



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 07-02115
)
Applicant for Security Clearance)

Appearances

For Government: Stephanie Hess, Esquire, Department Counsel
For Applicant: *Pro se*

July 29, 2011

Decision

CREAN, Thomas M., Administrative Judge:

Based on a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is denied. Applicant did not present sufficient information to mitigate security concerns for financial considerations and personal conduct.

Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) to obtain a security clearance for employment with a defense contractor on November 1, 2005. She was granted access to classified information. On January 28, 2010, Applicant submitted a new e-QIP to update her eligibility for access to classified information. After an investigation conducted by the Office of Personnel Management (OPM), the Defense Office of Hearings and Appeals (DOHA) issued interrogatories to Applicant to clarify or augment potentially disqualifying information in her background. After reviewing the results of the background investigation and Applicant's responses to the interrogatories, DOHA could not make the preliminary affirmative findings required to issue a security clearance. DOHA issued a Statement of Reasons (SOR), dated September 10, 2010, to Applicant detailing security concerns for financial considerations under Guideline F and personal conduct under Guideline E for information not provided on both e-QIP. These actions were taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960),

as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the Department of Defense on September 1, 2006.

Applicant answered the SOR on September 24, 2010. She admitted two and denied 19 of the allegations under Guideline F. She denied the allegations under Guideline E. Department Counsel was prepared to proceed on March 21, 2011, and the case was assigned to me on March 21, 2011. DOHA issued a Notice of Hearing on March 21, 2011, scheduling a hearing for March 23, 2011. I convened the hearing by video teleconference as scheduled. The Government offered nine exhibits that I marked and admitted into the record without objection as Government Exhibits (Gov. Ex.) 1 through 9. Applicant testified on her behalf and offered no exhibits. DOHA received the transcript of the hearing (Tr.) on April 6, 2011.

Procedural Issues

Applicant did not receive the Notice of Hearing until the day of the hearing. She discussed the hearing date with Department Counsel and requested an early hearing date. Applicant is entitled to 15 days advanced notice of a hearing. (Directive E3.1.8.). Applicant was ready to proceed at the hearing on March 23, 2011, and she was prepared to proceed. She waived the 15 days notice requirement. (Tr. 6-7)

Findings of Fact

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact.

Applicant is 49 years old and was employed by a defense contractor for over four years as a service desk technician serving in a war zone with the US Armed Forces. She left that position in June 2010 when she returned to the United States. She has served three tours in a war zone for defense contractors. She married in August 1976 and divorced in May 1995. She remarried in May 2000 and divorced in February 2006. She married again in October 2010. She has two grown children. She is not presently employed, but her former employer is holding a position for her pending a decision on her eligibility for access to classified information. Since she is not employed, there is no information on her present salary. Since she recently married, she is supported by her husband and does not work outside the home. Prior to her termination pending the resolution of her eligibility for access to classified information, Applicant received a good salary and had significant discretionary funds each month since she was working overseas in a war zone and had little if any expenses. (Tr. 59-63; Gov. Ex. 1, e-QIP, dated January 27, 2010; Gov. Ex. 4, Response to Interrogatories, dated March 27, 2007)

Credit reports of August 3, 2010 (Gov. Ex 5), May 12, 2009 (Gov Ex 6), August 2, 2007 (Gov. Ex. 7), and March 2, 2007 show the following delinquent debts for Applicant:

medical debts of \$7,796 (SOR 1.a), \$1,275 (SOR 1.b), \$542 (SOR 1.c), \$252 (SOR 1.d), \$542 (SOR 1.p), \$537 (SOR 1.q), \$32 (SOR 1.s), \$30 (SOR 1.t), and \$20 (SOR 1.u); collection accounts for \$468 (SOR 1.e), \$358 (SOR 1.f), \$10,000 (SOR 1.i), \$920 (SOR 1.l), \$1,094 (SOR 1.n), \$598 (SOR 1.o), and \$148 (SOR 1.r); judgments for \$1,240 (SOR 1.g), and \$984 (SOR 1.k); and charged off accounts for \$5,645 (SOR 1.h), \$541 (SOR 1.j), and \$7,118 (SOR 1.m). The total amount of the delinquent debt listed is approximately \$40,000. Applicant admitted the delinquent debts listed at SOR 1.a, and 1.e. She denied the other debts.

