



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



In the matter of:)	
)	
)	ISCR Case No. 07-13890
SSN:)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Francisco Mendez, Esquire, Department Counsel
For Applicant: Pro Se

October 24, 2008

Decision

HENRY, Mary E., Administrative Judge:

Based upon a review of the case file, pleadings, exhibits, and testimony, I conclude that Applicant's eligibility for access to classified information is denied.

Applicant submitted his Security Clearance Application (SF 86), on June 19, 2007. On June 23, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the security concerns under Guidelines J and E 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.

Applicant received the SOR, which he answered on July 7, 2008. He requested a decision on the written record in lieu of a hearing.

On July 23, 2008, Department Counsel prepared an Amended SOR adding an additional allegation under Guideline E and new allegations under Guideline F. Department Counsel mailed the Amended SOR to Applicant on this date. Applicant responded to the Amended SOR on September 11, 2008.

Department Counsel prepared a File of Relevant Material (FORM) and mailed Applicant a complete copy on September 17, 2008. Applicant received the FORM on September 17, 2008. He had 30 days from receipt of the FORM to file objections and submit material in refutation, extenuation, or mitigation. He submitted a written response but no additional evidence on October 2, 2008. DOHA assigned this case to me on October 10, 2008. The government submitted 15 exhibits, which have been marked as Items 1-15 and admitted into the record. Applicant has not submitted any evidence in support of mitigation.

Findings of Fact

In his Answer to the SOR, dated July 7, 2008, Applicant admitted the factual allegations in ¶¶ 1.a through 1.m of the SOR, with explanations. He denied the factual allegations in ¶¶ 1.n and 2.a of the SOR. He denied all the new allegations listed in the Amended SOR, with explanations.¹

Applicant, who is 41 years old, works as a laborer for a Department of Defense contractor. He began his job with this employer in January 2006. He has three children, ages 19, 12, and 11. He and his wife married in 2005.²

As a teenager and young adult, Applicant behaved contrary to the rules and laws of society. On October 29, 1986, December 15, 1986, and April 11, 1987, the police arrested and charged Applicant on three separate occasions with larceny by check, a misdemeanor offense. The court found him guilty and sentenced him to 30 days in jail on his first arrest. The State nolle prosequi or dismissed the two remaining charges. On April 28, 1987, the police again arrested Applicant and charged him with a bad check, a misdemeanor offense, and on June 25, 1987, the police arrested and charged him with a misdemeanor offense for failure to return rental property. The court found him guilty in both cases. The record does not provide information on the sentence imposed, if any.³

On September 28, 1987 and March 1, 1987, the police arrested and charged Applicant with bad check and making, drawing, uttering, and delivering a fraudulent check, felonies. The court found him guilty on the March 1, 1987 bad check charge. Again, the record contains no information on the sentence imposed, if any. In July 1987, the police arrested and charged Applicant as a habitual traffic offender, a felony,

¹Item 3 (Response to SOR, dated July 7, 2008); Item 4 (Response to Amended SOR).

²Item 5 (Applicant's security clearance application (E-QIP, also SF-86), dated June 19, 2007) at 1, 4, 7-8, 11-12.

³Item 1 (SOR); Item 3, *supra* note 1; Item 4, *supra* 1.

based on his traffic offenses, failure to pay fines, and driving on a suspended license. The court convicted him and sentenced him to five years in jail. He served 14 months in jail and the remainder of his sentence on probation. The record contains no evidence which shows the basis for the habitual traffic offender arrest, except for Applicant's own statements about his arrests.⁴

The police arrested and charged Applicant with perjury, a felony, on August 25, 1988. The court found him guilty on January 3, 1989, but the record contains no information on the sentence imposed, if any. The police arrested and charged him again as a habitual traffic offender, a felony, based on traffic offenses and a separate charge for perjury on May 19, 1990. The court found him guilty and sentenced him to a total of seven years in jail. He served 14 to 18 months of his sentence.⁵

The police arrested him twice more when he was driving a vehicle to work and charged him as a habitual traffic offender, a felony, on December 9, 1992 and March 23, 1993. The court sentenced him to one year in jail for each offense. He was incarcerated on January 26, 1994. He served six to eight months.⁶ In 1995, Applicant petitioned the court to have the habitual traffic offense ban lifted. The court granted his request. He has a valid drivers license and no additional arrests since 1993.⁷

