

KEYWORD: Criminal Conduct; Personal Conduct; Financial

DIGEST: Applicant has a long criminal history including assault and battery, drug offenses, a firearms offense, forgery, and willful failure to file federal income tax returns. He deliberately omitted relevant and material information from his security clearance application (SF 86) and made false statements to a security investigator. He has numerous unresolved delinquent debts. Security concerns based on criminal conduct, personal conduct, and financial considerations are not mitigated. Clearance is denied.

CASENO: 04-07263.h1

DATE: 01/30/2006

DATE: January 30, 2006

In re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 04-07263

DECISION OF ADMINISTRATIVE JUDGE

LEROY F. FOREMAN

APPEARANCES

FOR GOVERNMENT

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant has a long criminal history including assault and battery, drug offenses, a firearms offense, forgery, and willful failure to file federal income tax returns. He deliberately omitted relevant and material information from his security clearance application (SF 86) and made false statements to a security investigator. He has numerous unresolved delinquent debts. Security concerns based on criminal conduct, personal conduct, and financial considerations are not mitigated. Clearance is denied.

STATEMENT OF THE CASE

On June 24, 2005, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the basis for its decision to not grant a security clearance to Applicant. This action was taken 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 (Directive). The SOR alleges security concerns under Guidelines J (Criminal Conduct), E (Personal Conduct), and F (Financial Considerations). Applicant answered the SOR in writing on September 2, 2005 and elected to have the case decided on the written record in lieu of a hearing. Applicant admitted some of the allegations in the SOR and denied others. Department Counsel submitted the Government's written case on September 21, 2005. A complete copy of the file of relevant material (FORM) was provided to Applicant, and he was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the disqualifying conditions. Applicant received the FORM on November 11, 2005, and submitted additional evidence in response. The case was assigned to me on December 19, 2005.

FINDINGS OF FACT

Based on the entire record, including Applicant's admissions in his answer to the SOR, I make the following findings of fact:

Applicant is a 38-year-old employee of a defense contractor. He was married in April 1988 and divorced in February 1991. He remarried in June 2001. He has one stepchild and three children. He has never held a security clearance.

Applicant was arrested for battery and assault on or about September 1, 1993. He pleaded nolo contendere to battery and was placed on probation for 24 months and ordered to perform 15 days of community service. Bench warrants were issued in June 1994, August 1994, September 1994, August 1996, and September 1996 for his failure to appear in court and provide proof of completion of community service. In June 1998, he was charged with violating his probation and ordered to spend five days in jail. ⁽¹⁾

Applicant was arrested on or about September 15, 1993 for selling or furnishing marijuana, a felony. Bench warrants were issued in January and February 1994 because of his failure to appear in court. His trial in June 1994 ended in a mistrial because the jury deadlocked. On July 11, 1994, the information was amended to add one count of possession of marijuana. Applicant pleaded nolo contendere to the additional count, was fined \$100, and the charge of selling or furnishing marijuana was dismissed. ⁽²⁾ In April 2000, on petition of Applicant, his conviction was set aside and the complaint dismissed. The court order recites, "the defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency." ⁽³⁾ He failed to disclose this conviction on his SF 86 and during an interview with a security investigator on arch 11, 2004.

Applicant was arrested for forgery on August 19, 1991; arrested for forgery and a firearms offense on December 9, 1993; and arrested for battery on June 12, 1998. ⁽⁴⁾ He tested positive for marijuana on October 20, 2000, during a medical examination for a work-related injury, and he was terminated on the following day for drug use. The written notice of termination given to Applicant specifically cites the positive drug test. ⁽⁵⁾

Applicant told a security investigator he experimented with marijuana in 1994, trying it four or five times, and did not use it again until his one-time use in October 2000. He told the investigator he has not used marijuana or other illegal drugs since that time. ⁽⁶⁾

