



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



In the matter of:	)	
	)	
	)	ISCR Case No. 07-06685
SSN:	)	
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Richard Stevens, Esquire, Department Counsel  
For Applicant: Pro Se

December 3, 2008

**Decision**

HOGAN, Erin C., Administrative Judge:

Applicant submitted his Electronic Questionnaire for Investigations Processing (e-QIP), on July 20, 2006. On June 30, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the security concerns under Guideline J, Criminal Conduct; Guideline E, Personal Conduct; and Guideline F, Financial Considerations for Applicant. The action was 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 revised adjudicative guidelines (AG) promulgated by the President on December 29, 2005, and effective within the Department of Defense for SORs issued after September 1, 2006.

On July 22, 2008, Applicant answered the SOR and requested a hearing before an Administrative Judge. Department Counsel was prepared to proceed on September 29, 2008. The case was assigned to me on October 8, 2008. DOHA issued a notice of hearing on October 16, 2008, and I convened the hearing as scheduled on October 30, 2008. The government offered Exhibits (Gov) 1 through 12, which were admitted without objection. Applicant testified on his own behalf and submitted three documents

which were marked as Applicant Exhibits (AE) A – C and admitted without objection. DOHA received the transcript of the hearing (Tr) on November 7, 2008. The record was held open until November 14, 2008, to allow Applicant to submit additional documents. No documents were submitted at the close of the record. Based upon a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

### **Procedural Issue**

The Notice of Hearing was sent out less than fifteen days prior to the hearing. Applicant waived the fifteen day notice requirement. (Tr at 12-13.)

### **Findings of Fact**

In his Answer to the SOR, received by DOHA on August 5, 2008, Applicant admitted the allegations in ¶¶ 1.a, 1.c – 1.e, 2.c - 2.e, 3.c, and 3.h. He denied SOR ¶¶ 1.b, 2.a, 2.b, 3.a, 3.b, and 3.d – 3.h.

Applicant is a 30-year-old systems analyst employed by a Department of Defense contractor seeking a security clearance. He has worked for his current employer since May 2007. He has held a SECRET clearance since 1999. He has a high school diploma and three semesters of college credit. He currently attends an online university. He served on active duty in the United States Army for eight years from 1997 – 2004. Applicant married in September 2000 and divorced in 2002. In 2003, he became engaged. The engagement ended several years later. He is currently single and has no children. (Tr at 6-9, 36, 63; Gov 1; Answer to SOR.)

Applicant worked as a contractor in Iraq from 2003 – 2004; 2005 – 2006; and July 2006 to March 2007. (Tr at 36-40; Answer to SOR.)

From 1997 to 2007, Applicant has been charged with, or investigated for, or cited for several criminal and traffic offenses. In December 1997, he was arrested and charged with Theft of Private Property. He was caught shoplifting a leather jacket, valued at \$475, from a department store. He was on active duty in the U.S. Army at the time. He pled guilty and was sentenced to pay a \$350 fine, \$184.23 in court costs, attend a life skills offender program, and nine months community supervision. (Tr at 34; Gov 2 at 8; Gov 3 at 4; Gov 4 at 2 – 7; Gov 7.) Applicant's security clearance was revoked in October 1998. His security clearance was reinstated nine months later after he completed his community supervision. (Tr at 34; Gov 6.)

In February 2000, Applicant was stationed in South Korea. On February 12, 2000, he was walking home with friends after the bars closed. He and his friends exchanged words with a couple. The woman smacked him. The husband threw a punch at him. Applicant hit the husband and knocked him out. He was taken to the police station for assault and battery. He was questioned and released to his military unit. His

commander referred him to anger management and he was given an oral reprimand. (Tr at 35-36, 42-43; Gov 8; Response to SOR.)

On August 9, 2001, Applicant was arrested and charged with Driving While License Suspended/Revoked. His car was stopped for traffic violations. It was discovered that his license was revoked. He was arrested and taken to jail. On November 5, 2001, Applicant appeared in court and pled guilty to Criminal Attempt of Driving While License Suspended. He was sentenced to a \$200 fine and ordered to pay \$69.25 in court costs. (Tr at 36; Gov 4 at 9 – 12; Gov 9; Answer to SOR.)

