

DATE: October 30, 2006

In Re:

SSN: -----

Applicant for Security Clearance

CR Case No. 04-09223

DECISION OF ADMINISTRATIVE JUDGE

JOAN CATON ANTHONY

APPEARANCES

FOR GOVERNMENT

D. Michael Lyles, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant failed to mitigate security concerns about her history of alcohol and drug abuse and her financial delinquencies. She also failed to answer truthfully a question about her drug use on her security clearance application, and she provided no credible explanation for her failure to do so. Clearance is denied.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant. On February 8, 2006, under the applicable Executive Order⁽¹⁾ and Department of Defense Directive,⁽²⁾ DOHA issued a Statement of Reasons (SOR), detailing the basis for its decision—security concerns raised under Guideline G (Alcohol Consumption), Guideline H (Drug Involvement), Guideline F (Financial Considerations), and Guideline E (Personal Conduct) of the Directive. On March 15, 2006, Applicant submitted an answer to the SOR and elected to have a hearing before an administrative judge. The case was assigned to me June 15, 2006. On September 8, 2006, I convened a hearing to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The Government called no witnesses and introduced seven exhibits (Ex.), which were admitted to the record without objection. Applicant called no witnesses and offered nine exhibits, which were identified as Ex. A through I and admitted into evidence without objection. On September 18, 2006, DOHA received the transcript (Tr.) of the proceeding.

FINDINGS OF FACT

The SOR in this case contains three allegations of disqualifying conduct under Guideline G, Alcohol Consumption; two allegations under Guideline H, Drug Involvement; twelve allegations under Guideline F, Financial Considerations; and one allegation under Guideline E, Personal Conduct. In her answer to the SOR, Applicant admitted two Guideline G allegations and denied one; she admitted both Guideline H allegations; she admitted nine Guideline F allegations and denied three; and, she denied the sole Guideline E allegation. Applicant's admissions are incorporated as findings of fact.

Applicant is 45 years old and the oldest of four sisters. For approximately four years, she has been employed as a systems developer by a government contractor. (Ex. D.) Her current annual salary is \$80,000, and her manager, with whom she has worked since 2002, considers her to be a competent person who is honest and truthful. (Tr. 93; Ex. D.)

Applicant was married for the first time in 1985. She and her husband became parents of twins in 1986. Applicant and her first husband were divorced in 1990. In 1991 Applicant married for the second time. She and her second husband became the parents of a son, born in 1992. Applicant and her second husband separated in September 2001. They were divorced in December 2003. Applicant has been living with a boyfriend for approximately four years. (Ex. 7, Ex. 2.)

Applicant's mother and two of her sisters live in the same metropolitan area as does Applicant. One of Applicant's sisters, who is now 41 years of age, is incapacitated as the result of a brain injury she sustained in an automobile accident at the age of 16. As the result of litigation over her injuries, the sister was awarded \$1,000,000 in damages. The awarded money was put into a trust fund to provide for the sister's care for the rest of her life. (Tr. 51, 53, 108-113.) Applicant's mother is the sister's guardian and the custodian of her trust fund. (Ex. C; Tr. 115-116.)

Applicant began to drink alcohol in about 1976. She admits a period of heavy alcohol consumption between 1995 and 2001, when she drank about 1 ½ cases of beer per week. Applicant's heavy drinking caused her to miss work and to have blackouts, and it affected her family relationships. In 2001, when her second husband and two of her children moved out of the family home, Applicant's use of alcohol increased. Applicant described her drinking of alcohol during 2001 as "out of control." In March 2002, fearing she might have an automobile accident, Applicant voluntarily sought help. After being admitted to an alcohol detoxification program at a local hospital, she was diagnosed by a psychiatrist with alcohol dependency, moderate. (Tr. 62-63; Ex. 1 at 1, 8-9.)