Applicant has not filed federal income tax returns for tax years 1997, 1998, and 2001. He filed returns for 1999, 2000, and 2002 on August 18, 2005, after he received the SOR. His belated returns for these three tax years indicate he was entitled to refunds of \$162, \$118, and \$55, respectively.⁽⁷⁾ He claimed he did not work in 1997 and 2001 and did not think he was required to file a return in those years.⁽⁸⁾ His SF 86 reflects he worked as a security guard until February 1997, was unemployed from March 1997 until February 1999, employed from February 1999 to November 2000, and then unemployed until December 2002.⁽⁹⁾ Applicant told a security investigator he drew workmen's compensation from October 2000 to November 2002, receiving \$426 every two weeks and a net final settlement of \$23,500.⁽¹⁰⁾

When Applicant submitted his SF 86 in December 2002, he answered "no" to question 21, asking if he had ever been charged with or convicted of a felony; question 22, asking if he had ever been charged with or convicted of a firearms or explosives offense; question 24, asking if he had ever been charged or convicted of any offenses related to alcohol or drugs, and question 27, asking about illegal use of any controlled substance during the last seven years.⁽¹¹⁾ In his answer to the SOR, he denied intentional falsification, stating he thought "accused" and "charged or convicted" were different terms, and he noted he was convicted only of a misdemeanor drug offense, not a felony.⁽¹²⁾

During an interview with a security investigator on March 11, 2004, he admitted receiving a citation for having an expired vehicle registration and no proof of insurance, but he did not disclose he failed to pay the fine. He stated, "I do not have any other adverse incidents with any law enforcement agencies." He did not disclose the incidents in August 1991, September 1993, December 1993, and June 1998, nor did he disclose that he was fired for using marijuana. Instead, he told the investigator he was laid off from work because "work was slow."⁽¹³⁾ In his answer to the SOR, he denied knowing his drug test was positive.⁽¹⁴⁾

The SOR ¶ 3.b. alleges a delinquent debt of \$870 for cable television service. Applicant submitted an invoice from the cable company dated June 15, 2005, showing a previous balance of \$259.46, a payment of \$120.00, monthly charges of \$117.72, and a balance due of \$224.74. The invoice reflects no late fees.⁽¹⁵⁾

Applicant disputed the telephone bill of more than \$14,000 alleged in SOR ¶ 3.c. He also disputed a debt of more than \$10,000 allegedly owed "to an unknown person or entity," alleged in SOR ¶ 3.i.

In his answer to the SOR, Applicant admitted the delinquent debts alleged in SOR ¶¶ 3.d., 3.e., 3.f., 3.g., and 3.h. He told a security investigator his son accidentally drowned in 1995, and his focus was not on his financial obligations after that traumatic event.⁽¹⁶⁾ His financial statement dated March 11, 2004, reflected net family income of \$4,776 per month, expenses of \$3,478, and debt payments of \$509, including monthly payments of \$100 on the \$2,549 judgment for unpaid rent alleged in ¶ 3.f. His net monthly remainder at that time was about \$789.⁽¹⁷⁾ Around April 2005, his weekly pay was garnished in the amount of \$103.92 to pay the child support arrearage of about \$38,000 alleged in ¶ 3.g., and approximately one-fourth of his state disability payments were applied to the arrearage.⁽¹⁸⁾ There is no evidence the debts alleged in ¶¶ 3.a., 3.d., 3.e., and 3.h., totaling about \$10,947, are being resolved.

Applicant submitted numerous letters of support from his wife, sister, uncle, friends, and coworkers when he responded to the FORM. They are incorporated in the record as Applicant's Exhibits (AX) A through L. His uncle, a career law enforcement officer, regards him as loyal and dedicated.⁽¹⁹⁾ His wife of more than four years considers him loving and trustworthy and believes he has learned from his past mistakes.⁽²⁰⁾ His sister considers him hard-working and dependable.⁽²¹⁾ A co-worker who has worked with him for three years and known him for fourteen years says he is reliable, hard-working, dependable. This co-worker declared, "The person of the past is not the person of the present."⁽²²⁾ Another co-worker has seen a "major change" in Applicant since he began working for his current employer.⁽²³⁾ Other friends and co-workers describe him as mature, dependable, enthusiastic, self-motivated, a person of great integrity, a team player, and one who follows the rules.⁽²⁴⁾

POLICIES

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). 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 occupy a position . . . that will give that person access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified. Eligibility for a security clearance is predicated upon the applicant meeting the security guidelines contained in the Directive. 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.