In response to interrogatories and questions from security investigators, Applicant attributes most of her debts to being laid off in 2002, and a divorce in 2006. She also noted that some of the debts were the debts of a former husband and not her debts. She was not aware of a majority of her debts and does not remember when and why they were incurred. Applicant denied the debts in the SOR because she could not remember or verify them, or believed she was not responsible for them since they were attributed to her former husband. She was unemployed from October 2002 until June 2003, November 2004 until November 2005, and May 2006 until November 2006. She was employed in a war zone overseas for a defense contractor from November 2006 until July 2010. Her pay was good while she was employed overseas. (Tr. 19-20, 43-49, 61-67; Gov. Ex. 3, Response to Interrogatories and Transcript of Interview, dated March 15, 2010)

Applicant testified the \$7,796 medical debt at SOR 1.a was for surgery she received in 2003 or early 2004. Prior to the surgery, she saw a promissory note from her insurance company to the hospital that the insurance company would be responsible for payment of the hospital bill. She did not receive a copy of the note. She has not been in contact with the hospital about the debt because she spent most of the last few years working overseas in war zones. (Tr. 22-24)

Applicant has no knowledge of the \$1,275 medical debt at SOR 1.b. It is possible the debt resulted from her surgery. She paid the surgeon for his services directly so it is not a bill from him. She had limited contact with creditors concerning the debt because she was serving overseas. She contacted the hospital in 2006 and was informed that the hospital no longer had the debt since it was in collection. She did not contact a collection agency for the debt. (Tr. 24-26)

Applicant has no knowledge of the medical debts alleged in SOR 1.c and 1.d. She admits the \$468 telephone debt at SOR 1.e and believes the debt belongs to her former husband. The account was in her name but both used the phone. When they divorced, her former husband kept the phone account. She did not receive any bills since she moved. She contacted the company in 2006 and was informed the debt had been written off and they could not accept any payments. She has not paid the debt. (Tr. 26-28)

Applicant believes the \$358 cable debt at SOR 1.f was for service she received prior to 2006. She believes all bills, including this one, had been paid. She had service

with the company after 2006 which she would not have received if she owed a debt to them. She has no receipts for any payments on cable debts. (Tr. 28-29)

The \$1,240 judgment at SOR 1.g and the \$984 judgment at SOR 1.k are for a car engine repair in 2002. Applicant took her car to a repairman for an engine problem. The day after she got the car back, the engine failed so she stopped payment on the check used to pay the bill. The repairman filed a claim in small claims court. Applicant countered with a claim of her own. The magistrate directed that both parties absorb their own costs. However, both judgments were charged to Applicant. Applicant has no documents to show the magistrate's ruling. Applicant claims the two judgments were the result of these claims. The judgment at SOR 1.g was filed in August 2002 and lists the automobile repairman as the claimant. The judgment at SOR 1.k was filed in March 2001 and lists the claimant as a person with Applicant's same last name but a different first name. Applicant was informed by court personnel that the name on the judgment at SOR 1.k was written incorrectly. Neither judgment has been paid. I find that the judgments pertain to the automobile repair and are resolved as noted in the small claims court. (Tr. 29-31, 35-36)

The \$5,645 debt at SOR 1.h is for a car voluntarily returned to the dealer for repossession. When Applicant lost employment she was unable to make payments on the car so she returned it to the dealer. She has not paid the debt nor made any arrangement to pay the debt. (Tr. 31-33)

Applicant does not have any knowledge of the \$10,000 debt at SOR 1.i. She became aware of the debt in July 2010. She made no inquiry about the debt after receiving the SOR in September 2010. Since it is not now on her credit report, she has not made any further inquiries about the debt. (Tr. 33-34)

Applicant has no knowledge of the \$541 credit card debt at SOR 1.j. This debt may be the same debt noted at SOR 1.l since they are credit card debts from the same issuing bank. She does not think she or her former husband had a credit card issued by the listed creditor bank. She believes she and her former husband had a credit card issued by another bank but the debt was paid. She has not discussed this credit card debt with the issuing bank. I find that debts SOR 1.j and 1.l are the same debt but have not been resolved. (Tr. 34-37)

The \$7,118 debt at SOR 1.m is for a computer purchased by Applicant. When Applicant was laid off in about 2002 she was unable to continue to make payments on the debt. She has taken no action to learn about or pay the debt. (Tr. 37-38)

