speeding. He was fined \$182.00. When he failed to pay the fine, the account was placed for collection in December 2000. Applicant has since paid this fine (*see* item 20).

Asked to complete an SF-86 in February 2002, Applicant failed to disclose his drug-related arrests of April 1976 and July 1990, his traffic-related charges that either exceeded the \$150.00 threshold or involved issued warrants, and his use of illegal drugs within the previous seven years. Applicant attributes his omissions to his belief at the time that no one would check his records and his corresponding need for the job. Inferences warrant that Applicant deliberately omitted his drug and traffic-related charges and his use of illegal drugs within the previous seven years.

When interviewed by a DSS agent in March 2003, Applicant acknowledged his illegal drug use, but failed to disclose his arrest in April 1976 for possession of drug paraphernalia and marijuana. Not until he was re-interviewed by another DSS agent in January 2005 did he disclose his 1976 arrest. He attributes his failure to mention his 1976 arrest in his initial DSS interview to the agent's failure to ask him about prior drug-related arrests. He fails to explain, though, as to why he didn't voluntarily come forward and disclose the arrest at the first opportunity in view of his previous knowing and wilful omission of the arrest in his 2002 SF-86. Considering both his previous omissions, his expressed concern for his job, and his imputed desire to withhold adverse information about his arrests and drug use that he didn't believe would be checked out, inferences warrant that he continued to withhold disclosure of his 1976 drug arrest out of a desire

to keep as much information about his past drug use secret as he could reasonably hope to achieve.

Applicant is highly regarded as a trustworthy coworker by colleagues who have worked with him and come to trust him. Coworkers who know Applicant describe him as professional, courteous, efficient, and extremely competent. Applicant is considered by his colleagues to be an important asset to the company.

POLICIES

The Adjudicative Guidelines of the Directive (Change 4) list Guidelines to be considered by judges in the decision making process covering DOHA cases. These Guidelines require the judge to consider all of the "Conditions that could raise a security concern and may be disqualifying" (Disqualifying Conditions), if any, and all of the "Mitigating Conditions," if any, before deciding whether or not a security clearance should be granted, continued or denied. The Guidelines do not require the judge to assess these factors exclusively in arriving at a decision. In addition to the relevant Adjudicative Guidelines, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in E2.2.2 of the Adjudicative Process of Enclosure 2

of the Directive, which are intended to assist the judges in reaching a fair and impartial common sense decision.

Viewing the issues raised and evidence as a whole, the following adjudication policy factors are pertinent herein:

Personal Conduct

The Concern: Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information.

Drug Involvement

The Concern: 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.

Financial Considerations

The Concern: An individual who is financially overextended is at risk at having to engage in illegal acts to generate funds. Unexplained influence is often linked to proceeds from financially profitable criminal acts.

Criminal Conduct

The Concern: A history or pattern of criminal activity creates doubt about a person's judgment, reliability and trustworthiness.

Burden of Proof

By virtue of the precepts framed by the Directive, a decision to grant or continue an Applicant's for security clearance may be made only upon a threshold finding that to do so is clearly consistent with the national interest. Because the Directive requires Administrative Judges to make a common sense appraisal of the evidence accumulated in the record, the ultimate determination of an applicant's eligibility for a security clearance depends, in large part, on the relevance and materiality of that evidence. As with all adversary proceedings, the Judge may draw only those inferences which have a reasonable and logical basis from the evidence of record. Conversely, the Judge cannot draw factual inferences that are grounded on speculation or conjecture.

The Government's initial burden is twofold: (1) It must prove any controverted fact[s] alleged in the Statement of Reasons and (2) it must demonstrate that the facts proven have a material bearing to the applicant's eligibility to obtain or maintain a security clearance. The required showing of material bearing, however, does not require the Government to affirmatively demonstrate that the applicant has actually mishandled or abused classified information before it can deny or revoke a security clearance. Rather, consideration must take account of cognizable risks that an applicant may deliberately or inadvertently fail to safeguard classified information.

Once the Government meets its initial burden of proof of establishing admitted or controverted facts, the burden of persuasion shifts to the applicant for the purpose of establishing his or her security worthiness through evidence of

refutation, extenuation or mitigation of the Government's case.

