

DATE: December 19, 2005

In re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 05-01886

DECISION OF ADMINISTRATIVE JUDGE

CAROL G. RICCIARDELLO

APPEARANCES

FOR GOVERNMENT

Rita C. O'Brien, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant is a 30-year-old computer systems administrator for a federal contractor. Applicant has a history of criminal offenses, both felony and misdemeanor, some occurring when he was a juvenile. Applicant failed to divulge all of his criminal background on his security clearance application. Applicant had some minor financial problems that he has resolved. Applicant mitigated the security concerns regarding his finances, but failed to mitigate the security concerns under Guideline E, personal conduct, and Guideline J, criminal conduct. Clearance is denied.

STATEMENT OF CASE

On June 6, 2005, the Defense Office of Hearings and Appeals (DOHA) issued to Applicant Statements of Reasons (SOR) stating they were unable to find that it is clearly consistent with the national interest to grant or continue a security clearance. ⁽¹⁾ The SOR, which is in essence the administrative complaint, alleged security concerns under Guideline E, personal conduct, Guideline J, criminal conduct, and Guideline F, financial considerations.

In a sworn statement, dated June 24, 2005, Applicant responded to the SOR allegations, and requested a hearing. In his SOR response, Applicant admitted SOR allegations 1.a.(1) through (8), and denied (9) with an explanation. He admitted SOR allegations 1.b. (1) through (3), denied allegation 1.c. and 1.d., and admitted allegations 2.a., 2.b., 2.c. and 3.a. Applicant did not respond to allegations 2.d. or 2.e.

The case was assigned to me on October 17, 2005. A notice of hearing was issued on October 18, 2005, scheduling the hearing for November 9, 2005. The hearing was conducted as scheduled. The government submitted seven exhibits that were marked as Government Exhibits (GE) 1-7. The exhibits were admitted into the record without objection. Applicant testified on his own behalf, and submitted two exhibits that were marked as Applicant's Exhibits (AE) A-B. The exhibits were admitted without objection. The transcript was received on November 28, 2005.

FINDINGS OF FACT

Applicant's admissions to the allegations in the SOR, are incorporated herein. In addition, after a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact:

Applicant is a 30-year-old computer systems administrator who has worked for a federal contractor since 2002. Applicant was married in 1995, and divorced in 1999. He has two children who live with their mother and for whom he pays child support.

Applicant was arrested about February 24, 1991, and charged with Attempted Robbery, a felony. Applicant pick-pocketed a person's wallet. He was adjudicated a delinquent and sentenced to the Department of Health and Rehabilitative Services commitment.

Applicant was arrested about July 8, 1991, and charged with (1) Attempted Burglary, a felony and (2) Criminal Mischief, a misdemeanor. Applicant broke into a school and stole a VCR. He pled guilty and was sentenced to Health and Rehabilitation Services commitment.

Applicant was arrested about July 25, 1991, and charged with (1) Attempted Robbery, (2) Grand Theft and (3) Attempted Burglary, all felonies. Applicant could not recall what the robbery charge entailed. He was charged with Grand Theft for stealing his mother's car. While he had the stolen car he and his accomplices attempted to steal merchandise from a convenience store. He pled guilty and was sentenced to Health and Rehabilitative Services commitment.

Applicant was arrested about January 15, 1992, and charged with (1) Burglary, a felony and (2) Grand Theft, a felony. The charges were dismissed in April 1992.

Applicant was arrested about February 21, 1992, and charged with (1) Burglary, and (2) Grand Theft, both felonies. Applicant knew his roommate had stolen merchandise in their apartment. Applicant testified against the roommate and the charges against him were dismissed in May 1992.

Applicant was arrested about March 24, 1992, and charged with (1) Burglary, and (2) Grand Theft, both felonies. Applicant broke into an apartment, stole a camcorder and sold it. He pled no contest and was sentenced to Health and Rehabilitative Services commitment.

Applicant was arrested about September 18, 1992, and charged with (1) Escape, a felony, for an incident that occurred about August 22, 1992. The escape was from an juvenile half-way house. This was the first time Applicant had actually been held in a restricted confinement facility. The charge was nolle prossed.

