



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



| | | |
|----------------------------------|---|------------------------|
| In the matter of: |) | |
| |) | |
| ----- |) | ISCR Case No. 07-11430 |
| SSN: ----- |) | |
| |) | |
| Applicant for Security Clearance |) | |

Appearances

For Government: Paul Delaney, Esquire, Department Counsel

For Applicant: Mark F. Riley, Esquire

July 28, 2008

Decision

MARSHALL, Jr., Arthur E., Administrative Judge:

Applicant completed Electronic Questionnaires for Investigations Processing (e-QI), on August 11, 2006. On October 28, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing security concerns regarding personal conduct. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended, and 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 SOR issued after September 1, 2006.

On November 19, 2007, Applicant answered the SOR allegations by constructively denying all substantive allegations raised. The case was assigned to an administrative judge on January 7, 2008. Department Counsel and Applicant agreed to a February 28, 2008, hearing date and a Notice of Hearing was issued on January 22, 2008. Due to caseload considerations, the case was reassigned to me on February 26, 2008.

The hearing took place as scheduled. Department Counsel submitted three exhibits (Ex.), accepted into the record as Exs. 1-3 without objection. Applicant testified and submitted 10 exhibits, which were accepted as Exs. A-J without objection. One witness testified. The transcript (Tr.) was received on March 7, 2008. Based upon a review of the case file, exhibits, and testimony, security clearance is granted.

Findings of Fact

Applicant is a 49-year-old information coordinator who has worked for the same defense contractor since January 2004. Retiring from the U.S. military after 20 years of service in 1999, Applicant soon found civilian employment with the military, working in the area of intelligence. She remained with the military until the end of 2003. Currently single, she has two grown daughters and an infant grandchild.

When Applicant first started civilian government work at the end of 1999, she was hired as a computer specialist. She was then moved to the Freedom of Information Act/Privacy Act (FOIA/PA) Office, where she served as an intelligence specialist processing status up-dates on security clearances and working with non-complex FOIA/PA cases.¹ She did not check on current security clearance statuses, but passed on requests of that nature to her superior. In July 2002, she was promoted to intelligence assistant, processing completed intelligence products. Before leaving for her new job, Applicant checked the progress on her security clearance with a contact in a military central clearance facility (CCF) so she would know of its status when she started pursuing private sector employment.² A more lucrative job offer from the private sector would be orally extended to Applicant sometime in the latter part of November 2003, at which time Applicant would orally apprise her superiors that she would be taking another position once the paperwork had been finished.

In the interim, during the autumn of 2003, the husband of a division chief from Applicant's workplace called the sister of a manager at Applicant's workplace. She called her brother to tell him that the man's wife "was mad that someone has spread a rumor that she had a daughter."³ Rumors apparently also arose concerning the child's parentage. Unbeknownst to Applicant, an informal investigation was initiated on November 24, 2003.⁴ The appointed investigative officer was charged with investigating an allegation that personal information had been improperly disclosed from military records. The alleged disclosure concerned the division chief. There is no mention of Applicant in the memorandum appointing the investigating officer.

¹ Tr. 30.

² Tr. 68; 75 (When asked whether she was unhappy about her imminent promotion, Applicant stated: "No I was not. I was just looking for better opportunities. . . . I was always looking.").

³ Case File, Military Investigative Records Repository File (Ex. 6, Statement of Dec. 8, 2003);see also Military Investigative Records Repository File (Ex 2, Statement of Dec. 12, 2003)..

⁴ Case File, Military Investigative Records Repository File (Ex. 1, Memorandum of Nov. 24, 2003).

A December 4, 2003, interview of the division chief indicated that, based on what she had been told by another co-worker, she suspected Applicant may have been the source of the rumor.⁵ That other co-worker later gave a statement directly citing Applicant as the source of the rumor.⁶ In that statement, the woman also detailed her personal observations of what she described as improper behavior by Applicant concerning Applicant's contacting former colleagues to find out security clearance statuses of current co-workers. She stated she observed such incidents dating back as far as nine months, most of it never previously reported. Her depiction included instances of her own gossiping with Applicant, including chat about the woman at issue in the investigation. She admitted that she had asked Applicant to help her find out the status of her own security clearance in August 2003.⁷ She explained that she did so as part of her covert efforts to discover who was giving Applicant information on employee security clearance statuses, although she never explained why she failed to report her findings until she was sought out for interview in December 2003.⁸ Of all the investigative interviews conducted, only the statement of the woman whose privacy was the subject of the investigation and the statement of the woman who told her Applicant was the source of the rumor suggest Applicant gossiped about the investigation subject's marriage.