CONCLUSION

Applicant is an avionics technician for a defense contractor who is valued by his colleagues for his skills and efficiency. He also brings a considerable history of traffic and drug-related offenses, illegal drug abuse, financial difficulties compounded by his purchasing illegal drugs for his use, and omissions of material information in his 2002 SF-86 and ensuing DSS interview, which raise security concerns about his judgment, reliability and trustworthiness.

Appellant's arrests and job termination

Over a 12-year period spanning May 1988 and March 2000, Applicant was involved in four separate traffic-related offenses alone that didn't involve drugs. Three of the offenses for which he was charged involved driving on a suspended license and failure to appear for his scheduled appearances. Imposed fines exceeded \$150.00 in each of the concluded proceedings. In addition to these arrests, Applicant was arrested on two other occasions for drug-related offenses (in 1976 and 1990). Considered together, these seven offenses reflect reliable unfavorable information pattern rule violations, sufficient to apply two of the disqualifying conditions of the Adjudicative Guidelines for personal conduct: E2.A5.1.2.4 (*Personal conduct or concealment of information that increases an individual's vulnerability to coercion, exploitation or duress*) and E2.A5.1.2.5 (*A pattern of dishonesty or rule violations*).

Compounding Applicant's arrest history are the circumstances in which he was terminated from his previous employer in December 1998. While the termination was primarily drug-related, it represents a serious judgment lapse and raises additional security concerns relative to Applicant's willingness and ability to adhere to rules in the workplace.

Since his last arrest in March 2000, Applicant has gained maturity. No longer does he appear to be at risk to repeat his past judgment lapses associated with his past arrests and termination under unfavorable circumstances. He may invoke two of the mitigating conditions under the personal conduct guideline: E2.A5.1.3.1 and E2.A5.1.3.5, respectively. Overall, Applicant mitigates security concerns associated with his arrests and termination, and favorable conclusions warrant with respect to subparagraphs 1.a through 1.f of the personal conduct guideline.

Applicant's drug abuse

Between 1972 and 1999, Applicant used hashish and marijuana periodically, ranging from weekly use of hashish between 1972 and 1974, to weekly marijuana use between 1974 and 1990, to thrice-weekly use of cocaine between the mid-1980s through December 1998. Applicant's regular use caused him both financial difficulties and hardships, but also contributed to multiple absences at work, treatment through his EAP, and termination after failing to adhere to his company's EAP directives relative to his drug use. Whether Applicant ever completed the treatment program he committed to is unclear. Based on Applicant's pleading admissions and compiled evidentiary record, three disqualifying conditions (DC) of the Adjudicative Guideline for drugs are applicable: E2.A8.1.2.1 (*Any drug abuse*), E2.A8.1.2.2 (*Illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution*), and E2.A8.1.2.5 (*Failure to successfully complete a drug treatment program prescribed by a credentialed medical professional*).

To be sure, there is considerable reason to question Applicant's denials of any drug use since December 1998 in the face of his lengthy history of recurrent serious and regular drug use, his lack of any documented completion of a treatment program, and his repeated concealment of his arrests (some drug-related) and more extensive drug use. True, misconduct predictions, generally, may not be based on supposition or suspicion. *See* ISCR Case No. 01-26893 (October 2002); ISCR Case No. 97-0356 (April 1998). The Appeal Board has consistently held that an unfavorable credibility determination concerning an applicant is not a substitute for record evidence that the applicant used marijuana or other drugs since his last recorded use, or based on his past use is likely to resume usage in the future. *See* ISCR Case No. 02-08032 (May 2004).

Based just on his own assurances of drug avoidance and the passage of time since his last detected use of illegal substances in December 1998, Applicant may not invoke E2.A8.1.3.1 (*The drug involvement was not recent*) or E2.A8.1.3.4 (*A demonstrated intent not to abuse any drugs in the future*). Too many questions remain about Applicant's recurrent marijuana and cocaine use over an extensive period spanning 26 years to draw conclusions that enough time has passed since his last acknowledged use that Applicant has mitigated the government's security concerns over his involvement with illegal drugs.

Applicant's assurances that his marijuana and cocaine involvement is a thing of the past are not sufficiently persuasive to warrant favorable conclusions that he resents no recurrence risk at this time. Considering all of the developed evidence of record, Applicant fails to mitigate security concerns associated with his use and possession of marijuana and cocaine. Unfavorable conclusions warrant with respect to sub-paragraphs 2.a through 2.g of Guideline H.