Applicant was arrested about May 12, 1994, and charged with three counts of (1) Credit Card Fraud, felonies, (2) Forgery, two counts, felonies, (3) Uttering a Forged Instrument, two counts, felonies and (4) Petit Theft, three counts, misdemeanors. He was arrested on a warrant and an additional charge of (5) Carrying a Concealed weapon, a felony was added. Applicant and an accomplice developed a system to create credit card numbers and use them to steal merchandise. The credit card numbers were active numbers held by unsuspecting victims. Applicant continued his scheme for approximately three weeks until he was caught. He admitted the reason he stopped was because he was arrested. Applicant pled nolo contendere to Counts (2), (4), and (5). He was sentenced to six months in jail and was placed on five years supervised probation. He was ordered to pay court costs, restitution and fees totaling \$785.00. He served three months of his six month sentence.

Applicant was charged with worthless checks about June 9, 1994. Applicant admitted he wrote checks that did not have sufficient funds to pay them. He complied with the terms of the agreements with the Citizen's Dispute Settlement Program and the charge was nolle prossed.

Applicant was arrested about November 18, 1996, and charged with two counts of Grand Theft, felonies, for incidents which occurred on about September 19, 1996, and about October 16, 1996. He pled nolo contendere to an amended charge of Petit Theft and was ordered to pay a fine and court cost of \$300.00, placed on six months probation and pay \$300.00 restitution.

Applicant was arrested about January 8, 1997, and charged with two counts of Grand Theft. Applicant was driving a car that had been stolen and had stolen property in it. He pled nolo contendere to Petit Theft and was ordered to pay a \$300.00 fine, placed on six months probation, and ordered to pay \$300.00 in restitution.

Applicant was arrested about February 14, 1997, and charged with two counts of (1) Possession of Anabolic Steroids With Intent to Sell, felonies, (2) Sale of Anabolic Steroids, two counts, felonies, and (3) Possession of Paraphernalia, two counts, misdemeanors. Applicant sold illegal steroids over a six month period, about once a week. He made a profit of about \$100-\$200 a week. He pleaded guilty to Sale of Anabolic Steroid and Possession of Drug Paraphernalia. He was ordered to pay fines and costs of \$500.00, ordered to complete a drug treatment program, placed on drug probation for three years and ordered to complete 100 hours of community service. On about August 7, 1998, Applicant was charged with a Violation of Probation. His probation was modified to include completion of a Domestic Violence Class because of incidents that occurred during this time with his ex-wife and her boyfriend.⁽²⁾ He was sentenced to serve ten days in jail. On about June 1, 1999, Applicant was charged with Violation of Probation for failure to complete court ordered community service, failure to pay the court ordered \$300.00 fine and failure to pay the probation supervision costs. Applicant's probation ended on February 22, 2000. Applicant completed his community service requirement.

Applicant was arrested on about April 28, 1997, and charged with Battery. Applicant went to a spring break beach party and was involved in a fight. The charges were dropped on May 16, 1997.

Applicant was arrested about January 26, 1998, and charged with (1) Aggravated Battery, a felony. He pled guilty to two counts of misdemeanor battery. Applicant got into a fight with his ex-wife and threw her to the ground. He then got into a fight with her boyfriend.⁽³⁾ He broke his ex-wife's boyfriend's nose because of the negative influence he had on Applicant's children, specifically keeping a firearm in the house. He was ordered to serve 364 days in jail for each count, to run concurrently and suspended upon completion of probation. Applicant was served with an Injunction for Protection on about February 5, 1998. On about May 26, 1998, he was charged with Violation of the Protection Order, a misdemeanor. Applicant was found guilty and sentenced to serve 364 days in jail, suspended upon completion of supervised probation for one year to run concurrently with another case. His fine was reduced to a judgment lien of \$124.25, the cost of the hospital bill for medical services for the victim. Applicant did not serve any jail time.

Applicant was cited about October 22, 1998, for Driving while License Suspended/Revoked. His drivers license had been suspended indefinitely as of September 10, 1998, due to non-payment of child support. He was ordered to pay a fine and court costs of \$223.00. On October 28, 2002, his drivers license was reinstated after he paid the fines, court costs and delinquent fees.