While the informal investigation proceeded, Applicant received her job offer in written form by letter dated December 12, 2003. It confirmed the offer of a salary of approximately \$79,000 and a competitive benefits package.⁹ This was a large economic jump from her then-current salary of \$47,000 per year. She was excited that, with her higher salary, she could help her daughter finish school and, perhaps, return to school herself. She informed her superiors that the job offer had been received in writing and that she planned to submit her written resignation on December 23, 2003, with a projected date of departure on January 5, 2004.¹⁰ She would start her new job the following week.

Also on December 12, 2003, Applicant was interviewed by the investigator concerning several colleagues, including her former division chief.¹¹ Applicant's own

⁵ Case File, Military Investigative Records Repository File (Ex. 7, Statement of Dec. 4, 2003).

⁶ Case File, Military Investigative Records Repository File (Ex. 8, Statement of Dec. 16, 2003).

⁷ *Id.*

⁸ Case File, Military Investigative Records Repository File (Ex. 7, Statement of Dec. 4, 2003); Case File, Military Investigative Records Repository File (Ex. 8, Statement of Dec. 16, 2003).

⁹ Ex. H. (Employment Offer, dated Dec. 12, 2003).

¹⁰ Ex. I (Resignation letter, dated Dec. 23, 2003); Ex. J (Notification of Personnel Action, effective January 5, 2004, citing reason for departures as "personal reasons.").

¹¹ Some testimony stated the date as Dec. 16, 2003, but Ex. 1, *supra*, note 6, shows that Applicant signed her sworn statement on Dec. 12, 2003. Unbeknownst to Applicant, a leak of personal information regarding the former division chief was the subject of the interview.

conduct was questioned, as well. Applicant was not told who the subject of the investigation was.¹² She was told the subject of the investigation could not be disclosed at that time.¹³ She made a written statement summarizing the interview.¹⁴ With regard to the division chief, Applicant stated she had a working relationship with her and had, in the past, discussed such topics as being stationed abroad, the divorce rate of military people stationed in Europe, and other topics in common to two former military females. Of the division chief's personal life, Applicant knew very little besides "water cooler talk" about the woman's marriage.¹⁵ Neither woman likes the other, although the reasons why are unclear.

With regard to a former first line supervisor in the FOIA/PA office, Applicant stated during the interview that she knew him professionally as a former boss. She stated that after leaving the FOIA/PA office, Applicant asked this former boss to check on the security clearance status of the woman with whom she was currently in training and was meant to replace. Such information was available through the security clearances index database. She did so at the request of the woman, whose promotion seemed stalled.¹⁶ Applicant was personally concerned because the woman continued to have login and password access which Applicant had yet not been extended, making her observational training under the woman of little effective value.¹⁷ Applicant's former boss confirmed that the woman's security clearance was pending and suggested there may be financial issues. Applicant relayed the information to the woman, who eventually moved to her new position.

During the interview, Applicant was also asked about a peer for whom she was serving as his production assistant/manager. Applicant stated she knew nothing about the man's personal life and had never asked for any information about him in the workplace. Applicant was specifically asked whether she knew why a particular woman from the FOIA/PA office had her security clearance withdrawn or whether she had heard any gossip about the woman.¹⁸ Applicant told the investigator she had never checked on the woman's security clearance status nor asked anyone to check it for her. She did state, however, that she had heard someone in the office say the woman "owed them money" and that the woman had been charged with some form of drug offense.¹⁹

¹² Tr. 72.

¹³ Tr. 73.

¹⁴ Ex. C (Written Statement of Dec. 2003).

¹⁵ Tr. 40-41.

¹⁶ Tr. 48.

¹⁷ *Id.*

¹⁸ Tr. 52.

¹⁹ Tr. 53.