The Directive sets forth adjudicative guidelines for determining eligibility for access to classified information, and it lists the disqualifying conditions (DC) and mitigating conditions (MC) for each guideline. Each clearance decision must be a fair, impartial, and commonsense decision based on the relevant and material facts and circumstances, the whole person concept, and the factors listed in the Directive ¶¶ 6.3.1 through 6.3.6.

In evaluating an applicant's conduct, an administrative judge should consider: (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 applicant'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. Directive ¶¶ E2.2.1.1 through E2.2.1.9.

The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of the applicant. *See* Exec. Or. 10865 § 7. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the government must establish, by substantial evidence, conditions in the personal or professional history of the applicant which disqualify, or may disqualify, the applicant from being eligible for access to classified information. *See Egan*, 484 U.S. at 531. "[T]he Directive presumes there is a nexus or rational connection between proven conduct under any of the Criteria listed therein and an applicant's security suitability." ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996) (quoting DISCR Case No. 92-1106 (App. Bd. Oct. 7, 1993)).

Once the government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002); *see* 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). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; *see* Directive ¶ E2.2.2.

CONCLUSIONS

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. Under this guideline, a disqualifying condition may arise from "[a]llegations or admission of criminal conduct, regardless of whether the person was formally charged" (DC 1) or evidence of a single serious crime or multiple lesser offenses (DC 2).

Applicant's assertion he did not think he was required to file a return in 1997 is belied by the evidence showing he was employed for the first two months of that tax year. On the other hand, the record supports his assertion that he was unemployed during all of tax year 2001. Accordingly, I resolve the allegation in SOR ¶ 1.e., pertaining to tax year 2001, in his favor. However, I also conclude DC 1 and DC 2 are established by the evidence of Applicant's repeated violations of 26 U.S.C. § 7503 by willful failures to timely file his federal tax returns for 1997, 1998, 1999, 2000, and 2002; use of marijuana; and record of arrests and convictions.

A mitigating condition may be established by showing the criminal behavior was "not recent" (MC 1), "an isolated incident" (MC 2), or "clear evidence of successful rehabilitation" (MC 6). Directive ¶¶ E2.A10.1.3.1., E2.A10.1.3.2., E2.A10.1.3.6. Applicant has a history of criminal activity beginning in September 1993. He finally filed his tax returns for 1999, 2000, and 2002 in August 2005, after he received the SOR. He still has not filed returns for 1997 and 1998. I conclude MC 1 and MC 2 are not established.

Criminal conduct can be mitigated (MC 6) by "clear evidence of successful rehabilitation." Directive ¶ E2.A10.1.3.6. Whether criminal conduct is "recent" is related to the question of rehabilitation. The issues under both MC 1 and MC 6 are whether there has been a significant period of time without any evidence of misconduct, and whether the evidence shows changed circumstances or conduct. The Directive is silent on what constitutes a sufficient period of reform and rehabilitation. The sufficiency or insufficiency of an applicant's period of conduct without recurrence of past misconduct does not turn on any bright-line rules concerning the length of time needed to demonstrate reform and rehabilitation, but rather on a reasoned analysis of the facts and circumstances of an applicant's case based on a careful evaluation of the totality of the record. If the record evidence shows that a significant period of time has passed without evidence of misconduct by an applicant, then the administrative judge must articulate a rational basis for concluding why that significant period of time does not demonstrate changed circumstances or conduct sufficient to warrant a finding of reform or rehabilitation. ISCR Case No. 02-24452 at 6 (App. Bd. Aug. 4, 2004).

