

DATE: July 24, 2006

In re:

SSN: -----

Applicant for Security Clearance

CR Case No. 04-09101

DECISION OF ADMINISTRATIVE JUDGE

LEROY F. FOREMAN

APPEARANCES

FOR GOVERNMENT

John Bayard Glendon, Esq., Department Counsel

James Norman, Esq., Department Counsel

FOR APPLICANT

Fern Ward, Esq.

SYNOPSIS

Applicant briefly experimented with marijuana shortly after graduating from high school and took one puff of a marijuana cigarette at a party celebrating his completion of ten years of Army service. While in the Army, he incurred four delinquent debts totaling about \$17,342. He failed to disclose the debts on his security clearance application. Security concerns based on drug involvement are mitigated, but concerns based on financial considerations and personal conduct are not mitigated. Clearance is denied.

STATEMENT OF THE CASE

On October 14, 2005, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny Applicant a security clearance. The SOR alleges security concerns under Guidelines F (Financial Considerations), E (Personal Conduct), and H (Drug Involvement).

Applicant answered the SOR in writing on December 12, 2005. Under Guideline F he admitted the delinquent debts alleged in SOR ¶¶ 1.a and 1.b, and denied the allegations in ¶¶ 1.c, 1.d, and 1.e. Under Guideline E, he denied the three allegations of falsifying his security clearance application (SF 86) (SOR ¶¶ 2.a, 2.b, and 2.c). Under Guideline H, he admitted the allegations of marijuana use (SOR ¶¶ 3.a and 3.b). He requested a hearing, and the case was assigned to me on February 17, 2006. On February 22, 2006, DOHA issued a notice of hearing setting the case for April 11, 2006. On April 4, 2006, Applicant's counsel entered her appearance and requested a continuance. The continuance was granted and the case was heard on May 4, 2006 as scheduled. At the hearing, Department Counsel moved to amend SOR ¶¶ 2.b and 2.c by adding one additional debt that Applicant did not disclose on his SF 86. Applicant did not object to the amendment, and I granted the motion. ⁽¹⁾ DOHA received the transcript (Tr.) on May 11, 2006.

FINDINGS OF FACT

Applicant's admissions in his answer to the SOR and at the hearing are incorporated into my findings of fact. I make the following findings:

Applicant is a 32-year-old systems engineer. He served in the U.S. Army from October 1992 until October 2002, and he was honorably discharged as a staff sergeant (E-6). He received a security clearance in October 1996, while he was on active duty. In his final Army assignment, he was a member of an elite unit and received an excellent evaluation report. (2) He received numerous awards and decorations during his military service. (3)

Applicant began working for a defense contractor almost immediately after leaving the Army. He was laid off in February 2005 when his employer's defense contract was cut back. He worked as an independent consultant from March until June 2005. He was hired by another defense contractor in June 2005 but laid off again in September 2005 when his employer was bought by another company who reduced the workforce. He was unemployed from September 2005 until February 2006, when he was hired by his present employer as a senior security systems engineer. (4)

Applicant's supervisor from January 2003 until February 2004 testified he was "an outstanding employee and he followed the rules." (5) His current supervisor regards him as a good employee who is definitely suitable for a security clearance. (6)

On November 22, 2002, Applicant executed a security clearance application (SF 86). In response to question 24, asking if he had ever been charged with or convicted of any alcohol or drug-related offenses, he disclosed one incident of driving while intoxicated (DWI) and driving on a suspended license on May 23, 2001. In response to question 27, asking if he had illegally used any controlled substance in the last seven years, he disclosed he had used marijuana four times between June 9, 1992, and October 4, 2002. In response to question 28, asking if he had ever illegally used a controlled substance while holding a security clearance, he disclosed one use of marijuana on October 4, 2002. (7) A personnel security specialist who assisted Applicant in preparing his SF 86 testified that after he submitted the form he approached her for advice because he believed he was not in a sensitive position on October 4, 2002, and had answered question 28 incorrectly. (8) October 4, 2002, was his last day of active duty. (9)