The investigator further asked Applicant about a new hire who was serving as Applicant's team lead. She and the team lead shared a small cubicle, sometimes using each other's work areas. After he arrived, it took a long time for his security clearance to be approved. Applicant became concerned that her work, which was with strictly classified material, was within his view and access.²⁰ The man told Applicant he shared her concern and the matter was raised with Applicant's immediate supervisor and senior leadership. Applicant was told to "mind your own business,"²¹ but she remained concerned. After two months, Applicant and the man "were so concerned about him not being cleared properly that I said well let me just check the status of his clearance. So I called [my female CCF contact]."²² In October 2003, she called the contact in the presence of a senior research analyst who was also a good friend.²³ The man was not at work at the time and Applicant did not have his social security number, so the contact narrowed down people until the man's entry was ultimately discerned. The contact confirmed that the man's clearance status was still pending. Applicant informed the man the following day. Subsequent to that time, Applicant introduced the senior analyst friend to her contact at the CCF so the friend could check on her own security clearance.²⁴

At no time was it suggested to her that her checking was improper, illegal, or a violation of the Privacy Act.²⁵ Applicant maintains she never intended to access, request to access, and/or request information be provided to her for which she did not have a need to know.²⁶ There was nothing to preclude any of the people Applicant checked on from personally checking on whether their clearances were pending.²⁷ Applicant assumed it was not inappropriate, citing to her genuine concerns regarding the handling of classified materials by those without a clearance and stating that she relied on her former boss and her contact to inform her if such requests were inappropriate.²⁸ Applicant saw no reason to follow formal channels of inquiry with regard to verifying these individuals' security clearance status because she did not think there was anything wrong with doing it orally.²⁹ Those she called seemed to help her as a way to

²⁰ Tr. 57.

²¹ Tr. 58.

²² *Id.*

²³ Tr. 62-63; 101-102.

²⁴ Tr. 66.

²⁵ Tr. 71-72; 137-138.

²⁶ Tr. 99.

²⁷ Tr. 121-123.

²⁸ Tr. 62.

²⁹ Tr. 130.

expedite satisfying the request for information regarding employee security clearance, in lieu of going through a multi-step, formal written request and answer process.³⁰ “I didn’t think anything was wrong with it. And I’m quite sure if it had been then [my superior] would have told me.”³¹

The informal investigation was to be issued no later than 14 calendar days of the November 24, 2003, letter appointing the investigating officer. The investigator’s report was late. It was dated December 12, 2003, the day of Applicant’s interview. At least one of its referenced subject interviews, however, was dated December 16, 2003.³²

The investigator made three recommendations based on his conclusions. Among those recommendations was administrative action against Applicant for perpetuating rumors about employees.³³ Applicant was described as a woman who violated the privacy rights of others by looking up personal clearance information “and is an overall busy body in everyone’s business.”³⁴ It was recommended Applicant’s security clearance be temporarily revoked and that she be put on unpaid leave.³⁵ Administrative action was also urged to stop Applicant from her “well established pattern of looking through individual’s clearance records without permission or need to know.”³⁶ The investigator also concluded that Applicant violated individuals’ rights to privacy, and had used her position and friendship to improperly collect information on fellow employees. The investigator did not note a rule or regulation prohibiting or otherwise addressing such activity. Those helping Applicant in her acquisition of information were named and lesser sanctions recommended; of the man giving Applicant security clearance information, it was merely recommended that he “should also receive appropriate administrative actions for aiding and abiding (sic) [Applicant].”³⁷ Of all the interviews, only the statement of the woman whose privacy was the subject of the investigation and the statement of the woman who told her Applicant gossiped about the woman’s marriage depict Applicant in a gossipy manner. In contrast to the investigator’s assessment, Applicant’s former supervisor and friend testified that Applicant is not a gossip, but a discreet employee.³⁸ She stated Applicant is not the

³⁰ Tr. 141.

³¹ Tr. 131.

³² Case File, Military Investigative Records Repository File (Ex. 8, Statement of Dec. 16, 2003).

³³ U.S. Military Investigative Records Repository, Summary of Dec. 12, 2003, at 2.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Tr. 150-151.

type to seek personnel information for her own personal benefit. At work, her former supervisor felt Applicant demonstrated good judgment.