Applicant petitioned for Chapter 7 bankruptcy in January 2005. No assets were reported and his debts were discharged on April 27, 2005. Applicant claimed the only debt that was discharged was a car debt for repossession and he reaffirmed his other debts.⁽⁴⁾ Applicant has had delinquent debts in the past that were charged off and his "credit repair service" told him not to pay them because they were almost seven years old and would drop off his credit report soon. Applicant took their advice and did not pay the charged off debts.⁽⁵⁾

Applicant completed his Security Clearance Application (SCA) on May 14, 2002. In answering Questions 21⁽⁶⁾ Applicant listed only two felonies that he had been charged with⁽⁷⁾ and failed to list the other felonies as detailed above. In answering Question 26⁽⁸⁾ Applicant answered "No" and failed to list his offenses of January 8, 1997, April 28, 1998, and October 22, 1998, as detailed above. Applicant claimed he did not believe he had to list felonies that were committed as a juvenile or over seven years old because he had made an inquiry to his facilities security officer about this issue. On those felonies that were within the seven year period, Applicant claimed he did not associate being arrested with being actually charged and he could not remember the exact dates of the charges, so he did not list them.⁽⁹⁾ I find Applicant's testimony was not credible.

Applicant answered "No" to Question 34⁽¹⁰⁾ which asked him if his wages had ever been garnished in the last 7 years. Applicant's wages were garnished in about ay 2001, for delinquent child support payments. Applicant claimed he was unaware that his wages were garnished and thought his payments were "voluntary." Applicant acknowledged he signed

a court ordered garnishment document but claimed he was not aware his wages were being garnished because he believed he was having the payment deducted from his paycheck as a convenience to himself. ⁽¹¹⁾ I find Applicant's statements were not credible.

Applicant answered "No" to Question 35 ⁽¹²⁾. Applicant failed to list a repossession on a vehicle in March 1999, leaving a balance due of approximately \$14, 158.00. Applicant claimed although he was recently made aware that his ex-wife's car was repossessed, when he filled out his SCA he did not believe he was financially liable for the car. The car had been awarded to her when they divorced. He later found out that he was being held responsible, so he subsequently filed for bankruptcy and included only this debt to be discharged. ⁽¹³⁾ He reaffirmed his other debts choosing to pay them off. Although not alleged, Applicant failed to list on his SCA, delinquent debts that had been charged off prior to his filing for bankruptcy. Applicant claimed he did not believe he had to list charged off debtors.

Applicant claims he is a changed man that made stupid mistakes when he was young. He has since abandoned those negative influences in his life and regrets his past transgressions. He claims he has learned from his mistakes. He owns a home and is likely to obtain custody of his son this summer. Applicant's co-workers/supervisor/employer believe him to be loyal, trustworthy, strongly committed and dedicated to his job, his company, and his country. ⁽¹⁴⁾

POLICIES

Enclosure 2 of the Directive sets forth adjudicative guidelines to be considered in evaluating a person's eligibility to hold a security clearance. Included in the guidelines are disqualifying conditions (DC) and mitigating conditions (MC) applicable to each specific guideline. Considering the evidence as a whole, Guideline E, personal conduct, Guideline J, criminal conduct, and Guideline F, financial considerations, with their respective DC and MC, apply in this case. Additionally, each security clearance decision must be a fair and impartial commonsense decision based on the relevant and material facts and circumstances, the whole-person concept, along with the factors listed in the Directive. Specifically these are: (1) the nature and seriousness of the conduct and surrounding circumstances; (2) the frequency and recency of the conduct; (3) the age of the applicant; (4) the motivation of the applicant, and the extent to which the conduct was negligent, willful, voluntary, or undertaken with knowledge of the consequences; (5) the absence or presence of rehabilitation; and (6) the probability that the circumstances or conduct will continue or recur in the future. Although the presence or absence of a particular condition or factor for or against clearance is not outcome determinative, the adjudicative guidelines should be followed whenever a case can be measured against this policy guidance.

The sole purpose of a security clearance determination is to decide if it is clearly consistent with the national interest to grant or continue a security clearance for an applicant. ⁽¹⁵⁾ The government has the burden of proving controverted facts. ⁽¹⁶⁾ The burden of proof is something less than a preponderance of evidence. ⁽¹⁷⁾ Once the government has met its burden, the burden shifts to an applicant to present evidence of refutation, extenuation, or mitigation to overcome the case against

him. ⁽¹⁸⁾ Additionally, an applicant has the ultimate burden of persuasion to obtain a favorable clearance decision. ⁽¹⁹⁾

No one has a right to a security clearance ⁽²⁰⁾ and "the clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials." ⁽²¹⁾ Any reasonable doubt about whether an applicant should be allowed access to sensitive information must be resolved in favor of protecting such sensitive information. ⁽²²⁾ The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of an applicant. ⁽²³⁾ 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.