On the same SF 86, Applicant answered "no" to three questions about delinquent debts. (10) He answered "no" to question 37, asking if he had any unpaid judgments in the last seven years, and he did not disclose a judgment entered against him on December 1, 1998, for the debt to a travel agency alleged in SOR ¶ 1.b. (11) He answered "no" to question 38, asking if he had been more than 180 days delinquent on any debt in the last seven years, and he did not disclose the debt to a credit union alleged in SOR ¶ 1.a, the debt to the travel agency alleged in SOR ¶ 1.b, the delinquent credit card account alleged in SOR ¶ 1.c, and the delinquent debt to the military exchange system alleged in SOR ¶ 1.d. He answered "no" to question 39, asking if he was currently more than 90 days delinquent on any debt, and did not disclose the same four debts. Applicant denied intentionally omitting financial information from his SF 86. He stated he did not disclose the delinquent debts because he had not seen a copy of his credit report and was unaware of them. (12)

Applicant's credit report dated December 2, 2002, reflected a delinquent account with a credit union in the amount of \$2,606, charged off as a bad debt (SOR ¶ 1.a). (13) In a statement to a security investigator in January 2004, he stated this debt arose when he co-signed a loan for his brother, and he believed the debt had been satisfied. (14) He contacted the credit union in response to DOHA interrogatories and received a letter dated September 14, 2004, confirming the debt had not been paid and no payment arrangement made. (15) Applicant testified he contacted his brother after receiving the letter from the credit union, and his brother represented that he was making payments on the loan. In late 2004, he told his brother he wanted receipts showing payments on the loan, and he contacted the credit union and asked that payment information be sent to him. (16) In December 2005, he learned that his brother still had not made any payments on the loan. (17) On May 2, 2006, two days before the hearing, Applicant executed an installment payment agreement with the credit union, providing for payments of \$250 per month. (18)

Court records reflect that a judgment was entered against Applicant on December 1, 1998, in favor of a travel agency, in

the amount of about \$1,335 (SOR ¶ 1.b).⁽¹⁹⁾ In a statement to a security investigator in January 2004, Applicant stated the debt was for official travel charged to his government credit card, and stated he believed the debt had been satisfied.⁽²⁰⁾ He testified at the hearing he was unaware of the debt until he was questioned by the security investigator.⁽²¹⁾ He testified he thought the government would pay the travel agency directly, and he never received any correspondence from the travel agency about the debt, even though his correct address was listed on the court documents.⁽²²⁾ At some time in 2005, he went to the courthouse, examined the judgment, and obtained the name of the agency's counsel.⁽²³⁾ He contacted the agency's counsel and, on May 2, 2006, he executed a payment agreement with the agency, providing for payments of \$225 per month, beginning on ay 20, 2006.⁽²⁴⁾

Applicant's credit report dated March 30, 2005, reflected a collection account for a credit card debt of about \$10,224 (SOR ¶ 1.c).⁽²⁵⁾ Applicant testified the credit card "totally slipped [his] mind" when he was transferred from one military post to another in 1996.⁽²⁶⁾ At the time of his reassignment, the balance due on the account was about \$5,900,⁽²⁷⁾ and he was making about \$20,000 a year.⁽²⁸⁾ On cross-examination by Department Counsel, he admitted he probably did not notify the credit card company of his change of address, because a friend told him the debt "would just be wiped off" if he did not pay it off within a seven to ten-year period. He testified did not receive any communications from the credit card company after his reassignment, and he assumed the balance due was "wiped off."⁽²⁹⁾ In his January 2004 security interview, he admitted the debt and admitted he had not been making any payments on it.⁽³⁰⁾ In response to DOHA interrogatories on October 6, 2004, he stated he had negotiated a settlement of the account.⁽³¹⁾ On May 11, 2005, he settled the account for \$5,500, about half the amount due.⁽³²⁾