Applicant did not leave government service because she thought she was under investigation.³⁹ Indeed, although she had some suspicions she might be involved in some of the scenarios discussed,⁴⁰ she never knew she was under investigation until she received an interrogatory from DOHA in September 2007 and a response to a FOIA request in December 2007.⁴¹ Consequently, when she completed her August 2006 e-QIP she answered “no” to Section 22. That section inquired whether any of the following have happened to the Applicant in the past seven years: 1) Fired from a job; 2) quit a job after being told you would be fired; 3) left a job by mutual agreement following allegation of misconduct; 4) left a job by mutual agreement following allegation of unsatisfactory performance; 5) left a job for other reasons under unfavorable circumstances.

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. Under AG ¶ 2(c), this 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. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

The Government must present evidence to establish controverted facts alleged in the SOR. An applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department

³⁹ Tr. 82.

⁴⁰ Tr. 89.

⁴¹ Tr. 82-83.

Counsel. . . .⁴² The burden of proof is something less than a preponderance of evidence.⁴³ The ultimate burden of persuasion is on the applicant.⁴⁴

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). “The clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials.”⁴⁵ Any reasonable doubt about whether an applicant should be allowed access to sensitive information must be resolved in favor of protecting such sensitive information.⁴⁶ The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of an applicant.⁴⁷ It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Based upon consideration of the evidence, I find Guideline E (Personal Conduct) to be the most pertinent to the case. Personal conduct concerns under AG ¶ 15 arise from questions regarding one’s ability to protect classified information. Conditions pertaining to this adjudicative guideline that could raise a security concern and may be disqualifying, as well as those which would mitigate such concerns, are set forth and discussed below.

Analysis

The SOR posed four allegations, all of which Applicant denied. Two of those allegations are predicated on the assertion that Applicant knew she was the subject of

⁴² See *also* ISCR Case No. 94-1075 at 3-4 (App. Bd. Aug. 10, 1995).

⁴³ *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988).

⁴⁴ ISCR Case No. 93-1390 at 7-8 (App. Bd. Jan. 27, 1995).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Executive Order 10865 § 7.

an investigation when she resigned from her position in December 2003 and when she completed the August 2006 e-QIP. Predicating those allegations on that assumption is fatal inasmuch as there is no evidence to suggest Applicant knew she, or specifically her conduct, was the subject of an investigation either before or after she left for her new position. Indeed, the memorandum appointing an investigator and the resultant investigative report make it clear the investigation was an effort to reveal facts surrounding an allegation that personal information about a particular individual had been improperly disclosed. Applicant's name and activities did not emerge until after the interviews were commenced and, even then, her activities were seldom the focus of discussion.⁴⁸ Moreover, the facts make it clear that Applicant's motivation for departing from her position when she did was not to avoid an investigation, but to accept a previously negotiated and far more lucrative private sector job. Furthermore, there is simply no evidence to counter Applicant's testimony she had no knowledge the investigation concerned her directly.⁴⁹ Lacking proof Applicant was under investigation and that she knew she was under investigation, she is technically correct in denying she was "the subject of an investigation conducted by [the government]" as a result of her actions from July 2002 through December 2003 (SOR 1.b), "resigned from her position. . . during the investigation regarding your misconduct" (SOR 1.c), and "failed to disclose that [she] left [federal employment] during an investigation regarding your misconduct." (SOR 1.d).

Allegation 1.a: "During the period from July 2002 through December 2003, [Applicant] accessed information regarding fellow employees which [she] did not have a need to know" remains. Security concerns arising from matters of personal conduct are controlled by Guideline E of the AG. Such security concerns arise in the presence of questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations which could indicate that the person may not properly safeguard classified information.⁵⁰

Through a former associate, Applicant requested information on the status of various colleagues' security clearances. Those entrusted with such information imparted it freely in response. There is no evidence indicating how "need to know" was defined in their workplace. The evidence does not support a finding that Applicant was subject to, and aware of, any specific prohibition to what she was doing. The evidence does support, however, a finding that she was specifically told to mind her own

⁴⁸ Indeed, Applicant is not named in one interview statement and only referenced in passing in two of the seven interview statements (not including Applicant's own). See Case File, Military Investigative Records Repository File (Ex. 6, Statement of Dec. 8, 2003); Case File, Military Investigative Records Repository File (Ex. 5, Statement of Dec. 11, 2003); Case File, Military Investigative Records Repository File (Ex. 2, Statement of Dec. 12, 2003), respectively.