Based upon consideration of the evidence, I find the following adjudicative guidelines most pertinent to the evaluation of the facts in this case:

Guideline E-Personal Conduct is a security concern when an individual's conduct involves questionable judgment,

untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations that could indicate that the person may not properly safeguard classified information.

Guideline J-Criminal Conduct is a security concern because a history or pattern of criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. Willingness to abide by rules is an essential qualification for eligibility for access to the nation's secrets. A history of illegal behavior indicates an individual may be inclined to break, disregard, or fail to comply with regulations, practices, or procedures concerning safeguarding and handling classified information.

Guideline F- Financial Considerations-a security concern exists when a person has significant delinquent debts. An individual who is financially overextended is at risk of having to engage in illegal or unethical acts to generate funds to meet financial obligations. Similarly, an individual who is financially irresponsible may also be irresponsible, unconcerned, or careless in their obligation to protect classified information. Behaving responsibly or irresponsibly in one aspect of life provides an indication of how a person may behave in other aspects of life.

Conditions that could raise a security concern and may be disqualifying, as well as those which would mitigate security concerns, pertaining to the adjudicative guideline are set forth and discussed in the conclusions below.

CONCLUSIONS

I have carefully considered all the facts in evidence and the legal standards. The government has established a *prima facie* case for disqualification under Guideline E, Guideline J, and Guideline F.

Based on all the evidence, Personal Conduct Disqualifying Condition (PC DC) E2.A5.1.2.2 (*The 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*), PC DC E2.A5.1.2.4 (*Personal conduct or concealment of information that increases an individual's vulnerability to coercion, exploitation or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail*), and PC DC E2.A5.1.2.5 (*A pattern of dishonesty or rule violations, including violation of any written or recorded agreement made between the individual and the agency*), all apply in this case.

Applicant deliberately failed to divulge on his SCA all of his transgressions with regard to his past felony criminal conduct, other criminal offenses and his wages being garnished. PC DC E2.A5.1.2.2 applies. Applicant has a long sorted criminal history. When questioned as to his reasons for not providing the requested information, Applicant claimed it was because he had been told by his facilities security manager that he did not have to list criminal conduct committed as a juvenile. When questioned why he did not provide information about criminal conduct committed as an adult he stated it was because he thought he only needed to list his charges and not arrests. When his attention was directed to the specific language of the question he claimed he misunderstood it. PC DC E2. A5.1.2.4 applies. Applicant's testimony was consistently not credible. Applicant's past conduct including fourteen arrests, eleven of which were for felonies, his willingness to hide his past, and lack of truthfulness demonstrates questionable judgment and a pattern of dishonesty that makes him vulnerable as a security risk.

I have considered all the mitigating conditions and especially considered Personal Conduct Mitigating Condition (PC MC) E2.A5.1.3.2 (*The falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily*), PC MC E2.A5.1.3.3 (*The individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts*), PC MC E2.A5.1.3.4 (*Omission of material facts was caused or significantly contributed to by improper or inadequate advice of authorized personnel, and the previously omitted information was promptly and fully provided*), and PC MC E2.A5.1.3.5 (*The individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or duress*). I conclude none of the mitigating conditions apply. Applicant concealed the full extent of past criminal misconduct. He did so by deliberately lying on his SCA, a felony violation. Applicant's actions were recent as evidence by his recent deliberate omissions. There is no evidence to suggest Applicant made a prompt good faith effort to set the record straight, but rather he continued to minimize his actions. Even taking the evidence in the light most favorable to the Applicant that he received bad advice

from his facilities security manager, he still deliberately failed to divulge information about his felony arrests as an adult. PC MC E2.A5.1.3.2, PC MC E2.A5.1.3.3, and PC MC E2.A5.1.3.4, do not apply. I considered Applicant's testimony regarding his failure to list his repossession and find his explanation to have merit under the circumstances. Although it appears Applicant has cleaned up his life and is now trying to be a productive citizen, I find his lack of candor and questionable judgment in filing out his SCA to be a security concern, therefore, PC MC E2.A5.1.3.5 does not apply. I find none of the mitigating conditions apply under Guideline E. Applicant has failed to mitigate the security concerns with regard to his personal conduct.