Applicant's credit report dated March 30, 2005, reflected an indebtedness to the military exchange system for \$3,177.⁽³³⁾ He testified he purchased a laptop computer shortly before leaving the Army, and that he made a few small payments on the account after his discharge. Correspondence from the exchange system dated October 6, 2004, indicated a delinquent debt of \$1,476.⁽³⁴⁾ Applicant presented evidence that the debt had been delinquent since October 13, 2002, nine days after his discharge, and that it was settled on May 5, 2005, for \$1,616.59.⁽³⁵⁾

In connection with his security interview in January 2004, Applicant executed a personal financial statement reflecting net monthly income of \$3,472, expenses of \$2,572, no debt payments, and a net remainder of \$900.⁽³⁶⁾ His net monthly income at the time of the hearing was \$5,200, expenses were \$3,795, and debt payments on the debts alleged in SOR ¶¶ 1.a and 1.b were \$475, leaving a remainder of \$830.

Applicant experimented with marijuana about three times in June 1992 shortly after graduating from high school. He did not use marijuana again until October 4, 2002, the day he was discharged from the Army. He attended a party to celebrate completing his military service, was offered marijuana, and took one puff. He told a security investigator he has no intention of using marijuana again and no longer associates with those who use it.⁽³⁷⁾

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 (App. Bd. Dec. 19, 2002).

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.

A person granted access to classified information enters into a special relationship with the government. The government must be able to have a high degree of trust and confidence in persons with access to classified information. However, 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; *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 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. Two 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 3 applies where an applicant has exhibited inability or unwillingness to satisfy debts. Directive ¶ E2.A6.1.2.3. Applicant's admissions and his credit reports establish DC 1. Although he is not financially overextended and has recently demonstrated willingness to satisfy his debts, he is financially unable to pay off the delinquent debts in SOR ¶¶ 1.a and 1.b. in full. Accordingly, I conclude these two unsatisfied debts establish DC 3.

Since the government produced substantial evidence to establish DC 1 and DC 3, the burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. Applicant has the burden of proving a mitigating condition, and the burden of disproving it is never shifted to the government. *See* ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

A security concern based on financial problems can be mitigated by showing the delinquent debts were not recent (MC 1) or 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. 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. Even if Applicant's financial difficulties initially arose due to circumstances outside his control, it is appropriate to consider whether he acted in a reasonable manner when dealing with his financial difficulties. ISCR Case No. 02-02116 at 4 (App. Bd. Sep. 25, 2003). Although Applicant had periods

of unemployment after being discharged from the Army, the debts alleged in the SOR became delinquent while he was gainfully employed. However, his brother's failure to pay the debt in SOR ¶ 1.a after repeated promises to do so was a circumstance outside Applicant's control. When it became apparent his brother would not pay the debt as promised, Applicant negotiated a repayment plan. I conclude MC 3 is established for the debt alleged in SOR ¶ 1.a, but not for the remaining debts.

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. Applicant negotiated payment plans for the debts in SOR ¶¶ 1.a and 1.b within a reasonable time after learning they were delinquent. I conclude MC 6 is established for those two debts.

The debts in SOR ¶¶ 1.c and 1.d, however, are another matter. Applicant walked away from the debt in SOR ¶ 1.c when he was reassigned, hoping it would be "wiped off" after seven to ten years. He settled this debt only after he learned it might prevent him from obtaining a security clearance. Similarly, he incurred the debt in SOR ¶ 1.d by purchasing a laptop computer shortly before his discharge from the Army, making either no payments or a few minimal payments, and then doing nothing until he learned the debt was a security concern. Both debts were incurred at a time he was financially able to make timely payments. I conclude MC 6 is not established for these two debts.