Applicant claims she paid the \$1,094 debt at SOR 1.n years ago. She has no documentation to show the payment. She has not inquired about the debt from the creditor. (Tr. 38-39)

Applicant has no knowledge of the \$598 medical debt at SOR 1.o, the \$542 medical debt at SOR 1.p, and the \$537 medical debt at SOR 1.q. She called one of the

creditors a few years ago to inquire about the debt. She did not have an invoice number, so she was unable to identify the debts for the creditor. She has not paid any of these debts. (Tr. 39-41)

The \$148 credit card debt at SOR 1.r was opened in her name by her son. He made the purchase that is the subject of the debt. She has not paid the debt. (Tr. 41-43)

Applicant has no knowledge of the \$32 medical debt at SOR 1.s, the \$30 medical debt at SOR 1.t, and the \$20 medical debt at SOR 1.u. She has not taken any action to pay the debts. She has paid some recent medical debts. (Tr. 43)

Applicant completed her first e-QIP on November 1, 2005. In response to a question concerning her police record, she answered "no" to all questions at section 23 particularly questions asking if she had ever been convicted of an offense related to alcohol or drugs. She failed to list her arrests and charges for driving while intoxicated in October 1997 and 2001, and a public intoxication arrest in 2002. (Gov. Ex. 9, Criminal Justice Report, dated, December 1, 2005) In response to questions concerning her finances, she answered "no" to question 27d asking if she had any judgment she had not paid. There are two judgments against her as noted at SOR 1.g and 1.k. She answered "no" in response to question 28a asking whether in the last seven years she had any debts more than 180 days delinquent. She answered "no" to question 28b asking if she presently had any debts more than 90 days past due. As noted in the credit reports and the SOR, at the time she had debts more than 180 days past due. (Gov. Ex. 2)

Applicant denied that she deliberately provided false information. Applicant first completed a security clearance application on a computer disc while serving overseas in approximately 2003. She thought the 2005 e-QIP was merely an update of her previous application. She cannot explain why she did not include her 1997 driving while intoxicated offense in response to the relevant question. When she answered the financial question concerning judgments, she did not know a judgment had been entered against her because the magistrate ruled each party was responsible for their own expenses. In response to the questions concerning delinquent debts, she did not know at the time she had delinquent debts even though she was just coming off a period of unemployment. (Tr. 54-59, 70-71)

Applicant completed her second e-QIP on January 28, 2010. In response to questions concerning her police record, she answered "No" to question 22e asking if she had ever been charged with any offense related to alcohol or drugs. However, she answered "Yes" to question 22b asking if she had ever been arrested by law enforcement. She listed a 2002 driving while intoxicated offense. She failed to list a 2002 public intoxication offense and a 1997 driving while intoxicated offense. In response to questions concerning her finances, she answered "No" to all financial questions under section 26. This section in various questions asks Applicant if she ever had any bills turned over to a collection agency or had any credit cards suspended, charged off, or cancelled for failure to pay as agreed, or had or has delinquent debts.

The credit reports and SOR show collection and charged off credit card accounts. (Gov. Ex. 1)

Applicant denied deliberately providing false or incomplete information on her January 28, 2010 e-QIP, Applicant listed only a 2002 driving while intoxicated offense and not the 1997 driving while intoxicated offense, or the 2002 public intoxicated offense. Even though she was initially charged with a felony assault and battery, she believed she did not have to include the public intoxication offense since the conviction was only a misdemeanor. The felony assault and battery charge was dismissed. She did not list any felony charges in response to any question on the application. She did not remember the felony assault and battery charge since it was dropped. Her only explanation for failing to include the 1997 driving while intoxicated offense was that she did not remember the incident. As to her finances, she did not have the opportunity to examine a credit report before completing the form, and she did not remember what debts were outstanding. She did not think about looking into the state of her finances to answer the questions since she was completing the application while serving overseas in a war zone. (Tr. 49-54, 67-70, 72-78)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which must be considered in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion in seeking a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Analysis

Financial Considerations

Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds (AG ¶ 18). 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.