Based on all the evidence Criminal Conduct Disqualifying Condition (CC DC) E2.A10.1.2.1 (*Allegations or admissions of criminal conduct, regardless of whether the person was formally charged*), and CC DC E2.A10.1.2.2 (*A single serious crime or multiple lesser charges*) apply. Applicant was arrested for numerous felonies and misdemeanors as both a juvenile and adult. He was convicted and sentenced as detailed above. Applicant did not provide truthful answers on his SCA, a violation of Title 18 U.S.C. § 1001, a felony.

I have considered all the mitigating conditions and especially considered Criminal Conduct Mitigating Condition (CC MC) E2.A10.1.2.1 (*The conduct was not recent*), CC MC E2.A10.1.2.2 (*The crime was an isolated incident*), CC MC E2.A10.1.2.4 (*The person did not voluntarily commit the act and/or the factors leading to the violation are not likely to recur*), and CC MC E2.A10.1.3.6 (*There is clear evidence of successful rehabilitation*). Applicant's criminal offenses run the gamut and many are of a very serious nature involving questions of moral turpitude. Applicant's testimony often tried to minimize his actual involvement in some of the offenses charged. Applicant had a consistent and escalating pattern of criminal conduct that showed a total lack of respect for the rule of law. Applicant continued by lying on his SCA, a felony offense.

I have considered all of the Criminal Conduct Mitigating Conditions (CC MC), especially CC MC E2.A10.1.3.1 (*The criminal behavior was not recent*), CC C E2.A10.1.3.3. (*The person was pressured or coerced into committing the act and those pressures are no longer present in that person's life*), and CC MC E2.A10.1.3.6 (*There is clear evidence of successful rehabilitation.*). I find none apply. Although much of the conduct that occurred is not recent, the fact that Applicant willingly lied about it on his SCA in violation of a federal criminal statute is of grave concern and a recent occurrence that negates application of this mitigating condition. Also a concern is that much of his past criminal conduct involved theft and schemes of moral turpitude which reflects poorly on Applicant's character. It appears Applicant has stayed out of trouble for the past few years and is trying to turn his life around, which is applauded. Unfortunately he can not escape his long history of total disregard for the law as both a juvenile and an adult. Applicant's past history, questionable testimony, and failure to fully divulge his past conduct in a sworn document suggests a recurring pattern of deception that is a grave concern. I find Applicant has failed to mitigate the security concerns regarding his criminal conduct.

Based on all the evidence, Financial Considerations Disqualifying Condition (FC DC) E2.A6.1.2.1 (*A history of not meeting financial obligations*), and FC DC E2.A6.1.2.3 (*Inability or unwillingness to satisfy debts*), apply in this case. Applicant wrongly believed he was not responsible for a debt on his ex-wife's repossessed car. Applicant failed to pay this debt and it remained delinquent until he filed for bankruptcy and had the debt discharged. Applicant reaffirmed his other debts and has been paying them off. Applicant's other past delinquent debts were not part of the SOR and are not considered for disqualifying purposes.

I considered all the Financial Considerations Mitigating Conditions (FC MC), and especially considered FC MC E2.A6.1.3.1 (*The behavior was not recent*), FC C E2.A6.1.3.3 (*The conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation)*), FC MC E2.A6.1.3.4 (*The person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control*), and FC MC E2.A6.1.3.6 (*The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts*). Bankruptcy is a legitimate and legal means to resolve delinquent debts. Applicant exercised this option to resolve a major debt that technically belongs to him. When Applicant learned that a repossessed car debt did belong to him he took action to resolve it. He originally believed the car debt belonged to his ex-wife because she was in possession of the car. FC MC E2.A6.1.3.3. applies. He also reaffirmed his other debts and has continued to make payments on them. FC MC D2.A6.1.3.6 applies. Applicant has mitigated the security concern regarding financial considerations.

In all adjudications, the protection of our national security is the paramount concern. The objective of the security-clearance process is the fair-minded, commonsense assessment of a person's life to make an affirmative determination that the person is eligible for a security clearance. Indeed, the adjudicative process is a careful weighing of a number of variables in considering the "whole person" concept. It recognizes that we should view a person by the totality of their acts, omissions, motivations and other variables. Each case must be adjudged on its own merits, taking into consideration all relevant circumstances, and applying sound judgment, mature thinking, and careful analysis.