Several considerations are relevant under the "whole person concept" and the general adjudicative guidelines. Applicant amassed considerable delinquent debt in the six years preceding his discharge from the Army. Two debts were incurred unknowingly, but two were the result of deliberate avoidance of financial responsibility. Directive ¶¶ E2.2.1.1 (nature, extent and seriousness of conduct), E2.2.1.2 (circumstances surrounding the conduct). The debt to the military exchange system was incurred when he was an experienced noncommissioned officer who had been selected for service in an elite unit and had served in positions of responsibility. Directive ¶ E2.2.1.4 (age and maturity). By resolving his debts, he has significantly reduced "[t]he potential for pressure, coercion, exploitation, or duress." Directive ¶ E2.2.1.8. Although Applicant has negotiated payment plans for the two unresolved debts, he has not yet established a track record of timely payments. It is too soon to determine whether he will revert to his former pattern of financial avoidance. Directive ¶ E2.2.1.9 (likelihood of recurrence). "Only with the passage of time will there be a track record that shows whether a person, through actions and conduct, is willing and able to adhere to a stated intention to refrain from acting in a way that the person has acted in the past." ISCR Case No. 97-0727, 1998 DOHA LEXIS 302 at *7 (App. Bd. Aug. 3, 1998).

Applicant's financial statement executed in January 2004 reflected a monthly net remainder of \$900, but he took no action to resolve the debts in SOR ¶¶ 1.c and 1.d until it was apparent that they could preclude him from obtaining a clearance. Accordingly, I resolve SOR 1.e against him.

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 concerns based on financial considerations.

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. A disqualifying condition (DC 2) under this guideline also may be established by "deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities." Directive ¶ E2.A5.1.2.2.

Applicant has denied all three allegations of falsification. When a falsification allegation is controverted, the government has the burden of proving it. Proof of an omission, standing alone, does not establish or 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).

I conclude Applicant has refuted the allegation of falsification with respect to question 37 on his SF 86, pertaining to unpaid judgments. He had not reviewed his credit report. He was unaware the debt to the travel agency had not been paid by the Army and unaware a judgment had been entered against him. His explanation was plausible and his testimony regarding this debt was credible. I resolve the allegation in SOR ¶ 2.a in his favor.

I conclude, however, that DC 2 is established for his answers to questions 38 and 39, pertaining to delinquent debts. He was unaware of the delinquent debts alleged in SOR ¶¶ 1.a and 1.b. The debt alleged in SOR ¶¶ 1.d was too recent to have been delinquent for 90 days when he executed his SF 86. However, he was aware of the credit card debt in SOR ¶ 1.c, but he intentionally failed to disclose it. His initial explanation that the debt "slipped his mind" when he was transferred is implausible and unpersuasive. While he may have believed the debt would be "wiped off" in seven to ten years, less than seven years had passed when he executed his SF 86. By his own admission, he had never looked at his credit report. He articulated no plausible reason for believing the debt was "wiped out" when he executed his SF 86. The amount of debt, \$5,900, was significant for a soldier on a limited income and was not likely to be forgotten.

Since the government produced substantial evidence to establish DC 2, the burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. Two mitigating conditions (MC) are relevant to Applicant's falsifications. MC 2 applies when the falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily. Directive ¶ E2.A5.1.3.2. MC 3 applies when the individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts. Directive ¶ E2.A5.1.3.3. Neither condition is established. The falsification was recent, in connection with Applicant's current security clearance application, and he made no effort to correct it until he was questioned by a security investigator in January 2004.

After considering the disqualifying condition under this guideline and the absence of mitigating conditions, and after evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concern based on personal conduct. Accordingly, I resolve SOR ¶¶ 2.b and 2.c against him.

Guideline H (Drug Involvement)

Under this guideline, improper or illegal involvement with drugs raises questions regarding an applicant'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. Any illegal use of a controlled substance can raise a security concern and may be a disqualifying condition (DC 1). Directive ¶ E2.A8.2.1. Illegal drug possession also is a disqualifying condition (DC 2). Directive ¶ E2.A8.2.2.

