

DATE: January 31, 2007

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In re:

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SSN: -----

Applicant for ADP I/II/III Position

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ADP Case No. 06-17320

**ECISION OF ADMINISTRATIVE JUDGE**

**ERIN C. HOGAN**

**APPEARANCES**

**FOR GOVERNMENT**

Robert E. Coacher, Esq., Department Counsel

**FOR APPLICANT**

*Pro Se*

**SYNOPSIS**

Applicant's two arrests in January 2004, raised trustworthiness concerns under criminal conduct and alcohol consumption. These incidents occurred in the midst of a contentious divorce. The divorce and a five month period of unemployment caused financial problems. Applicant resolved her delinquent accounts from money received from her father's estate after his unexpected death in July 2006. Applicant has significantly reduced her drinking and has had no further alcohol-related incidents. She did not deliberately falsify her trustworthiness application. She mitigated the concerns raised under financial considerations, criminal conduct, alcohol consumption, and personal conduct. Applicant's eligibility for a assignment to a sensitive position is granted.

**STATEMENT OF CASE**

On September 17, 2004, Applicant submitted an application for a position of public trust, an ADP I/II/III position. The Defense Office of Hearings and Appeals (DOHA) declined to grant the application under Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended (the "Directive").<sup>(1)</sup> On August 30, 2006, DOHA issued Applicant a Statement of Reasons (SOR) detailing the basis for its decision. The SOR, which is in essence the administrative complaint, alleged security concerns under Guideline F, Financial Considerations, Guideline J, Criminal Conduct, Guideline G, Alcohol Consumption, and Guideline E, Personal Conduct.

In a sworn statement dated September 12, 2006, Applicant responded to the SOR allegations and requested a hearing. The case was assigned to me on November 3, 2006. A notice of hearing was issued on November 14, 2006, scheduling the hearing for December 5, 2006. The hearing was conducted on that date. The government submitted Government Exhibits (Gov Ex) 1- 4 which were admitted into the record without objection. Applicant testified on her own behalf, and submitted 17 exhibits which were admitted without objection as Applicant Exhibits (AE) A-Q. The record was held open until December 19, 2006, to allow Applicant to submit further documents. An eight page document was timely submitted and marked as AE R and admitted without objection. DOHA received the hearing transcript (Tr.) on

December 13, 2006.

## FINDINGS OF FACT

In her SOR response, Applicant admits to SOR ¶¶ 1.a-1.m, 2.a - 2.d, and 3.a -3.c. She denies SOR¶¶ 2.e, 4.a and 4.b. Applicant's admissions 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 34 year old woman employed as a customer service supervisor for a Department of Defense contractor who is seeking a position of public trust. She has worked for her employer since July 2004. She is a high school graduate.<sup>(2)</sup> She is divorced and has two children, a son, age nine, and a daughter, age ten.<sup>(3)</sup>

In August 2003, Applicant separated from her husband after eight years of marriage. Even though they agreed to a joint custody arrangement for their two children, the split was not amicable. On January 6, 2004, her ex-husband's sister-in-law filed an order of protection against her. It was claimed that she was mentally ill based on what her ex-husband told his family members. Applicant decided not to appeal the restraining order. She wanted to go on with her life. In January 2004, she made several phone calls to her ex-husband's family members in violation of the restraining order. As a result, she was arrested on January 26, 2004, and charged with intimidate/threat/harass with phone and five counts of failure to comply with court order. At the time of her arrest, she spent three days in jail. She later pled nolo contendere to intimidate/threat/ harass with phone. The five counts of failure to comply with court order were dismissed. She was fined \$546, placed on 12 months probation, and ordered to attend anger management.<sup>(4)</sup>

As a result of being placed in jail, she lost a job that she had held for eight years based on job abandonment because she could not get out of jail to attend work.<sup>(5)</sup> On February 7, 2004, a few days after getting out of jail, she decided to go to a bar and get drunk. She drank numerous beers and shots while at the bar. She later attempted to drive home while intoxicated. She hit a parked vehicle in the parking lot while she attempted to drive away and another vehicle. She remembers hitting one vehicle but does not remember driving away.<sup>(6)</sup> She was arrested that evening, taken to the police station and sent home in a taxi. On May 24, 2004, the prosecutor's office filed a criminal complaint against Applicant for Driving Under the Influence (DUI), extreme DUI, reasonable and prudent speed violation, and leaving the scene of an accident involving vehicle damage. A summons was issued on June 22, 2004.<sup>(7)</sup> Applicant received the summons in the mail a few days later.<sup>(8)</sup>