Applicant's finances

Security concerns are raised under the guideline covering financial considerations where the individual appellant is so financially overextended that he or she is at risk of having to engage in illegal acts to generate funds. Applicant's accumulation of debts attributable in part to his diversion of income sources to support his personal drug needs (both those discharged in his 1996 Chapter 7 bankruptcy and those that ensued thereafter), and his failure to mount any

sustained effort to resolve any of them prior to his bankruptcy and the largest one that accrued since his bankruptcy discharge warrant the application of two of the disqualifying conditions (DC) of the financial guideline: E2.A6.1.2.1 (*A history of not meeting financial obligations*), and E2.A6.1.2.3 (*Inability or unwillingness to satisfy debts*).

Since receiving the SOR, Applicant has made concerted efforts to address his smaller creditors, but little to resolve his single largest debt (*i.e.*, his creditor 3.d debt), which he disputes as to the amount owing, but not of the existence of the debt. By virtue of his limited repayment efforts with his smaller creditors (albeit somewhat belated), he may take advantage of one of the mitigating conditions (MC) of the Guidelines (for financial): E2.A6.1.3.6 (*The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts*) applies.

Holding a security clearance involves the exercise of important fiducial responsibilities, among which is the expectancy of consistent trust and candor. Financial stability in a person cleared to access classified information is required precisely to inspire trust and confidence in the holder of the clearance. While the principal concern of a clearance holder's demonstrated financial difficulties is vulnerability to coercion and influence, judgment and trust concerns are implicit in financial cases (as here) and bring into play security concerns covered by both financial considerations and personal conduct. Applicant could reasonably be expected to have initiated more timely repayment efforts than he did in this case, and accepts some irresponsibility on his part. Applicant's 1996 bankruptcy and more recent repayment efforts with respect to his small creditors, while indicative of Applicant's willingness to take advantage of all legal recourse options open to him to resolve his debts, while encouraging, are insufficient to enable him to successfully mitigate security concerns associated with his financial difficulties. More time is needed to demonstrate that his bankruptcy discharge and recurrent debts (especially the large credit account he utilized to support his drug purchases) were aberrational and not indicative of his current debt management practices.

Taking into account all of the facts and circumstances surrounding Applicant's debt accumulations and absence of sufficient timely corrective steps to resolve them, Applicant fails to mitigate security concerns related to his longstanding debt delinquencies. Unfavorable conclusions warrant with respect to the allegations covered by financial considerations.

Falsification Issues

Potentially serious and difficult to reconcile with the trust and reliability requirements for holding a security clearance are the timing and circumstances of Applicant's arrest and drug use omissions in his 2002 SF-86, in addition to his continuing withholding of a key drug possession arrest in his initial DSS interview. So much trust is imposed on persons cleared to see classified information that the margins for excusing deliberate omissions are necessarily small.

By deliberately omitting his covered arrests and past marijuana and cocaine use in the 2002 SF-86 he completed, and failing to voluntarily disclose his 1976 drug arrest when first interviewed by DSS in March 2003, Applicant concealed

materially important background information needed for the government to properly process and evaluate his security eligibility. Applicant provides no justifiable explanations for omitting his illegal drug use, and he cannot avert conclusions of knowing and wilful concealment of his drug use out of concern for losing his job. Concern for losing his job, while an understandable reaction, has never been considered by the Appeal Board to be justifiable grounds for concealing material information about drug-related and other covered arrests and illegal drug use, and is not a supportable reason for Applicant's arrest drug use omissions.

While Applicant did come forward and acknowledge his pre-1999 drug abuse in his initial DSS interview in March 2003, he deliberately misrepresented his lack of any prior involvement with law enforcement officers over drug issues (*i.e.*, his 1976 arrest). Not until he was re-interviewed in January 2005 did he disclose his 1976 drug-related arrest.

Moreover, even voluntary corrections of omitted information must be timely made to enable an applicant to overcome deliberate omissions in a security form. Our Appeal Board has been quite clear for a number of years now that an applicant cannot be credited with a prompt, good faith correction where he has tacitly repeated his omissions and waited months for another DSS interview before electing to come forward with corrections. *See* DISCR Case No. 93-1390 (January 1995). Applicant, accordingly, may not take advantage of either E2.A5.1.3.2 (*The falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily*) or E2.A5.1.3.3 (*The individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts*) of the Adjudicative Guidelines for personal conduct. Applicant's belated disclosures of his past drug use were made over a year after he completed his SF-86 and perforce do not meet the prompt requirements of either E2.A5.1.3.2 or E2.A5.1.3.3.