Applicant's admitted drug experimentation shortly after graduating from high school and his one-time use on his last day of active duty in the Army establish DC 1. On each occasion, he possessed the marijuana at the same time he used it, thereby also establishing DC 2.

Security concerns based on possession and use of marijuana can be mitigated by showing that it was not recent (MC 1). Directive ¶ E2.A8.1.3.1. There are no "bright line" rules for determining when conduct is "recent." The determination must be based on a careful evaluation of the totality of the evidence. ISCR Case No. 02-24452 at 6 (App. Bd. Aug. 4, 2004). If the evidence shows "a significant period of time has passed without any evidence of misconduct," then an administrative judge must determine whether that period of time demonstrates "changed circumstances or conduct sufficient to warrant a finding of reform or rehabilitation." *Id.*

Applicant's drug experimentation shortly after graduating from high school was followed by ten years of drug-free military service. I conclude this drug possession and use was "not recent." His one-time use at a party on his last day of active duty was more recent, but still more than three years ago. He is not and has never been a habitual marijuana user. He no longer associates with the persons with whom he momentarily smoked marijuana. I conclude this episode of marijuana possession and use also was "not recent." Accordingly, I conclude MC 1 is established.

Drug involvement also may be mitigated (MC 2) by showing it "was an isolated or aberrational event." Directive ¶ E2.A8.1.3.2. Applicant's momentary possession and use of marijuana on his last day of Army service followed ten years

of drug-free military service. He has not illegally used any controlled substance since that incident. He has gained a reputation as a responsible, law-abiding citizen since the incident. I conclude MC 2 is established for the incident on his last day of active duty.

Applicant's marijuana use on his last day of active duty occurred while he still held a clearance. I have considered that his marijuana use on that occasion was a criminal offense and a serious breach of trust. Directive ¶ E2.2.1.1 (nature, extent, and seriousness of the conduct), ¶ E2.2.1.2 (circumstances surrounding the conduct). It occurred when he was a mature adult and an experienced noncommissioned officer in the Army. Directive ¶ E2.2.1.4 (age and maturity). On the other hand, it was an isolated and aberrational event, as noted above. It occurred after all his military duties had ceased, he was on terminal leave, and he was within hours of the formal termination of his military status and the concomitant administrative termination of his clearance.

After weighing the disqualifying and mitigating conditions and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concern based on drug involvement. Accordingly, I resolve SOR ¶¶ 3.a and 3.b in his favor.

FORMAL FINDINGS

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

Paragraph 1. Guideline F (Financial): 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

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

Subparagraph 2.a: For Applicant

Subparagraph 2.b: Against Applicant

Subparagraph 2.c: Against Applicant

Paragraph 3. Guideline H (Drug Involvement): FOR APPLICANT

Subparagraph 3.a: For Applicant

Subparagraph 3.b: 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. Tr. 13-14.

2. Applicant's Exhibit (AX) H.

3. AX I.

4. AX E.

5. Tr. 40.

6. Tr. 44.

7. Government Exhibit 1 at 7-8.

8. Tr. 32-34.

9. GX 4 at 15.

10. *Id.* at 9.

11. GX 10.

12. Answer to SOR at 2.

13. GX 9 at 7

14. GX 2 at 2.

15. GX 11.

16. Tr. 70.

17. Tr. 53-54, 73.

18. AX A; AX G.

19. GX 10.

20. GX 2 at 2.

21. Tr. 55.

22. Tr. 77-78.

23. Tr. 81-82.

24. AX B; Tr. 85.

25. GX 6 at 2.

26. Tr. 58.

27. Tr. 87.

28. Tr. 58.

29. Tr. 87-89.

30. GX 2 at 1.

31. GX4 at 2.

32. Tr. 89; AX C.

33. GX 6 at 2.

34. GX 12.

35. AX D.

36. GX 2 at 3.

37. GX 3 at 2; Answer to SOR at 3..