Applicant's diagnosing psychiatrist recommended an inpatient detoxification program and a follow-up treatment plan that would involve her in individual therapy and group therapy and intensive participation in Alcoholics Anonymous with a sponsor. (Ex. 7 at 23.) Applicant completed the inpatient detoxification program of approximately 48 hours, but, after attending some sessions of therapy, she did not complete the rehabilitation treatment program recommended by her psychiatrist, claiming she suffered back pain that made attendance difficult. Applicant also stated she left the program several weeks early because she believed she had learned all she could from the program. Applicant's back pain did not prevent her from going to work. She attended AA meetings for approximately one year but did not acquire a sponsor. (Ex. 4 at 4; Tr. 64-65, 70-75.)

Applicant abstained from alcohol for one year after leaving the alcohol treatment program. She acknowledged she had been diagnosed as alcohol dependent and also acknowledged that the diagnosis carries with it the strong recommendation to abstain permanently from the use of alcohol. (Tr. 65-66, 73-75.) In a statement to a special agent of the Defense Security Service (DSS) in September 2005, Applicant said she had received counseling to better understand her alcohol use. She denied ever being in an alcohol rehabilitation program. She asserted she continued to consume alcohol and considered herself a social drinker, consuming approximately a six-pack of beer in a seven day period. (Ex. 2 at 1.) She stated she had not been drunk or suffered alcohol-related blackouts since her counseling. She last drank alcohol on July 17, 2006, and she stated she did not plan to drink in the future. (Tr. 66.-68.)

In March 2002, when Applicant sought admission to a hospital and requested treatment for her inability to control her use of alcohol, she also acknowledged a history of bingeing on cocaine. In her intake interview, Applicant admitted three cocaine binges since the mid-1980s, and in a statement to a DSS agent, she estimated she had used cocaine approximately 15 times at parties and social gatherings. (Ex. 2 at 2.) She admitted using cocaine last in January 2002. (Ex. 1, Ex. 2.) Applicant also admitted using marijuana on an almost daily basis during her senior year of high school. She denied using marijuana after 1979. (Ex. 2 at 1.)

Applicant borrowed from her incapacitated sister's trust fund to meet her financial obligations. (Tr. 114-115.) Applicant owes her sister approximately \$8,000 for repairs to a house Applicant owned which was damaged by Hurricane Irene in 1999. (SOR ¶ 3.k.; Tr. 51-52.) Applicant also owes her sister \$9,000 for a loan for the balance due after Applicant's repossessed van was sold in about May 2002. (SOR ¶ 3.l.; Tr. 53-54.) Applicant has been repaying her sister intermittently on the repossession loan in increments of \$50 per month since about November 2003. (Ex. C.) At her hearing she claimed she was repaying her sister \$100 a month on the delinquent debts. (Tr. 92.)

Applicant denied a debt of \$344 which had been placed for collection by a dentist in about September 2000. (SOR ¶ 3.a.) She claimed the debt was incurred for dental services to her ex-husband's daughter, and she was not responsible for paying the debt. She acknowledged that her insurance card had been used for the service and that the debt had been incurred about three years before she and her second husband were divorced. Applicant asserted she had disputed the debt and it had been removed from her credit report. (Tr. 85-88.)

Applicant denied a debt of \$285 to a department store. (SOR ¶ 3.j.) She asserted the starting balance of the debt was \$635.32, and she produced evidence showing she had paid \$400 in eight \$50 installments and owed, as of March 10, 2006, \$235.32. Her credit report of August 14, 2006 showed the debt had been paid in full in June 2006. (Ex. B; Ex. I; Tr. 51, 90-92.)