Considering all of the evidence produced in this record and the available guidelines in the Directive (inclusive of the E2.2 factors), unfavorable conclusions warrant with respect to subparagraphs 3.g through 3.j of Guideline E.

Criminal coverage of falsification issues

That none of Applicant's SF-86 omissions resulted in formal charges and adjudication against Applicant does not mean that the falsification issues may not be raised and considered anew in a clearance proceeding such as the present. Our Appeal Board has repeatedly stated that the government can prove applicant engagement in criminal conduct, even in the absence of a criminal conviction. *Cf.* ISCR Case No. 94-1213 (June 7, 1996). Accordingly, two of the disqualifying conditions of the Adjudication Guidelines for criminal conduct may be invoked: E2.A10.1.2.1 (criminal conduct regardless of whether the person was formally charged) and E2.A10.1.2.2 (a single serious crime or multiple lesser offenses).

Unlike Guideline E-covered omissions, Guideline J is designed to afford more recognition to an applicant's overall judgment and reliability history. Still, an applicant must meet the requirements of at least some of the mitigation

conditions if he is to successfully mitigate its related falsification parameters under 18 U.S.C. Section 1001.

Applicant's belated coming forward with his full disclosure of his arrests and illegal drug history in his two follow-up DSS interviews represented a positive shift in his attitude about withholding drug involvement information that he had long felt could imperil his job if disclosed. His meritorious work record merits consideration, too, in weighing the extent of his exhibited rehabilitation. Given his considerable history of withholding his arrests and drug activity in his clearance application and one drug-related arrest until a second DSS interview, however, his disclosures, while commendable, are not enough to meet the mitigation requirement of evidenced clear rehabilitation to entitle him to take advantage of E2.A101.3.6 (clear evidence of successful rehabilitation) of the Adjudication Guidelines at this time. More time is needed before Applicant is in a position to make the case his rehabilitation efforts are sufficient to mitigate the criminally-related features of his drug use omissions. Based on a full review of the evidence and drawn inferences from the developed record, unfavorable conclusions warrant with respect to sub-para. 3.a of Guideline J as well.

In reaching my decision, I have considered the evidence as a whole, including each of the E 2.2 factors enumerated in the Adjudicative Guidelines of the Directive.

FORMAL FINDINGS

In reviewing the allegations of the SOR and ensuing conclusions reached in the context of the FINDINGS OF FACT, CONCLUSIONS, CONDITIONS, and the factors listed above, this Administrative Judge makes the following FORMAL FINDINGS:

GUIDELINE E (PERSONAL CONDUCT): AGAINST APPLICANT

Sub-para. 1.a: FOR APPLICANT

Sub-para. 1.b: FOR APPLICANT

Sub-para. 1.c: FOR APPLICANT

Sub-para. 1.d: FOR APPLICANT

Sub-para. 1.e: FOR APPLICANT

Sub-para. 1.f: FOR APPLICANT

Sub-para. 1.g: AGAINST APPLICANT

Sub-para. 1.h: AGAINST APPLICANT

Sub-para. 1.i: AGAINST APPLICANT

Sub-para. 1.j: AGAINST APPLICANT

GUIDELINE H (DRUGS): AGAINST APPLICANT

Sub-para. 2.a: AGAINST APPLICANT

Sub-para. 2.b: AGAINST APPLICANT

Sub-para. 2.c: AGAINST APPLICANT

Sub-para. 2.d: AGAINST APPLICANT

Sub-para. 2.e: AGAINST APPLICANT

Sub-para. 2.f: AGAINST APPLICANT

Sub-Para. 2.g: AGAINST APPLICANT

GUIDELINE F (FINANCIAL): AGAINST APPLICANT

Sub-para. 1.a: AGAINST APPLICANT

Sub-para. 1.b: AGAINST APPLICANT

Sub-para. 1.c: AGAINST APPLICANT

Sub-para. 1.d: AGAINST APPLICANT

Sub-para. 1.e: AGAINST APPLICANT

Sub-para. 1.f: AGAINST APPLICANT

GUIDELINE J (CRIMINAL CONDUCT): AGAINST APPLICANT

Sub-para. 3.a: AGAINST APPLICANT

DECISION

In light of all the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant or continue Applicant's security clearance. Clearance is granted.

Roger C. Wesley

Administrative Judge