In June 2002, Applicant was cited for Parked in a Disabled Space. He was fined \$372. (Tr at 38; Gov 3 at 5; Gov 5 at 2, 13; Answer to SOR.) He admits to parking in a disable space at a grocery store. (Tr at 38.)

On May 1, 2004, Applicant was pulled over for a traffic violation. He had just purchased the car and was unable to produce the insurance paperwork or the car's temporary tags. He was charged with Expired License Plates, a misdemeanor, and Failure to Maintain Financial Responsibility, a misdemeanor. He was found guilty of Failure to Maintain Financial Responsibility and fined \$307. (Tr at 37; Gov 2 at 8-9; Gov 3 at 5; Gov 4 at 13 – 14; Gov 5 at 2, 8 – 11; Answer to SOR.)

On May 5, 2006, Applicant went to his best friend's apartment complex to attend his best friend's birthday party. He parked his car in a fire zone. At around 11:45 pm, the party attendees were getting ready to go out. They were drinking champagne in the parking lot. One of Applicant's female friends turned up the radio volume in his car. An off-duty police officer who worked part-time as a security officer in the apartment complex approached the group due to the loud noise. He asked for the identity of all four individuals. It was discovered that Applicant had an outstanding warrant for issuing in bad check in October 2004. He was arrested for the bad check offense. He was also cited for Loud Noise, Parking in a Fire Zone, and Open Container. He paid a total of \$1,015 in fines; \$590 for Loud Noise, \$135 for Parking in a Fire Zone, and \$290 for Open Container. On March 2, 2007, the bad check offense was dismissed because Applicant paid restitution. (Tr at 38-39; Gov 2 at 9-10; Gov 3 at 5; Gov 4 at 15-16; Gov 5 at 2, 5 -7; Gov 10.)

Applicant denies writing the bad check which is the basis for the bad check offense in October 2004. Although he has two checking accounts, he claims that he never writes checks. In 1997, he was the victim of identity theft. A mechanic stole his identity and charged approximately \$20,000 in Applicant's name. He believes the bad check charge is related to the identity theft. (Tr at 48, 57-58; Gov 3 at 5; Answer to SOR.)

In April 2007, Applicant was cited for Speeding in a School Zone and Failure to Maintain Financial Responsibility. He paid a \$133 fine. (Tr at 39; Gov 5 at 2-4.) Appellant has not been arrested since May 2006. He has received a traffic ticket. In July

2008, he was cited for speeding and expired tags in July 2008. He paid an \$86 fine. (Tr at 64-65.)

On July 20, 2006, Applicant completed an electronic questionnaire for investigations processing (e-QIP) in order to apply for a security clearance. Applicant answered "No" in response to "Section 23. Your Police Record: For this item report information regardless of whether the report in your case has been "sealed" or 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. f. In the last 7 years, have you been arrested for, charged with, or convicted of any offense(s) not listed in response to a, b, c, d, or e above? (Leave out traffic fines of less than \$150 unless the violation was alcohol or drug related.)" He did not list the offenses in SOR ¶¶ 1.b, 1.c, 1.d, 1.e, 2.c and 2.d.

On the same e-QIP application, Applicant answered, "No" in response to "Section 27. Your Financial Record. B. In the last 7 years, have you had your wages garnished or had any property repossessed for any reason?" Applicant's background investigation revealed that he had an automobile repossessed in December 2005. He owes approximately \$10,398 on the account. (SOR ¶ 3.c: Gov 11 at 6; Gov 12 at 2.)

Applicant claims that he did not intend to falsify his security clearance questionnaire. He claims he did not recall his past arrests and the automobile repossession when completing his security clearance questionnaire. (Gov 3 at 6.) He completed his security clearance questionnaire while he was in Iraq in July 2006. He claims he only had 30 minutes on the computer and the Internet was not very stable. He had to try three or four times to get in the program. He didn't have any paperwork with him so he did not remember everything on his credit report and his "problems with authorities." He was feeling pressure to turn the application in to his company so he submitted the questionnaire. (Tr at 39-40, 45-47.)