Applicant admitted a debt of \$30 to a wireless service provider, and her credit report of August 14, 2006, showed the debt, assigned for collection in January 2002, had been paid in February 2006. (SOR ¶ 3.b.; Ex. I at 1; Tr. 48, 57.) She admitted three unpaid charged-off credit card debts totaling approximately \$5,500. (SOR ¶¶ 3.c., 3.d., and 3.e.; Tr. 49-50.) She admitted debts alleged at SOR ¶¶ 3.f. and 3.g. At her hearing she stated the debts had been disputed and removed from her credit report. (Tr. 50, 93.) She denied a debt to a communications company alleged at SOR ¶ 3.h. because she said the account listed a telephone number that did not belong to her. (Tr. 50, 58-59.) She admitted the debt alleged at SOR ¶ 3.i. and produced evidence in a recent credit report showing the debt, assigned for collection in March 2005, had been paid in March 2006. (Ex. A, Ex. I at 1; Tr. 50-51.)

In summary, the SOR alleged Applicant owed \$24,353 in past-due debts. She provided evidence that in 2003, 2004, and 2005 she had made eleven \$50 payments on the two debts to her sister. She provided evidence that she had paid three alleged debts, totaling \$627, in February, March, and June 2006. She also provided evidence she had disputed four debts, totaling \$1,148.

As proof of her efforts to carry out her financial responsibilities, Applicant provided information about additional debts and federal income tax liabilities which were not alleged in the SOR. (Tr. 61-62; Ex. E, Ex. H.) She asserted she would address the income tax delinquencies before paying debts alleged in the SOR. (Tr. 60-62.)

Applicant receives \$350 each month in child support from her second husband. Her older son, who lives in her home, pays her \$150 a month in rent. Additionally, Applicant estimated her monthly net take-home pay as \$4,200, her monthly fixed expenses as \$3,700, and her payments to creditors at \$535. She also said her boyfriend helped with some household expenses, but she did not

specify the amount of his contribution. (Tr. 94-100.) According to Applicant's calculations, she has an estimated \$400 to \$465 remaining at the end of each month to pay her overdue creditors. (Tr. 99-100.)

Applicant completed and signed a security clearance application (SF-86) on November 26, 2002. (Ex. 7.) Question 27 on the SF-86 reads as follows:

Your Use of Illegal Drugs and Drug Activity - Illegal Use of Drugs

Since the age of 16 or in the last 7 years, whichever is shorter, have you illegally used any controlled substance, for example, marijuana, cocaine, crack cocaine, hashish, narcotics (opium, morphine, codeine, heroin, etc.), amphetamines, depressants (barbiturates, methaqualone, tranquilizers, etc.), hallucinogenics (LSD, PCP, etc.), or prescription drugs?

Applicant answered "no" to Question 27 and failed to disclose she had used cocaine in January 2002, approximately 10 months before she completed and signed her SF-86. She denied she deliberately intended to falsify her answer and said she misunderstood the question. (Tr. 103.)

Applicant signed the following certification upon completion of her SF-86:

CERTIFICATION BY PERSON COMPLETING FORM

My statement on this form, and any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both. (See section 1001 of title 18, United States Code.)

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) 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.

Enclosure 2 of the Directive sets forth personal security guidelines, as well as the disqualifying conditions (DC) and mitigating conditions (MC) under each guideline. In evaluating the security worthiness of an applicant, the administrative judge must also assess the adjudicative process factors listed in ¶ 6.3 of the Directive. 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 that 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 that disqualify, or may disqualify, the applicant from being eligible for access to classified information. *See Egan*, 484 U.S. at 531. The Directive presumes a nexus or rational connection between proven conduct under any of the disqualifying conditions listed in the guidelines and an applicant's security suitability. *See* ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

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.

CONCLUSIONS

Guideline G - Alcohol Consumption

In the SOR, DOHA alleged Applicant consumed alcohol, at times to excess and to the point of intoxication, from approximately 1976 to at least September 2005 (¶ 1.a.); that she received treatment from March 16, 2002 to March 17, 2002 for a condition diagnosed, in part, as alcohol dependence, and that she received follow-up counseling for a period of time but did not complete the prescribed treatment program (¶ 1.b.); and that she continues to drink alcohol notwithstanding her treatment for alcohol dependence (¶ 1.c.).