A person's relationship with her creditors is a private matter until evidence is uncovered demonstrating an inability or unwillingness to repay debts under agreed terms. Absent evidence of strong extenuating or mitigating circumstances, an Applicant with a history of serious or recurring financial difficulties is in a situation of risk inconsistent with the holding of a security clearance. An applicant is not required to be debt free, but is required to manage her finances in such a way as that meets her financial obligations. Applicant's delinquent debts as established by a credit reports are a security concern. The evidence is sufficient to raise security concerns under Financial Considerations Disqualifying Conditions (FC DC) AG ¶ 19(a) (inability or unwillingness to satisfy debts) and FC DC AG ¶ 19(c) (a history of not meeting financial obligations).

I considered Financial Considerations Mitigating Conditions (FC MC) AG ¶ 20(a) (the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment) and FC MC AG ¶ 20(b) (the conditions that resulted in the financial problems were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce, or separation) and the individual acted responsibly under the circumstances). These mitigating conditions do not apply. Most of the debts listed in the SOR have not been resolved and are current. The debts were incurred in the late 1990s before her second marriage, during the marriage, and continued after her second marriage ended in divorce in 2006. Applicant accumulated delinquent debt

when she was unemployed for about eight months in 2002/2003, for a year in 2004/2005, and for six months in 2006. While it is clear that there was a divorce and periods of unemployment, Applicant provided no explanation how the circumstances prevented her from continuing to pay her debts and manage her finances. She presented no information concerning the steps she took to live within her means while unemployed. Even though she had periods of unemployment, the circumstances leading to her unemployment were predictable and not unusual. She worked on specific time period contracts overseas that she knew would be completed within a certain time. She presented no information to show how she managed her finances under the conditions of this type of employment.

Applicant has not established that she took responsible actions to resolve her debts. She was employed from 2006 until June 2010 with good pay and considerable discretionary funds to use to pay debts. During this time, she made little if any effort to contact creditors or pay debts. She used the excuse of being overseas and having difficulty contacting creditors. She presented no information to show that she made attempts to contact creditors but was not successful because of her location and situation.

I considered FC MC AG ¶ 20(c) (the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control). The mitigating condition does not apply. While Applicant could benefit from financial counseling, she presented no information to establish she even considered or attempted financial counseling.

I considered FC MC AG ¶ 20(d) (the individual has initiated a good-faith effort to repay the overdue creditors or otherwise resolve debts). For FC MC AG ¶ 20(d) to apply, there must be an "ability" to repay the debts, the "desire" to repay, and "evidence" of a good-faith effort to repay. Good-faith means acting in a way that shows reasonableness, prudence, honesty, and adherence to duty and obligation. A systematic method of handling debts is needed. Applicant must establish a "meaningful track record" of debt payment. A "meaningful track record" of debt payment can be established by evidence of actual reduction of debt through debt payment. An applicant is required to demonstrate that she has an established plan to resolve her financial problems and has taken significant action to implement that plan. Applicant presented no information to establish her intent or method to resolve her delinquent debts. She had sufficient income to pay debts from November 2006 until July 2010. She made little if any effort to resolve the debts when she had the funds. She is married now, but not employed, and seems to have some means of paying some of her debts. Applicant has not shown she acted with reason and prudence towards her debts. She has not demonstrated that she has or will act responsibly towards her debts and they are not under control. Applicant has not presented sufficient evidence to mitigate security concerns for financial considerations.

Personal Conduct

A security concern is raised for personal conduct based on Applicant's responses to financial questions on her security clearance applications. Personal conduct is a security concern because conduct involving questionable judgment, untrustworthiness, unreliability, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process (AG ¶ 15). Personal conduct is always a security concern because it asks whether the person's past conduct justifies confidence the person can be trusted to properly safeguard classified information. The security clearance system depends on the individual providing correct and accurate information. If a person conceals or provides false information, the security clearance process cannot function properly to ensure that granting access to classified information is in the best interest of the United States government.

Applicant completed two security clearance applications, one in 2005, and the other in 2010. On both applications, she provided inaccurate and incomplete answers to questions concerning her police record and her finances. Applicant's incorrect answers to these questions raises a security concern under Personal Conduct Disqualifying Condition (PC DC) AG ¶ 16(a) (the deliberate omission concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history, or similar form used to conduct investigations, to determine security eligibility or trustworthiness). Applicant denied an intentional falsification for the incorrect or missing material information on both applications. While there is a security concern for an omission, concealment, or falsification of a material fact in any written document or oral statement to the government when applying for a security clearance, not every omission, concealment, or inaccurate statement is a falsification. A falsification must be deliberate and material. It is deliberate if it is done knowingly and willfully with intent to deceive.