The testimonials from Applicant's friends, relatives, and coworkers suggest he may have finally left his past behind him and begun a law-abiding lifestyle. However, because he did not begin to change his behavior regarding his tax obligations until August 2005, and still has not filed his tax returns for 1997 and 1998, I conclude insufficient time has elapsed to demonstrate changed conduct. Accordingly, I conclude MC 6 is not established.

After weighing the disqualifying and mitigating conditions and evaluating the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concern based on criminal conduct.

Guideline E: Personal Conduct

Under this guideline, 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. Directive ¶ E2.A5.1.1. Applicant's admitted use of marijuana shows questionable judgment and unwillingness to comply with rules and regulations. A disqualifying condition (DC 1) may be established by reliable, unfavorable information from an employer. Directive ¶ E2.A5.1.2.1. The evidence obtained from Applicant's former employer, showing his termination for use of drugs, establishes DC 1.

"Personal conduct or concealment of information that increases an individual's vulnerability to coercion, exploitation, or duress" is a disqualifying condition (DC 4). Directive ¶ E2.A5.1.2.4. Applicant's use of marijuana made him vulnerable

to threats to expose his conduct to his employer. I conclude DC 4 is established.

A "pattern of dishonesty or rule violations" is a disqualifying condition (DC 5). Directive ¶ E2.A5.1.2.5. The record, based on Applicant's admissions to a security investigator, shows he experimented with marijuana in 1994, used it once in October 2000, and has not used it since. While he does not have a "pattern" of drug abuse, his admitted use of marijuana, considered along with his multiple criminal offenses, disregard of the federal income tax laws, intentional omissions of relevant and material information on his SF 86, and false statements to a security investigator establish a pattern of rule violations sufficient to establish DC 5.

SOR ¶¶ 2.a. and 2.b. both pertain to Applicant's use of marijuana in October 2000. SOR ¶ 2.a. recites the evidence of marijuana use and ¶ 2.b. recites the consequences of his marijuana use, i.e., termination of employment, but the underlying relevant conduct in both paragraphs is the same act of using marijuana. When the same conduct is alleged twice in the SOR under the same security concern, one of the duplicative allegations should be resolved in Applicant's favor. *See* ISCR Case No. 03-04704 at 3 (App. Bd. Sep. 21, 2005). Accordingly, I resolve SOR ¶ 2.a. in Applicant's favor.

The remaining allegations under this guideline deal with falsifications of relevant and material facts during the security investigation. Two disqualifying conditions (DC) are relevant to his falsifications. DC 2 applies where there has been a deliberate omission or falsification of relevant and material facts from any personal security questionnaire. Directive ¶E2.A5.1.2.2.. DC 3 applies when an applicant deliberately provides false or misleading information concerning relevant and material matters to an investigator or security official in connection with a personnel security or trustworthiness determination. Directive ¶E2.A5.11.2.3.

Applicant denied intentionally falsifying his SF 86 or omitting false information during his security interviews. He attributed his false negative answers to questions 21, 22, and 24, pertaining to charges or convictions of various offenses, to misunderstanding the questions. He attributed his negative answer to question 27, pertaining to drug use, to ignorance of the reason he was fired.

When a falsification allegation is controverted, the government has the burden of proving it. Proof of an omission, standing alone, does not prove an applicant's state of mind when the omission occurred. An administrative judge must consider the record evidence as a whole to determine whether there is direct or circumstantial evidence concerning an applicant's state of mind at the time the omission occurred. *See* ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004) (explaining holding in ISCR Case No. 02-23133 at 5 (App. Bd. Jun. 9, 2004)).

I find Applicant's explanations for his answers on the SF 86 implausible and unconvincing. Applicant had considerable experience with being arrested, charged, and tried. Blaming his false answers on not understanding the difference between being "accused" and "charged or convicted" was disingenuous at best.