Security concerns under Disqualifying Condition (DC) E2.A7.1.2.3. ⁽³⁾ and DC E2.A7.1.2.5. ⁽⁴⁾ are raised by Applicant's admissions and the record evidence. Excessive alcohol consumption often leads to the exercise of questionable judgment, unreliability, and failure to control impulses, thereby increasing the risk of unauthorized disclosure of classified information due to carelessness. Applicant's admissions and the record evidence show she consumed alcohol at times to excess and to the point of intoxication from approximately 1976 to at least September 2005. Her habitual consumption of alcohol to the point of impaired judgment raises concerns under DC E2.A7.1.2.5.

In March 2002, Applicant was diagnosed by a credentialed medical professional, a psychiatrist, with alcohol dependence, raising a concern under DC E.A7.1.2.3. The psychiatrist devised a treatment plan for Applicant that included rehabilitative therapy after her discharge from a two-day detoxification program. Discharge instructions for Applicant prohibited alcohol and illicit drug use and required obtaining a sponsor and attending Alcoholics Anonymous

daily for 90 days. Although Applicant attended Alcoholics Anonymous meetings for a year, she did so without committing to a sponsor. Additionally, she failed to complete the rehabilitation program and resumed drinking alcohol.

The security concerns raised by Applicant's Guideline G disqualifying conduct could be mitigated if the alcohol related incidents do not indicate a pattern (Mitigating Condition (MC) E2.A7.1.3.1.), the problem with excessive alcohol consumption occurred a number of years ago and there is no indication of a recent problem (MC E2.A7.1.3.2.), and if Applicant shows positive changes in behavior supportive of sobriety (MC E2.A7.1.3.3.). Applicant's disqualifying conduct could also be mitigated if, following a diagnosis of alcohol abuse or alcohol dependence, she successfully completed inpatient or outpatient rehabilitation along with aftercare requirements, participated frequently in meetings of Alcoholics Anonymous or a similar organization, abstained from alcohol for a period of at least 12 months, and received a favorable prognosis by a credentialed medical professional or licensed clinical social worker who is a staff member of a recognized alcohol treatment program. (MC E2.A7.1.3.4.)

Applicant's periodic heavy drinking from approximately 1976 to 2005 indicates a lifestyle and pattern of behavior. Applicant received a diagnosis of alcohol dependence in March 2002. Following that diagnosis, she failed to complete a rehabilitation program devised by her treating psychiatrist. She resumed drinking alcohol and defined herself as a social drinker. She denies a current problem with alcohol dependence.

The treatment plan proposed for Applicant included aftercare recommendations that she abstain from alcohol and illicit drug use and participate in daily Alcoholics Anonymous meetings with a sponsor. Applicant presented no evidence to show she is carrying out the aftercare requirements of her alcohol rehabilitation program, such as attending support group meetings and developing a plan to maintain sobriety. While she claimed at her hearing that she had not drunk alcohol since July 17, 2006, she did not present evidence of positive changes in awareness and behavior supportive and predictive of continued sobriety. I conclude that MC E2.A7.1.3.1., MC E2.A7.1.3.2., MC E2.A7.1.3.3., and MC E2.A7.1.3.4. do not apply to Applicant's case. Accordingly, the Guideline G allegations in the SOR are concluded against the Applicant.

Guideline H - Drug Involvement

In the SOR, DOHA alleged under Guideline H that Applicant used marijuana from approximately 1978 to at least 1979 on an almost daily basis (¶ 1.a.), and that she used cocaine in the early 1980s and in at least January 2002 (¶ 1.b.).

The Government's concern with Guideline H conduct is that it raises questions regarding an individual's willingness to protect classified information. Drug abuse or dependence may impair social or occupational functioning, thereby increasing the risk of an unauthorized disclosure of classified information. ¶ E2.A8.1.1.1.