In response to questions on the 2010 application, Applicant listed only one of three alcohol-related criminal offenses. She did not believe she had to list a felony arrest for assault and battery involving alcohol since she was only convicted of a misdemeanor for public intoxication. She listed only one of two arrests for driving while intoxicated in response to a general question concerning arrests, but not in response to a specific question concerning alcohol-related arrests. While it is reasonable to believe Applicant was confused about the public intoxication offense, this was a conviction for an alcohol-related offense, and should have been listed on the application. There was no confusion that she had two driving while intoxicated offenses. There was no time limit for listing the offense. In addition, Applicant answered "no" to questions concerning her finances indicating that she had no financial problems of security concern. Applicant's explanation was she did not consult a credit report before answering financial questions and did not know the details of her financial problems. However, Applicant was unemployed a few times before completing the application. She had to

realize she accumulated debt during this time and had not made any attempts to pay the debts since becoming fully employed in November 2006. It is reasonable to conclude that she should know she had debts that were unpaid old debts. Her failure to list the 1997 driving while intoxicated offense or to note that there were any financial issues can only be classified as a knowing and willful failure to provide required information with intent to deceive. Applicant has not presented sufficient information to show her omissions were not deliberate.

Applicant answered "no" in response to all questions concerning her police record on the 2005 application. These questions have no time limit concerning alcohol-related arrests. She did not list either driving while intoxicated offense or the public intoxication offense. As noted above, she has not provided sufficient information to show why she could not remember her arrests for driving while intoxicated. These types of encounters with law enforcement are memorable and one happened only three years before she completed the application. Her conviction for public intoxication is clearly an alcohol-related offense and should have been so noted. Her only confusion would be in response to question 23a concerning felony arrests since she was only convicted of a misdemeanor. She failed to list any financial problems of security concern. It is reasonable to believe she did not know of an unpaid judgment since the magistrate ruled that both parties were responsible for their own bills. However, it is not reasonable to believe she did not know of unpaid delinquent debts. She was unemployed for a time and did not or could not pay her debts for a time. She should have reasonably realized she had debts more than 180 days past due. Applicant mitigated security concerns for personal conduct under SOR allegation 2.d concerning judgments. She has not presented sufficient information to mitigate security concerns for the other personal conduct allegations.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (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 extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent 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.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I considered that Applicant has willingly served as a civilian in war zones in support of United States Armed Forces and has been granted eligibility for access to classified information in the past.

Applicant incurred delinquent debt that she has not resolved or satisfied. She did not present sufficient information to establish that her financial problems were caused by conditions beyond her control. She did not establish that she made good-faith efforts to resolve her finances and pay her past due obligations. Applicant has not established a "meaningful track record" of debt payment, including evidence of actual debt reduction through payment of debts. Her efforts to resolve her finances have only been minimal at best. She made limited inquiries concerning her finances and presented no evidence of debt payments. She has not presented enough information to show she is taking reasonable and responsible action to resolve her financial issues. Her management of her finances shows carelessness and unconcern. This indicates she will be unconcerned, irresponsible, and careless regarding the safeguarding of classified or sensitive information. Applicant's failure to take adequate action to resolve her debts establishes that she is not suitable for a security clearance. Applicant provided incomplete or inaccurate financial information and alcohol-related arrest information on two security clearance applications with intent to deceive. Her deliberate actions in not providing accurate information shows she will not properly safeguard classified information. For all these reasons, I conclude Applicant has not mitigated the security concerns arising from her personal conduct and her financial situation. Overall, the record evidence leaves me with questions and doubts as to Applicant's judgment, reliability, and trustworthiness. She should not be granted access to classified information.

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:	AGAINST APPLICANT
Subparagraph 1.a - 1.f:	Against Applicant
Subparagraph 1.g;	For Applicant
Subparagraphs 1.h - 1.j;	Against Applicant
Subparagraph 1.k;	For Applicant
Subparagraph 1.l:	For Applicant (Duplicate of 1.j)
Subparagraphs 1.m- 1.q:	Against Applicant

Subparagraph 1.r:	For Applicant
Subparagraphs 1.s - 1u:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a -2.c	Against Applicant
Subparagraph 2.d:	For Applicant
Subparagraph 2.e:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

THOMAS M. CREAN
Administrative Judge