When he was questioned by a security investigator on March 11, 2004, he disclosed a traffic offense, claimed to have paid the fine, and then stated, "I do not have any other adverse incidents with any law enforcement agencies." On March 31, 2004, having been confronted with the evidence, he admitted his criminal record, and he admitted he did not pay the fine for the traffic offense. He tried to explain his false claim of having paid the fine by asserting he meant to say he asked for and received an extension of time to pay the fine. With respect to his being fired for using marijuana, he persisted in claiming ignorance of the reason for being fired, in spite of the written notice of termination sent to him specifically stating it was based on a positive drug test. The record shows a pattern of deception and intentional omission of information. I conclude DC 2 and DC 3 are established by the evidence of Applicant's false answers on his SF 86 and his false statements to the security investigator.

A security concern based on deliberate falsification can be mitigated by showing it was "an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily" (MC 2); or by showing the applicant "made prompt, good-faith efforts to correct the falsification before being confronted with the facts" (MC 3). Directive ¶¶ E2.A5.1.3.2., E2.A5.1.3.3. Neither condition is established because Applicant's falsifications were not isolated, were recent, and he made no effort to correct them until confronted with the facts.

After weighing the disqualifying and mitigating conditions under this guideline and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concern based on personal conduct.

Guideline F: Financial Considerations

Under this guideline, "[a]n individual who is financially overextended is at risk of having to engage in illegal acts to generate funds." Directive ¶ E2.A6.1.1. A person who fails or refuses to pay long-standing debts or is financially irresponsible may also be irresponsible or careless in his or her duty to protect classified information.

Applicant presented an invoice showing the current status of his cable service account, alleged in SOR ¶ 3.b. to be delinquent. While this invoice shows an outstanding debt for cable service, there is nothing in the record showing the debt was delinquent or past due in an amount or duration sufficient to have security significance. I resolve ¶ 3.b. in his favor.

Applicant disputed the \$14,000 telephone bill alleged in SOR ¶ 3.c. On its face, the amount of this bill raises suspicion of its accuracy. There is no evidence in the record other than the credit report entry. I resolve ¶ 3.c. in his favor.

Applicant denied owing the debt of more than \$10,000, alleged in SOR ¶ 3.i. to be owed "to an unknown person or

entity." The record contains no documentation of this debt. I resolve ¶ 3.i. in Applicant's favor.

Three disqualifying conditions (DC) under this guideline could raise a security concern and may be disqualifying in this case. DC 1 applies where an applicant has a history of not meeting his or her financial obligations. Directive ¶ E2.A6.1.2.1. DC 2 applies when there are "illegal financial practices such as . . . income tax evasion." Directive ¶ E2.A6.1.2.2. DC 3 applies where an applicant has exhibited inability or unwillingness to satisfy debts. Directive ¶ E2.A6.1.2.3.

Applicant's admission of the delinquent debts alleged in ¶¶ 3.a., 3.d., 3.e., and 3.h. establishes DC 1 and DC 3. Although Applicant failed to file federal tax returns for several years, I conclude DC 2 is not established, because the evidence shows negligence rather than intentional evasion. His failure to file appears to have worked to his financial detriment, because his belated returns for tax years 1999, 2000, and 2002 indicate he was entitled to refunds.

A security concern based on financial problems can be mitigated by showing the delinquent debts were not recent (MC 1) or were an isolated incident (MC 2). Directive ¶ E2.A6.1.3.1., E2.A6.1.3.2. Applicant has multiple delinquent debts that are not yet fully resolved, and he still has not filed all his federal income tax returns. I conclude MC 1 and MC 2 are not established.

Security concerns arising from financial problems can be mitigated by showing they are the result of conditions beyond the person's control (MC 3). Directive ¶ E2.A6.1.3.3. The death of Applicant's son in 1995 was tragic and undoubtedly distracted him from attending to his financial affairs, but there is no evidence it adversely affected his financial situation. His on-the-job injury and significant periods of unemployment were conditions beyond his control, but they do not excuse or mitigate his failure to file required income tax returns and take reasonable steps to resolve his financial difficulties after returning to work. *See* ISCR Case No. 02-02116 at 4 (App. Bd. Sep. 25, 2003) ("Even if Applicant's financial difficulties initially arose due to circumstances outside his control, the Judge reasonably could consider whether Applicant acted in a reasonable manner when dealing with his financial difficulties."). I conclude MC 3 is not established.