Drugs are defined under Guideline H as mood and behavior-altering substances, including drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended, (the Act) and inhalants and other similar substances. ¶¶ E2.A8.1.1.2., E2.A8.1.1.2.1., E2.A8.1.1.2.2. Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction. ¶ E2.A8.1.1.3. Marijuana and cocaine, the drugs that DOHA alleges Applicant used illegally, are controlled substances under the Act.

Through Applicant's own admissions, the Government established a *prima facie* case that Applicant's improper or illegal involvement with drugs raises serious concerns about her security worthiness. Applicant has admitted Guideline H drug involvement specified in the SOR and identified as disqualifying under Disqualifying Condition (DC) E2.A8.1.2.1.

An Applicant might mitigate Guideline H security concerns by showing the alleged drug involvement was not recent (Mitigating Condition (MC) E2.A8.1.3.1.); by providing evidence that the alleged drug involvement was an isolated or aberrational event (MC E2.A8.1.3.2.); by providing evidence of a demonstrated intent not to abuse any drugs in the future (MC E2.A8.1.3.3.); or by providing evidence of satisfactory completion of a prescribed drug treatment program, including rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a credentialed medical professional (MC E2.A8.1.3.4.).

Applicant admitted using marijuana on an almost daily basis 27 years ago, from approximately 1978 to 1979, a time period that corresponded with her senior year in high school. Applicant denied any use of marijuana after 1979. Absent

any other evidence, I conclude Applicant's use of marijuana was not recent, and, accordingly, MC E2.A8.1.3.1. applies to allegation 2.a. of the SOR.

Applicant's use of cocaine also raised Guideline H security concerns. Applicant used cocaine intermittently for at least 22 years, from the 1980s to 2002. At her hospital intake interview in March 2002, she admitted bingeing on cocaine approximately three times since the 1980s, and she later told a DSS special agent she used cocaine at least 15 times at parties and social gatherings. Her last admitted use of cocaine occurred in January 2002, leading to the conclusion that her cocaine use was recent. Thus, MC E2.A8.1.3.1. does not apply to Applicant's cocaine use.

Applicant's involvement with cocaine suggests a lifestyle choice and a long-term habit. Her involvement with cocaine was neither isolated nor aberrational, for it occurred over a period of more than 20 years. Thus, MC E2.A8.1.3.2. does not apply. Applicant used cocaine last in 2002, when she was drinking heavily and under stress. She never sought help for her drug habit by committing to a drug treatment program, and while she asserted she no longer used cocaine, she presented no plan or strategy for managing future episodes of stress that could cause her again to abuse cocaine or other illegal drugs. According, I conclude MC E2.A8.1.3.3. and MC E2.A8.1.3.4. are inapplicable. The allegation at 2.b. of the SOR is concluded against Applicant.

Guideline F-Financial Considerations

The Government's concern under Guideline F, Financial Considerations, is that individuals who are financially overextended and unable or unwilling to pay their just debts may try to generate funds by engaging in illegal acts. Applicant has a history of not meeting her financial obligations, and she has not demonstrated a willingness to satisfy her debts. These conditions raise security concerns under subparagraphs E2.A6.1.2.1. and E2.A6.1.2.3. of Guideline F. DOHA's Appeal Board has concluded that "[a] person who is unwilling to fulfill his legal obligations does not demonstrate the high degree of good judgment and reliability required of persons granted access to classified information." ISCR Case No. 98-0810 at 4 (App. Bd. June 8, 2000).

In the SOR, DOHA alleged that Applicant owed her creditors approximately \$24,353 in past-due debts. At her hearing Applicant admitted that approximately \$22,600 of the debts alleged in the SOR remained unpaid, and she provided information about additional financial obligations not alleged in the SOR.