I have considered all the evidence in the record. I have also considered Applicant's juvenile status when he committed many of the criminal offenses, and his continuing criminal activity after attaining majority. I have considered the exhibits provided by Applicant. Although Applicant has started on the path of turning his life around, his long criminal history of committing serious offenses can not be overlooked as security concerns, along with his failure to divulge the full extent of his background. Applicant's history of unwillingness to comply with rules, in violation of the law, dishonesty, lack of candor, and questionable judgment heighten the security concerns. Applicant has failed to mitigate the security concerns regarding his criminal conduct and personal conduct. He has successfully mitigated the security concern regarding financial considerations. Therefore, I am persuaded by the totality of the evidence in this case, that it is not clearly consistent with the national interest to grant Applicant a security clearance. Accordingly, Guideline F is decided for Applicant, and Guidelines J and E are decided against Applicant.

FORMAL FINDINGS

Formal Findings for or against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1: Personal Conduct (Guideline E) AGAINST THE APPLICANT

Subparagraph 1.a. Against the Applicant

Subparagraph 1.b. Against the Applicant

Subparagraph 1.c. Against the Applicant

Subparagraph 1.d. For the Applicant

Paragraph 2: Criminal Conduct (Guideline J) AGAINST THE APPLICANT

Subparagraph 2.a. Against the Applicant

Subparagraph 2.b. Against the Applicant

Subparagraph 2.c. Against the Applicant

Subparagraph 2.d. Against the Applicant

Subparagraph 2.e. Against the Applicant

Paragraph 3: Financial (Guideline F) FOR THE APPLICANT

Subparagraph 3.a. For the Applicant

DECISION

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

Carol G. Ricciardello

Administrative Judge

1. This action was taken under Executive Order 10865, dated February 20, 1960, as amended, and DoD Directive 5220.6, dated January 2, 1992, as amended and modified (Directive).
2. Tr. at 41-42.
3. Tr. at 38-39.
4. Tr. at 47-48.
5. GE 2 at 3.
6. Question 21 states: *Your Police Record-Felony Offenses, For this item, report information regardless of whether the record in your case has been 'sealed' or otherwise stricken from the court record. The single exception to this requirement is for certain convictions under the Federal Controlled Substances Act for which the court issued an expungement order under authority of 21 U.S.C. 844 or 18 U.S.C. 3607. Have you ever been charged with or convicted of any felony offense?*
7. He admitted to the felony of carrying a concealed weapon in 1994, and possession of anabolic steroids in 1998. No other offenses were listed.
8. Question 26 states: *Your Police Record-Other Offense, For this item, report information regardless of whether the record in your case has been 'sealed' or otherwise stricken from the court record. The single exception to this requirement is for certain convictions under the Federal Controlled Substances Act for which the court issued an expungement order under the authority of 21 U.S.C. 844 or 18 U.S.C. 3607. In the last 7 years, have you been arrested for, charged with, or convicted of any offense(s) not listed in modules 21, 22, 23, 24, or 25 (Leave out traffic fines of less than \$150 unless the violation was alcohol or drug related.)*
9. Tr. at 55-61.
10. Question 34 states: *Your Financial Record-Wage Garnishments, In the last 7 years, have you had your wages garnished for any reason?*
11. GE 4. Tr. at 45.
12. Question 35 states: *Your Financial Record, Repossessions, In the last 7 years, have you had any property repossessed for any reason?*
13. Tr. at 46-47.
14. AE A.
15. ISCR Case No. 96-0277 (July 11, 1997) at p. 2.
16. ISCR Case No. 97-0016 (December 31, 1997) at p. 3; Directive, Enclosure 3, ¶ E3.1.14.
17. *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988).
18. ISCR Case No. 94-1075 (August 10, 1995) at pp. 3-4; Directive, Enclosure 3, ¶ E3.1.15.
19. ISCR Case No. 93-1390 (January 27, 1995) at pp. 7-8; Directive, Enclosure 3, ¶ E3.1.15.
20. *Egan*, 484 U.S. at 531.
21. *Id.*

22. *Id.*; Directive, Enclosure 2, ¶ E2.2.2.

23. Executive Order 10865 § 7.