On November 30, 2004, Applicant plead guilty to extreme DUI and leaving the scene of an accident involving vehicle damage. The other two charges were dismissed. She was fined \$520, ordered to pay \$504 in fees, sentenced to 30 days in jail (17 days were suspended) and ordered to attend Substance Abuse Evaluation and Education classes.<sup>(9)</sup> Applicant attended 54 counseling sessions, paid all of her fines and fees, and served 13 days in jail through a work release program. She drove with an interlock device on her car for one year. She completed the terms of her probation in ay 2005.<sup>(10)</sup>

Applicant was unemployed for five months after being terminated from her previous place of employment in January 2004. As a result, she began to experience financial problems and struggled with paying the bills and providing for her two children. She was hired by her current employer in July 2004.<sup>(11)</sup>

On June 8, 2004, Applicant completed a Public Trust Position Application (SF 85-P).<sup>(12)</sup> In response to question 16. Your Police Record. In the last 7 years, have you been arrested for, charged with, or convicted of any offense(s)? (Leave out traffic fines of less than \$150.), she listed her January 26, 2004, charge for breaking the order of protection. She did not list her February 7, 2004, driving under the influence arrest. In response to question 7 which asks whether applicants have ever been fired from a job or left under unfavorable circumstances, she listed her job termination on January 26, 2004. She indicated that she was unable to contact her employer after being incarcerated by her sister-in-law. She also answered "No" in response to question 20. Your Financial Record - 180 Day Delinquencies which reads: "Are you now over 180 days delinquent on any loan or financial obligation? (Include loans or obligations funded or guaranteed by the Federal Government.)."<sup>(13)</sup>

A subsequent background investigation revealed 13 delinquent accounts with a total approximate balance of \$60,639. (14) The accounts included a \$517 delinquent account placed for collection (SOR ¶ 1.a); a \$70 video store account placed for collection (SOR ¶ 1.b); a \$12,682 charged off credit card account (SOR ¶ 1.c); a \$7,813 charged off credit card account (SOR ¶ 1.d); a \$441 delinquent account placed for collection (SOR ¶ 1.e); a \$22,551 charged off credit card account (SOR ¶ 1.f); a \$356 charged off account (SOR ¶ 1.g); a \$3,678 charged off account (SOR ¶ 1.h), a \$3,118 charged off credit card account (SOR 1.i); a \$517 charged off account (SOR ¶ 1.j); a \$436 charged off department store account (SOR ¶ 1.k); a \$6,821 charged off credit card account (SOR ¶ 1.l); and a \$1,639 collection account (SOR ¶ 1.m). The current status of the delinquent debts are:

SOR Paragraph	Debt	Status	Record
1.a	\$517 collection account.	Paid.	AE R at 6; Tr. at 36; Gov Ex 2 at 3; AE A at 8, 10.
1.b	\$70 video store collection account	Paid.	AE R at 7; Tr. at 37; Gov Ex 3 at 9.
1.c	\$12,682 charged off credit card account.	Paid. Settled for \$5,000.	AE J; Tr. at 37; Gov Ex 2 at 2; Gov Ex 3 at 5; AE A at 6.
1.d	\$7,813 charged off account.	Paid. Settled for \$5,469.	AE P; Tr. at 37-38; Gov Ex 2 at 1; Gov Ex 3 at 5; AE A at 6.
1.e	\$441 collection account.	Paid.	AE I; Tr. at 38; Gov Ex 2 at 3.
1.f	\$22,551 charged off credit card account.	Paid. Settled for \$12,000.	AE L; Tr. at 38-39; Gov Ex 3 at 8.
1.g	\$356 charged off account.	Paid.	AE M; Tr. at 39; Gov Ex 2 at 2; Gov Ex 3 at 7; AE A at 11-12.
1.h	\$3,678 charged off account.	Paid. Settled for \$2,800.	AE N; Tr. at 39; Gov Ex 2 at 2-3; Gov Ex 3 at 2; AE A at 2-3, 11.
1.i	\$3,118 charged off credit card account.	Paid.	AE R at 8; Tr. at 39; Gov 2 at 1-2; Gov Ex 3 at 1; AE A at 1-2.
1.j	\$517 charged off account.	Paid. Duplicate of SOR ¶ 1.a.	Tr. at 40; Gov Ex 2 at 2; Gov Ex 3 at 8; AE A at 8.
1.k	\$436 charged off department store account.	Paid.	AE G; Tr. at 40; Gov Ex 2 at 2; Gov Ex 3 at 7; AE A at 8.
1.l	\$6,821 charged off credit card account.	Paid. Settled for \$4,093.14.	AE H; Tr. at 40; Gov Ex 2 at 2; Gov Ex 3 at 2; AE A at 3.
1.m	\$1,639 collection account.	Paid. Settled for \$950.	AE K; Tr. at 40; Gov Ex 2 at 3; AE A at 9.

On May 30, 2006, Applicant retained a bankruptcy attorney. (15) She previously consulted a credit counselor but discovered that her best alternative was to file for bankruptcy. (16) On July 14, 2006, her father passed away. (17) Applicant received \$85,000 as a beneficiary on his life insurance policy. She also received \$19,000 from his 401(k) account. (18) Applicant did not proceed with the bankruptcy. The unfortunate event of her father's death, allowed her to pay off her delinquent accounts as outlined in the table above. She was also able to buy a new car. Her financial situation is now stable. She has no open credit card accounts and is able to pay her monthly expenses. She started out in an entry level position with her employer but has been promoted on two occasions. She makes approximately \$37,700 a year. (19)

Applicant explained that she did not list her delinquent debts in response to question 20 on her trustworthiness application because she believed that her debts were not 180 days delinquent at the time she filled out the application.

(20) The September 28, 2004, credit report submitted by the government and the May 21, 2006, credit report submitted by Applicant supports this assertion. (21) any of the debts were 60 or 90 days old but none appear to be over 180 days old.

Applicant did not list her February 7, 2004, arrest for DUI and other related charges because she did not think that she was formally charged with anything at the time she filled out the trustworthiness application on June 8, 2004. She remembers being taken to the police station and sent home in a taxi. She became aware of the charges around June 23, 2004, after being formally served with the summons. (22) On September 17, 2004, an e-mail was sent out at Applicant's work telling every employee to update their trustworthiness application to list their residences within the past 7 years. They were previously advised to go back five years. When she responded to this request, she did not think to add the DUI charges. She admits she probably should have but just thought to follow the directions of the e-mail. (23) She had no intention to mislead the government by omitting her February 2004 arrest on her public trust application.

When Applicant was married, she and her husband drank alcohol every evening. Between mid 2002 to August 2003, they drank approximately eight beers a piece. Alcohol was one of the reasons for their divorce. When she separated from her husband, Applicant drank a six pack of beer every other night. (24) After her February 7, 2004, arrest Applicant cut down on her drinking and decided to stop drinking alcohol completely after her father died. Her father was an alcoholic. She decided that she wants to set a better example for her children. (25) Her ex-husband still drinks and made fun of her when she attended a few Alcoholics Anonymous meetings. She no longer attends Alcoholics Anonymous meetings but actively attends church. (26) She has a valid driver's license with no restrictions. She does not intend to repeat the bad choices she made in the past. (27)

Applicant's divorce was final in November 2004. (28) The order of protection is no longer valid. Her relationship with her ex-husband's family is more civil for her children's sake. Her daughter had a recent operation for a rare bone disease. She invited her former in-laws to visit her daughter while she was recuperating. The visit occurred without incident. (29) She and her ex-husband alternate having custody of the children every other week. (30)

The Manager of the Customer Contact Center and Applicant's supervisor since July 2004, wrote a letter on Applicant's behalf. She indicates that Applicant has been promoted twice since she has been with the company. She is very professional and has great integrity. She is a true leader and sets a positive example for the team she leads. She has received several favorable letters from customers and several awards based on her dedication to resolving issues. She closes by stating that Applicant is an asset to the call center and her leadership and dedication would be difficult to replace. (31)

## **POLICIES**

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." (32) In Executive Order 10865, *Safeguarding Classified Information Within Industry* (Feb. 20, 1960), the President set out guidelines and procedures for safeguarding classified information and determining trustworthiness within the executive branch.