Applicant's background investigation revealed additional delinquent accounts including a \$4 cell phone account placed for collection in August 2003 (SOR ¶ 3.a: Gov 11 at 10); a \$460 internet account placed for collection in March 2004 (SOR ¶ 3.b: Gov 11 at 9; Gov 12 at 2); a \$660 credit card account charged off in January 2006 (SOR ¶ 3.d: Gov 11 at 5; Gov 12 at 2); a \$130 account placed for collection in June 2005 (SOR ¶ 3.e: Gov 12 at 2); a \$349 utility bill charged off in August 2006 (SOR ¶ 3.f: Gov 12 at 2); a \$156 cable bill placed for collection in October 2006 (SOR ¶ 3.g: Gov 12 at 2); and a \$7,026 account owed to an online university, placed for collection in September 2007 (SOR ¶ 3.h: Gov 12 at 2.).

In his Answer to the SOR, Applicant states that he incurred the delinquent debt because he relied on his fiance to pay his bills while he was in Iraq. She did not pay all of his bills. Applicant indicates that he made over \$500,000 since 2002 and has paid off all of his debts with the exception of the automobile repossession. He indicated that he was currently paying on the repossession alleged in SOR ¶ 3.c. (Answer to SOR.)

At hearing, Applicant claims that he paid off all debts with the exception of SOR ¶¶ 3.c and 3.h. The debt in SOR ¶ 3.c is the automobile repossession. He let his fiancé use the car during his first deployment to Iraq. She had problems with it. Upon his return in 2005, he discovered the car had a lot of mechanical problems so he returned it to the lien holder. (Tr at 40-41.) Despite claiming that he was making payments towards the repossession in his answer to the SOR, Applicant has not contacted the creditor about making payments. He is not making payments because he feels like ‘they screwed me over.’ (Tr at 54-55.)

While in Iraq in 2007, Applicant enrolled in an online university. He believed that the GI Bill covered his tuition. He did not understand how the GI Bill worked. He was enrolled in online courses when he was in Iraq and had to drop the course when he returned to the U.S. He owes \$7,026 in tuition to the online university. (SOR ¶ 3.h.) He has been paying \$400 a month towards this debt since July 2008. (Tr at 47-48; 55-58.)

At hearing, Applicant did not have documentation verifying that he paid off the debts alleged in SOR ¶¶ 3.a, 3.b, 3.d, 3.e, 3.f, and 3.g. He also did not have documentation verifying that he was paying \$400 a month to the online university for the debt owed them in SOR ¶ 3.h. The record was held open in order to allow Applicant to submit additional documentation. No additional documentation was received.

Applicant’s net monthly income is approximately \$4,192 (AE B at 2: assuming Applicant is paid twice a month.) His monthly expenses include rent \$1,130, electric \$100, gas for automobile \$400, car insurance \$170, cable \$130, cell phone \$80 and storage \$70. His total monthly expenses are \$2,080. After expenses, he has \$2,112 left over each month. He has one open credit card account with a \$300 balance that he pays off each month. He is current on taxes. He owns two cars a 2002 Suburban and 2002 Cadillac. Both are paid off. (Tr at 59 – 65.) A personal financial statement prepared on November 21, 2007, indicated that Applicant had \$1,000 in savings, and \$18,000 in stocks and bonds. (Gov 2 at 5.)

Applicant separated from the U.S. Army as a staff sergeant. He received an honorable discharge. His awards and decorations include the Army Commendation Medal, Army Achievement Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Good Conduct Medal, National Defense Service Medal, Noncommissioned Officer’s Professional Development Ribbon and the Army Service Ribbon. (AE A.)

## **Policies**

When evaluating an Applicant’s suitability for a security clearance, the Administrative Judge must consider the revised adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are useful 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 over-arching adjudicative goal is a fair, impartial and common sense 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 as to obtaining 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 the Applicant may deliberately or inadvertently fail to protect or 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.