⁴⁹ At most, Applicant "suspected" she might have something to do with some of the things discussed, but she had no idea she was the subject of any investigation.

⁵⁰ Additionally, refusal to provide full, frank and truthful answers to lawful questions in connection with a personnel security or trustworthiness determination will normally result in an unfavorable clearance action or administrative determination of further processing for clearance eligibility.

business with regard to her cubicle mate's pending security clearance status. Having informed her superiors of her concerns, that matter should have been dropped after their decision had been made. Such facts give rise to Personal Conduct Disqualifying Condition (PC DC) AG ¶ 16(c) (*credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, 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*) and AG ¶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*).

The conduct at issue occurred in 2003 – five years ago. At the time, Applicant still maintained contact with former colleagues in the FOIA/PA office which could access status information on security clearances. Whether information on newer colleagues' security clearances was granted to Applicant as a courtesy extended to an old friend or whether that office was unusually free with its freedom of information is unclear. What is clear is that the incidents occurred several years ago, Applicant has long since moved into the private sector, and there is no indication that any other questionable incidents have since occurred or might occur in her present position.

The evidence as a whole, however, indicates that it was the culture, not Applicant, that was at fault here. The office in possession of the information sought gave it to Applicant freely, yet those who actively retrieved and disclosed information from the database were recommended a lesser sanction than Applicant despite the fact they were the ones entrusted with access to the database. The main informant, upon whose own gossip and hearsay the subject of the investigation relied, conceded she availed herself of Applicant's contacts and that she waited nearly a year before openly waging her accusations against Applicant. In light of the passage of five years, Applicant's new employment, and the accepted practices within her former employment culture, Personal Conduct Mitigating Condition (PC MC) ¶ 17(c) (*the offense is so minor, or so much time has passed, or the behavior is so 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*) applies. Moreover, Applicant aggressively expressed some of her concerns regarding colleagues' working on or around classified information despite pending security clearances with her superiors, albeit without results. Later, during her December 2003 interview, Applicant's solicited statement as to many of the facts now at issue was direct and forthcoming. Such facts give rise to PC MC AG ¶ 17(e) (*the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress*).

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 public trust position 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, as well as the "whole person" factors noted above. Applicant is a mature individual with a unique blend of military, civilian government, and private sector experience. During most of her service, she worked in the area of intelligence. Consequently, she has experience working within stated parameters. Moreover, in her penultimate position as a government civilian, she worked in a FOIA/PA office which had access to the database for security clearance indices. In her next job, she felt unfettered in making inquiries regarding colleagues' security clearance statuses. The majority, if not all, of these requests were made with the acquiescence, if not the urging, of the colleague at issue. Applicant's contacts possessing access to the database felt equally unfettered in confirming an individual's security clearance was still under investigation or pending.

To the extent such requests were made with the approval of the individual whose security clearance processing was stalled, there can be no issue of a privacy violation inasmuch as any such right would have been waived upon request or acquiescence. What the agency defined "need to know" is never clearly stated and no guidance is given in the investigative report as to what, if any, established rule or disseminated regulation Applicant violated in requesting such information. Without some standard for guidance, there is no evidence security concerns remain or that Applicant mishandled or failed to protect classified information.

The protection of classified information is the central concern in issues regarding personal conduct. Viewing Applicant's record as a whole, there is no clear evidence that in nearly 30 years of military, civilian government, and private sector service she ever mishandled or failed to protect classified information. In light of the totality of the circumstances, and given the depiction of procedures used within her former work environment, Applicant has mitigated personal conduct security concerns. Moreover, her actions here do not violate the level of trust expected under Guideline E. With security concerns thus mitigated, it is clearly consistent with the national security to continue Applicant's security clearance. Clearance 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 E: | FOR APPLICANT |
| Subparagraph 1.a: | For Applicant |
| Subparagraph 1.b: | For Applicant |
| Subparagraph 1.c: | For Applicant |
| Subparagraph 1.d: | For Applicant |

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with national security to continue Applicant's eligibility for a security clearance. Clearance is granted.

ARTHUR E. MARSHALL, JR.
Administrative Judge