To be eligible for a security clearance or access to sensitive information, an applicant must meet the security guidelines contained in the Directive. Enclosure 2 of the Directive sets forth personnel security guidelines, as well as the disqualifying conditions and mitigating conditions under each guideline. The adjudicative guidelines at issue in this case are:

Guideline F - Financial Considerations - 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 or sensitive information. Behaving responsibly or irresponsibly in one aspect of life provides an indication of how a person may behave in other aspects of life.

**Guideline J - Criminal Conduct** - 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 and/or sensitive information. 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 G - Alcohol Consumption** - Excessive alcohol consumption often leads to the exercise of questionable judgment, unreliability, failure to control impulses, and increases the risk of unauthorized disclosure of classified information due to carelessness.

**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 person may not properly safeguard classified information.

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

"The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance."<sup>(33)</sup> An administrative judge must apply the "whole person concept," and consider and carefully weigh the available, reliable information about the person.<sup>(34)</sup> An administrative judge should consider the following factors: (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 individual'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.<sup>(35)</sup>

Initially, the Government must present evidence to establish controverted facts in the SOR that disqualify or may disqualify the applicant from being eligible for access to classified information.<sup>(36)</sup> Thereafter, the applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate the facts.<sup>(37)</sup> An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance."<sup>(38)</sup> Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security.<sup>(39)</sup> The same rules apply to trustworthiness determinations for access to sensitive positions.

## CONCLUSIONS

I have carefully considered all the facts in evidence and the legal standards.

### **Financial Considerations**

Based on all the evidence, Financial Considerations Disqualifying Conditions (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 to Applicant's case. In the midst of a divorce and a five month period of unemployment, Applicant had difficulty meeting her financial obligations. At the time the SOR was issued, she had 13 delinquent debts, an approximate total of \$60,639.

I considered the Financial Considerations Mitigating Conditions (FC MC). Applicant's delinquent debts were recently paid off. Therefore, I cannot apply FC MC E2.A6.1.3.1 (*The behavior was not recent*). Due to the significant amount of delinquent debt, I cannot apply FC MC E2.A6.1.3.2 (*The behavior was isolated*).

FC MC 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)*) applies. Applicant's financial problems were caused by her separation and divorce. Being fired from her job in January 2004,



further aggravated her financial situation. She was unemployed for five months. Circumstances beyond her control contributed to her inability to pay her debts. MC 3 applies.

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 under control*) applies. Applicant consulted a credit counselor to assess her financial situation. In May 2006, she concluded that she had no alternative other than to file for bankruptcy due to the enormous size of her debts. When she learned that she would receive some money from her father's estate, she stopped the bankruptcy proceedings. She then paid off all of her debts. She appears to live within her means and her finances appear to be under control.

FC MC E2.1.3.6 (*The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts*) applies. Applicant took the initial steps towards filing for bankruptcy when she realized that she would not be able to pay off her delinquent accounts. When she received the money from her father's estate, she stopped the bankruptcy proceedings and took steps to resolve her delinquent accounts. Every account alleged in the SOR is resolved. Applicant made a good-faith effort to resolve her debts.

Applicant mitigated the financial considerations trustworthiness concern. Guideline F is decided for Applicant.

### **Criminal Conduct**

Applicant's January 26, 2004, arrest for harassing phone calls and violating an order of protection and her February 7, 2004, drunk driving and hit and run incident raise security issues under criminal conduct. Criminal Conduct Disqualifying Condition (CC DC) E2.A10.1.2.1 (*Allegations or admission 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 offenses*) apply.