The Government has established, through Applicant's admissions and the record evidence, a *prima facie* case that Applicant is financially overextended. Applicant provided no persuasive evidence to rebut the financial concerns specified in the SOR and identified as disqualifying conditions under ¶¶ E2.A6.1.2.1. and E2.A6.1.2.3. of Guideline F. [\(5\)](#)

Applicant provided evidence she had paid her sister approximately \$550 over approximately three years on a debt of \$17,000. She indicated she planned to make \$100 monthly payments to her sister. Applicant also promised to pay several of the debts alleged in the SOR at a future time, after she had satisfied debts not alleged in the SOR. DOHA's Appeal Board has stated that promises to pay one's debts in the future are not a substitute for a clear record of debts actually paid. ISCR Case No. 98-0188 at 3 (App. Bd. Apr. 29, 1999). In determining an individual's security worthiness, the Government cannot rely on the possibility that the applicant might resolve his or her outstanding debts at some future date.

We turn to a review of the several conditions that could mitigate the security concerns raised by Applicant's financial delinquencies. Applicant's acknowledged delinquencies date to at least 2000. Her financial delinquencies involve long-standing debts, and her inability or unwillingness to pay them is recent. Thus, neither Mitigating Condition (MC) E2.A6.1.3.1. nor MC E2.A6.1.3.2. applies. [\(6\)](#)

The record shows Applicant separated from her second husband in 2001 and divorced him in 2003. She has worked for her current employer for four years and receives an annual salary of \$80,000. She receives \$350 in child support each month from her second husband.

If a person's financial delinquencies were largely caused by conditions beyond his or her control, then mitigating condition E2.A6.1.3.3 might apply. Assessing the applicability of this mitigating condition often requires a two-part

analysis. First, an administrative judge must review and weigh the existing evidence to determine if the applicant's financial difficulties initially arose from circumstances outside of his or her control. Second, assuming that some or all of the circumstances were beyond the individual's control, the judge may consider whether the applicant acted in a reasonable manner when dealing with those financial difficulties. *See e.g.*, ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999).

In assessing the applicability of mitigating condition E2.A6.1.3.3. in Applicant's case, I conclude Applicant's divorce in 2003, while unfortunate, does not explain or mitigate her long-standing financial difficulties and her unwillingness to approach her creditors and arrange consistent payment or settlement. Her present financial problems do not appear to be primarily the result of conditions beyond her control. Thus, mitigating condition E2.A6.1.3.3. does not apply.

Applicant did not present evidence that she had received consumer financial credit counseling to help her manage her financial problems, and she did not present clear indications that her financial problems are being resolved or are under control. Therefore, mitigating condition E2.A6.1.3.4. is inapplicable. While she presented some evidence she had recently paid some of her overdue creditors or otherwise resolved her debts, her assertions of promises to pay several of her larger obligations in the future were not persuasive. Accordingly, mitigating condition E2.A6.1.3.6. is also inapplicable, and the Guideline F allegations in the SOR are concluded against the Applicant.

Guideline E - Personal Conduct

In the SOR, DOHA alleged Applicant deliberately falsified her answer to Question 27 on her security clearance application by failing to disclose she had used cocaine in the last seven years (¶ 4.a.)

Guideline E conduct, which involves questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations, could indicate that an applicant may not properly safeguard classified information. Directive ¶ E2.A5.1.1. The deliberate omission, concealment, or falsification of relevant and material facts from a personal security application raises security concerns under Disqualifying Condition (DC) E2.A5.1.2.2. of Guideline E. Applicant's concealment of her cocaine use increased her vulnerability to coercion, exploitation, or duress because her conduct, if known, could affect her personal, professional, or community standing or render her susceptible to blackmail. DC E2.A5.1.2.4.

Applicant denied concealing and falsifying relevant and material facts in answering Question 27 on her personnel security questionnaire. She stated she misunderstood Question 27 and thus answered it incorrectly. The facts in evidence established Applicant used cocaine in January 2002 and reported this fact, along with a history of earlier cocaine use, to hospital personnel at an in-take evaluation in arch 2002. In November 2002, Applicant was hired by her present employer and asked to submit a security clearance application. When she executed her security clearance application, she answered "no" to Question 27. On November 27, 2002, Applicant signed her application, attested to its completeness and truthfulness, and acknowledged her understanding that a knowing and willful false statement on the security clearance application could be punished by fine or imprisonment or both.