Section 7 of Executive Order 10865 provides that decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## **Analysis**

### **Criminal Conduct**

The security concern raised under the criminal conduct guideline is set forth in ¶ 30 of the Revised Adjudicative Guidelines:

Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

There are two Criminal Conduct Disqualifying Conditions (CC DC) which apply to Applicant's case. CC DC ¶ 31(a) (a single serious crime or multiple lesser offenses) and CC DC ¶ 31(c) (allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted) apply. Between December 1997 and May 2006, Applicant was arrested on five occasions. While Applicant was administratively punished for the assault incident which occurred while he was on active duty stationed in South Korea, he did commit an assault and was taken to the police station even though he was never formally charged.

The Government produced substantial evidence by way of exhibits and testimony to raise CC DC ¶¶ 31(a) and 31(c). The burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the security concerns (Directive ¶E3.1.15). An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the government (See ISCR Case No. 02-31154 at 5 (App. Bd. September 22, 2005).)

The following Criminal Conduct Mitigating Conditions (CC MC) potentially apply to Applicant's case:

CC MC ¶ 32(a) (so much time has elapsed since the criminal behavior happened, or it happened under such circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment) does not apply. Considering Applicant's arrest history, not enough time has elapsed to conclude that such conduct no longer casts doubt on Applicant's reliability, trustworthiness or good judgment.

CC MC ¶ 33(d) (there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement) has the potential to apply. While it has been two years since Applicant's last arrest in May 2006, concerns remain based on Applicant's lack of candor about his arrest history on his security clearance questionnaire.

Applicant has not mitigated the criminal conduct concern.

## **Personal Conduct**

The security concern relating to the guideline for Personal Conduct is set out in AG ¶15:

Conduct involving questionable judgment, lack of candor, dishonesty, 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.

Applicant's omissions on his July 20, 2006, e-QIP application raises the potential application of Personal Conduct Disqualifying Condition (PC DC) ¶ 16(a) (deliberate omission, concealment, or falsification of relevant 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). With respect to omitting his arrests alleged in SOR ¶¶ 1.b, 1.c, 1.d and 1.e in response to section 23(f) on his security clearance questionnaire, I find Applicant's omission was deliberate. Applicant claims that he did not recall all of his arrests when completing his security clearance questionnaire. He claims it was difficult to complete the application while in Iraq and that he just answered "No" to complete the application. He admitted at hearing that he remembers his May 2006 arrest for Issuance of Bad Check. He was handcuffed and taken to the station. The arrest occurred less than two months prior to completing the security clearance application. I do not find Applicant's explanation for not answering , "yes" to section 23(f) credible. I find for Applicant with respect to the allegations in SOR ¶¶ 2.c and 2.d. My basis for doing so, is that these do not appear to be criminal offenses. Applicant was cited as opposed to charged. Each offense appears to be civil in nature.

Applicant deliberately withheld the automobile repossession alleged in SOR ¶ 2.b in response to section 27(b). Based on his detailed description at hearing, Applicant clearly remembered this incident. I do not find his explanation for omitting this repossession in response to section 27(b) credible.

PC DC ¶ 16 (d) (credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of: (3) a pattern of dishonesty or rules violations.) applies with respect to Applicant's traffic offenses alleged in SOR ¶¶ 2.c, 2.d, and 2.e. Applicant has a consistent pattern of rules violations which raise questions about his judgment, trustworthiness and reliability. His lack of candor in completing his security clearance questionnaire raises further issues pertaining to his trustworthiness.

PC DC 16(e) (personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing) applies to Applicant's case. It is reasonable to conclude that Applicant did not want to disclose his past criminal offenses when completing his



security clearance questionnaire because of the adverse affect it might have on getting a security clearance as well as the potential that he could lose his job. Applicant's most recent arrest was two months prior to completing his security clearance questionnaire.

The personal conduct concern may be mitigated. The following Personal Conduct Mitigating Conditions (PC MC) potentially apply:

PC MC ¶ 17(a) (the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts) does not apply because Applicant did not disclose his arrest record or the automobile repossession until he was confronted with the facts during the interview conducted during his background investigation. If he was having problems completing the questionnaire, he could have informed his facility security officer (FSO) that he answered "No" to section 23(f) and section 27(b) due to computer problems. He could have informed the FSO of the correct information.