I have considered all the mitigating conditions. It has been close to three years since Applicant's last criminal incident in February 2004. As such, I conclude that Criminal Conduct Mitigating Condition (CC MC) E2.A10.1.3.1 (*The criminal behavior was not recent*) applies. I cannot apply CC MC E2.A10.1.3.2 (*The crime was an isolated incident*) since Applicant had several criminal offenses. However, I note that Applicant had no prior criminal arrests prior to January 2004. The two arrests occurred within a two month period when Applicant was in the midst of a very contentious divorce and under a lot of stress.

CC MC E2.A10.1.3.3 (*There is clear evidence of successful rehabilitation*) applies. Applicant has completed the terms of her probation. She has had no further criminal incidents since February 2004. She holds a responsible position at work and is highly praised by her supervisor. Her testimony and demeanor at hearing was upfront and honest. Her frank discussion indicates that she has learned a lesson from her experiences in January and February 2004.

I find for Applicant with respect to SOR ¶ 2.e. Applicant did not deliberately falsify her September 17, 2004, trustworthiness application for the reasons discussed under personal conduct below.

Under the criminal conduct concern, there is evidence of successful rehabilitation. I find for Applicant under Guideline J.

### **Alcohol Consumption**

Alcohol Consumption Disqualifying Condition (AC DC) E2.A7.1.2.1: (*Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, or other criminal incidents related to alcohol use*) applies related to Applicant's February 7, 2004, arrest for drunk driving and leaving the scene of an accident.

Based on Applicant's description of her former drinking habits, AC DC E2.A7.1.2.5: (*Habitual or binge consumption of alcohol to the point of impaired judgment*) applies. Between mid-2002 to August 2003, she and her ex-husband would consume eight beers every evening. After they separated, she would drink a six pack of beer every other evening. Based on the level of alcohol consumption, one can reasonably assume her past drinking habits led to impaired judgment. The decision to drive her car after a night of heavy drinking on February 7, 2004, demonstrates impaired judgment.

I find several mitigating conditions apply to Applicant's case. Alcohol Consumption Mitigating Condition (AC MC) E2.A7.1.3.1: (*The alcohol-related incidents do not indicate a pattern*) applies. Applicant was arrested on two occasions between January and February 2004. While it is not an excuse for her conduct, she was undergoing a contentious separation and divorce during the time. Since February 2004, she has had no further alcohol-related incidents and significantly reduced her drinking.

AC MC E2.A7.1.3.2: (*The problem occurred a number of years and there is no indication of a recent problem*) applies. Applicant reduced her alcohol consumption since her arrest in February 2004. There have been no subsequent alcohol-related incidents. Applicant completed her court-ordered alcohol treatment and indicates that she learned a lot from the counseling sessions.

AC MC E2.A7.1.3.3: (*Positive changes in behavior supportive of sobriety*) applies. At hearing, Applicant testified that she stopped drinking alcohol after her father's death five months ago. She wants to provide a better example for her children. She no longer attends Alcoholics Anonymous but is active with her church and views her church as providing a good support group.

Applicant abused alcohol in the past culminating in the February 2004 DUI and hit and run incident. Since the incident, she attended counseling, completed the terms of her probation, and reduced her alcohol use. She has been promoted twice at work and lives a more mature and stable lifestyle. She has mitigated the concerns raised under Alcohol Consumption. Accordingly, Guideline G is concluded for Applicant.

## **Personal Conduct**

Personal conduct under Guideline E is always a trustworthiness concern because it asks the central question if a person's past conduct justifies confidence the person can be trusted to properly safeguard classified and/or sensitive information. Deliberate omission, concealment, or falsification of a material fact in any written document or oral statement to the government when applying for a security clearance or in other official matters is a trustworthiness concern. It is deliberate if it is done knowingly and willfully.

In this case, Applicant explained that she did not list her delinquent debts in response to question 20 on the public trust application because she believed none of her debts were over 180 days old. A September 28, 2004, credit report submitted by the government and a May 21, 2006, credit report submitted by Applicant supports this assertion.