A security concern arising from financial problems can be mitigated by showing a good-faith effort to resolve debts (MC 6). Directive ¶ E2.A6.1.3.6. 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." ISCR Case No. 99-0201, 1999 WL 1442346 at *4 (App. Bd. Oct. 12, 1999). Evidence of past irresponsibility is not mitigated by payment of debts only under pressure of qualifying for a security clearance.

The record reflects Applicant has been making regular payments on the judgment alleged in SOR ¶ 3.f. for some time before March 2004. I conclude MC 6 is established for this debt, and I resolve SOR ¶ 3.f. in his favor.

Applicant was paying the child support arrearage alleged in SOR ¶ 3.g. by garnishment of his pay and disability benefits on or before April 2005, before the SOR was issued. However, these steps appear to have been involuntarily imposed. Applicant has produced no evidence he voluntarily initiated these deductions from his pay and benefits. Thus, I conclude MC 6 is not established for this debt.

Applicant took no steps to resolve his failures to file federal tax returns until after he received the SOR, and he has not yet filed his 1997 and 1998 returns. He has not sought financial counseling or taken any other positive steps to resolve his remaining delinquent debts. After weighing the disqualifying and mitigating conditions and evaluating the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concern based on financial considerations.

FORMAL FINDINGS

The following are my findings as to each allegation in the SOR:

Paragraph 1. Guideline J (Criminal Conduct): 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.: For Applicant

Subparagraph 1.f.: Against Applicant

Subparagraph 1.g.: Against Applicant

Subparagraph 1.h.: Against Applicant

Subparagraph 1.i.: Against Applicant

Subparagraph 1.j.: Against Applicant

Subparagraph 1.k.: Against Applicant

Paragraph 2. Guideline E (Personal Conduct): AGAINST APPLICANT

Subparagraph 2.a.: For Applicant

Subparagraph 2.b.: Against Applicant

Subparagraph 2.c.: Against Applicant

Subparagraph 2.d.: Against Applicant

Subparagraph 2.e.: Against Applicant

Subparagraph 2.f.: Against Applicant

Subparagraph 2.g.: Against Applicant

Subparagraph 2.h.: Against Applicant

Paragraph 3. Guideline F (Financial): AGAINST APPLICANT

Subparagraph 3.a.: Against Applicant

Subparagraph 3.b.: For Applicant

Subparagraph 3.c.: For Applicant

Subparagraph 3.d.: Against Applicant

Subparagraph 3.e.: Against Applicant

Subparagraph 3.f.: For Applicant

Subparagraph 3.g.: Against Applicant

Subparagraph 3.h.: Against Applicant

Subparagraph 3.i.: For 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 Applicant a security clearance. Clearance is denied.

LeRoy F. Foreman
Administrative Judge

1. FORM Exhibit 15.
2. FORM Exhibit 17.
3. FORM Exhibit 3 at 11.
4. FORM Exhibit 11 at 2.
5. FORM Exhibit 14.
6. FORM Exhibit 13 at 4.
7. FORM Exhibit 3 at 2, 8-10.
8. *Id.* at 2, 5.
9. FORM Exhibit 4 at 2.
10. FORM Exhibit 12 at 2; Exhibit 13 at 2.
11. FORM Exhibit 4 at 7.
12. FORM Exhibit 3 at 2-3.
13. FORM Exhibit 12 at 1-2.
14. FORM Exhibit 3 at 3.

15. FORM Exhibit 3 at 12.

16. FORM Exhibit 12 at 2; Exhibit 13 at 2.

17. FORM Exhibit 3 at 5.

18. *Id.* at 16, 17.

19. AX A.

20. AX F.

21. AX K.

22. AX B.

23. AX D.

24. AX C, E, G, H, I, J, L.