Applicant's employer identified her as competent, and her level of compensation suggests she possessed more than average skills and abilities. In completing her application in November 2002, she answered all the questions and, in some cases, supplied additional detailed information. Her assertion that Question 27 alone confused her and that in her confusion she answered the question falsely lacks credibility.

The information Applicant concealed and failed to report on her security clearance application was substantiated and pertinent to a determination of her judgment, trustworthiness, and reliability. Her falsification was recent and not an isolated incident, and Applicant did not subsequently provide correct information voluntarily. She did not make prompt, good-faith efforts to correct the falsification before being confronted with the facts, and she did not take positive steps to significantly reduce or eliminate her vulnerability to coercion, exploitation, or duress. Thus, mitigating conditions E2.A5.1.3.1., E2.A5.1.3.2., E2.A5.1.3.3., and E2.A5.1.3.5. do not apply. Applicant's deliberate misrepresentation causes serious security concerns, and allegation 4. a. of the SOR is concluded against Applicant.

In all adjudications, the protection of our national security is the paramount concern. Security clearance decisions are not intended to assign guilt or to impose further punishment for past transgressions. Rather, the objective of the security

clearance process is the fair-minded, common sense assessment of a person's trustworthiness and fitness for access to classified information. Indeed, the "whole person" concept recognizes we should view a person by the totality of his or her acts and omissions, including all disqualifying and mitigating conduct. Having done so, I conclude Applicant should not be entrusted with a security clearance. In reaching my decision, I have considered the evidence as a whole, including the appropriate factors and guidelines in Department of Defense Directive, 5220.6., as amended.

FORMAL FINDINGS

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

Paragraph 1.: Guideline G: AGAINST APPLICANT

Subparagraph 1.a.: Against Applicant

Subparagraph 1.b.: Against Applicant

Subparagraph 1.c.: Against Applicant

Paragraph 2.: Guideline H: AGAINST APPLICANT

Subparagraph 2.a.: For Applicant

Subparagraph 2.b.: Against Applicant

Paragraph 3.: Guideline F: AGAINST APPLICANT

Subparagraph 3.a.: Against Applicant

Subparagraph 3.b.: Against Applicant

Subparagraph 3.c.: Against Applicant

Subparagraph 3.d.: Against Applicant

Subparagraph 3.e.: Against Applicant

Subparagraph 3.f.: Against Applicant

Subparagraph 3.g.: Against Applicant

Subparagraph 3.h.: Against Applicant

Subparagraph 3.i.: Against Applicant

Subparagraph 3.j.: Against Applicant

Subparagraph 3.k.: Against Applicant

Subparagraph 3.l.: Against Applicant

Paragraph 4.: Guideline E: AGAINST APPLICANT

Subparagraph 4.a.: Against Applicant

DECISION

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national

interest to grant or continue a security clearance for Applicant. Clearance is denied.

Joan Caton Anthony

Administrative Judge

1. Exec. Or. 10865, *Safeguarding Classified Information within Industry* (Feb. 20, 1960), as amended and modified.
2. Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended and modified.
3. ¶ E2.A7.1.2.3.. under Guideline G, Alcohol Consumption reads: Diagnosis by a credential medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence.
4. ¶ E2.A7.1.2.5. under Guideline G identifies "habitual or binge consumption of alcohol to the point of impaired judgment"as conduct that could raise a security concern and disqualifying condition.
5. Disqualifying Condition E2.A6.1.2.1. reads: "A history of not meeting financial obligations." Disqualifying Condition E2.A6.1.2.3. reads: "Inability or unwillingness to satisfy debts."
6. Mitigating Condition E2.A6.1.3.1. reads: "The behavior was not recent." Mitigating Condition E2.A6.1.3.2. reads: "It was an isolated incident."