I also find credible Applicant's explanation as to why she did not list her February 7, 2004, DUI offense on her trustworthiness application. When she initially filled out her trustworthiness application on June 8, 2004, she was not formally charged by the court for the DUI offense. In September 2004, she admits to being aware of the charges but did not think to list them on her application. She was advised to list her residences for the past seven years but did not think to consider updating other questions. She listed her January 26, 2004, offense and the fact that she was fired by her previous employer as a result of being incarcerated by her sister-in-law. These disclosures support a lack of any intent to falsify. I find that she did not deliberately intend to falsify her trustworthiness application. Guideline E is concluded for Applicant.

In all adjudications, the protection of our national security is the paramount concern. The objective of the trustworthy determination process is the fair-minded, commonsense assessment of a person's life to make an affirmative determination that the person is eligible for assignment to sensitive duties. 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 and the "whole person" in evaluating Applicant's trustworthiness. Applicant's exemplary work history, the resolution of delinquent accounts, the successful completion of the terms of probation with no further incidents support the mitigation of the trustworthiness concerns raised in her case. Based on the evidence in the record, it is clearly consistent with the national interest to grant Applicant eligibility for assignment to sensitive duties. Eligibility is granted.

## **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. Guideline F: FOR APPLICANT

Subparagraph 1.a: For Applicant

Subparagraph 1.b: For Applicant

Subparagraph 1.c: For Applicant

Subparagraph 1.d: For Applicant

Subparagraph 1.e: For Applicant

Subparagraph 1.f: For Applicant

Subparagraph 1.g: For Applicant

Subparagraph 1.h: For Applicant

Subparagraph 1.i: For Applicant

Subparagraph 1.j: For Applicant

Subparagraph 1.k: For Applicant

Subparagraph 1.l: For Applicant

Subparagraph 1.m: For Applicant

### Paragraph 2. Guideline J: FOR APPLICANT

Subparagraph 2.a: For Applicant

Subparagraph 2.b: For Applicant

Subparagraph 2.c: For Applicant

Subparagraph 2.d: For Applicant

Subparagraph 2.e: For Applicant

### Paragraph 3. Guideline G: FOR APPLICANT

Subparagraph 3.a: For Applicant

Subparagraph 3.b: For Applicant

Subparagraph 3.c: For Applicant

### Paragraph 4. Guideline E: FOR APPLICANT

Subparagraph 4.a: For Applicant



Subparagraph 4.b: For Applicant

**DECISION**

In light of all of the evidence presented in this case, it is clearly consistent with the national interest to grant Applicant eligibility for assignment to sensitive duties. Eligibility is granted.

Erin C. Hogan

Administrative Judge

1. This action was taken under Executive Order 10865, dated February 20, 1960, as amended; and Memorandum from the Deputy Under Secretary of Defense Counterintelligence and Security, titled "Adjudication of Trustworthiness Cases," dated November 19, 2004.

2. Tr. at 6; Gov Ex 1.

3. Tr. at 54.

4. Tr. at 29-30.

5. Tr. at 30.

6. Tr. at 30-31, 43-45, 54.

7. AE Q.

8. Tr. at 32.

9. AE Q.

10. Tr. at 32-33, 45.

11. Tr. at 31.

12. Gov Ex 1.

13. *Id.*

14. Gov Ex 2 and 3.

15. AE B.

16. Tr. at 33.

17. AE D.

18. Tr. at 35; AE E.

19. Tr. at 53.

20. Tr. at 51-52; AE R at 3.

21. Gov Ex 3 and AE A.

22. Tr. at 32-32, 50.

23. Tr. at 50; AE R at 3.

24. Tr. at 47, 55-56.

25. Tr. at 45-46.

26. Tr. at 48.

27. Tr. at 47-49.

28. Tr. at 43.

29. Tr. at 56-57.

30. Tr. at 42.

31. AE F.

32. *Department of the Navy v. Egan*, 484 U.S. 518, 527 (1988).

33. Directive, ¶ E2.2.1.

34. *Id.*

35. *Id.*

36. Directive, ¶ E3.1.14.

37. Directive, ¶ E3.1.15.

38. ISCR Case No. 01-20700 at 3 (App. Bd. December 19, 2002).

39. Directive, ¶ E2.2.2.