PC MC ¶ 17(c) (the offense is so minor, or so much time has passed, or the behavior is infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment) does not apply. The record reveals a ten-year history of questionable conduct by Applicant. His failure to be forthcoming about his past conduct continues to raise questions about his reliability, trustworthiness and judgment.

PC MC ¶ 17(e) (the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress) does not apply. Although Applicant's arrest history and financial problems were uncovered during his background investigation, the information was gathered from independent sources as opposed to Applicant. His lack of candor makes him vulnerable to exploitation, manipulation or duress.

None of the other PC MCs are relevant to the facts of Applicant's case. He has not mitigated the concerns raised under personal conduct.

## **Guideline F, Financial Considerations**

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

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.

The guideline notes several disqualifying conditions that could raise security concerns. I find Financial Considerations Disqualifying Condition (FC DC) ¶19(a) (an inability or unwillingness to satisfy debts); and FC DC ¶19(c) (a history of not meeting financial obligations) apply to Applicant's case. Applicant accumulated a significant amount of delinquent debt since 2001. The SOR alleges eight debts, an approximate total balance of \$19,183.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. The following Financial Considerations Mitigating Conditions (FC MC) potentially apply to Applicant's case: FC MC ¶ 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) does not apply. While Applicant claims he resolved all of the accounts with the exception of SOR ¶¶ 3.c and 3.h, he did not provide proof that the debts were resolved. Applicant has the burden to prove that his debts have been resolved. Applicant's failure to prove that the debts are resolved raise questions about his reliability, trustworthiness, or good judgment.

FC MC ¶ 20(b) (the conditions that resulted in the financial problem 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) does not apply. Although Applicant divorced in 2001, he did not describe the financial impact his divorce had on his finances. Between 2003 to March 2007, Applicant earned good money as a contractor in Iraq. His financial problems are the result of financial irresponsibility as opposed to circumstances beyond his control.

FC MC ¶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) does not apply. Applicant has not attended financial counseling. Although he claims that majority of the debts were paid, he provided no verification that the debts were resolved.

FC MC ¶20(d) (the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts) does not apply. While Applicant claims that most of the debts are paid, it was his burden to provide proof that he resolved the accounts. He indicated that he was making \$400 monthly payments towards the debt alleged in SOR ¶ 1.h since July 2008. The record was held open to allow Applicant to submit documents verifying payment. No documents were submitted. For these reasons, I cannot conclude Applicant initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

### **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) 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 common sense 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 Applicant’s military service and his record of no subsequent criminal arrests for over a period of two years. However, he continues to be cited for traffic infractions, the most recent incident occurring in July 2008. Considering his history of criminal and traffic offenses, not enough time has passed to mitigate the concerns raised under Guideline J or Guideline E. Applicant’s deliberate omission of his arrest history and automobile repossession on his security clearance questionnaire raises further doubts about his trustworthiness and reliability. Although Applicant claims to have resolved the majority of his delinquent debts, he provided no proof verifying repayment.

Overall, the record evidence leaves me with doubts as to Applicant’s eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the security concerns arising under criminal conduct, personal conduct, and financial considerations.

### **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 J:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	Against Applicant
Subparagraph 1.e:	Against Applicant
Paragraph 2. Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Subparagraph 2.b:	Against Applicant
Subparagraph 2.c:	For Applicant

Subparagraph 2.d:	For Applicant
Subparagraph 2.e:	Against Applicant
Paragraph 3. Guideline F:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Subparagraph 3.b:	Against Applicant
Subparagraph 3.c:	Against Applicant
Subparagraph 3.d:	Against Applicant
Subparagraph 3.e:	Against Applicant
Subparagraph 3.f:	Against Applicant
Subparagraph 3.g:	Against Applicant
Subparagraph 3.h:	Against Applicant

### **Conclusion**

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

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ERIN C. HOGAN  
Administrative Judge