The record contains two credit reports, dated July 7, 2007 and July 15, 2008. Both reports indicate that Applicant pays his bills timely and as agreed, with two exceptions. Both reports indicate the court entered a judgment against Applicant in February 2002, which Applicant denies owing, and an unpaid medical bill, which is not listed in the Amended SOR. Neither credit report lists any other unpaid judgments against Applicant. Applicant self-reported that he and his wife filed a Chapter 13 bankruptcy petition in March 2008 because he co-signed a note for another person who defaulted on the note and the creditor was seeking payment from him. His case was still in process as of July 16, 2008. The above medical bill was included in the bankruptcy filing.⁸

The record contains three court information sheets, which reflect that three creditors obtained judgments against Applicant. The first court record indicates that a hospital obtained a judgment against Applicant on February 1, 2002 in the amount of

⁴*Id.*; See State Code ¶ 46.2-391.

⁵*Id.*

⁶In his interview, Applicant indicated that a neighborhood police officer stopped and arrested him when he was driving to or from work. He had no other method of transportation to work. Item 6 (Interrogatories, with testimonies) at 3-4.

⁷*Id.*; Item 1 (SOR); Item 3, *supra* note 1; Item 4, *supra* 1; See State Code ¶ 46.2-391.

⁸Item 7 (Bankruptcy court papers); Item 8 (Adverse Information Report, dated June 17, 2008); Item 14 (July 7, 2007 credit report); Item 15 (July 15, 2008 credit report covering the time period December 1998 to July 2008); Response to FORM.

\$218.61 plus prejudgment interest of \$77.96 and interest from the date of judgment.⁹ The second court record indicates that a realty company obtained a judgment against Applicant in the amount of \$519.59 on December 18, 1998.¹⁰ The third court record shows a judgment entered against Applicant on September 20, 1996 in the amount of \$928.¹¹ The court records do not show that the judgments have been satisfied; however, Applicant denies owing these debts, stating that he paid these debts or that the debt was resolved by the court. The judgments are not listed as debts owed in his bankruptcy petition.¹²

The record contains two court case information sheets showing that a hospital filed two separate garnishment actions against Applicant on January 7, 1998 and April 6, 1998. The record also shows that the garnishee (employer, bank or other entity holding assets of a judgment debtor) never filed an answer to the garnishment. The court held a separate hearing for each garnishment on March 30, 1998 and July 17, 1998, respectively. The information sheet shows the result of the hearing as “other” in both cases. The name of the garnishee is not listed and no amount for a garnishment is listed. Applicant denies that his salary was garnished. Thus, I infer that the court never issued the garnishment.¹³

When Applicant completed his SF-86, he answered “yes” to Question 23 a, which asks if he had ever been arrested and charged with a felony offense. In his explanation, he indicated that he had been arrested for a felony offense and listed his July 1987 felony arrest as a Habitual Traffic Offender and indicated the amount of time he served in jail. He did not list his other felony arrests as a habitual traffic offender as he considered all his subsequent arrests to be related to his first arrest. Thus, he did not think it was necessary to list these arrests.¹⁴

Concerning his finances, the Applicant answered “no” to Question 27 a through d. This question requests information about bankruptcy, garnishment, repossessions, liens, and judgments for the last seven years. Applicant did not list the 2002 judgment. All other judgments are more than seven years old and he filed bankruptcy months after completing his SF-86. In his response to the Amended SOR allegations, Applicant stated that the judgment had been resolved in the 90s.¹⁵

⁹Item 9. Under state law, the ability to enforce this judgment, if unpaid, expires in December 2008. State Code¶ 16.1-69.55 B.3.

¹⁰Item 10. The time to collect this judgment, if unpaid, has expired. State Code¶ 16.1-69.55 B.3.

¹¹Item 13.

¹²Item 4, *supra* note 1; Item 7, *supra* note 7.

¹³Item 4, *supra* note 1; Item 11; Item 12.

¹⁴Item 5, *supra* note 2 at 19-20; Item 6, *supra* note 6, at 4.

¹⁵Item 4, *supra* note 1, at 2; Item 5, *supra* note 21-22.

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. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

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.¹⁶

¹⁶After any decision, the losing party has a right to appeal the case to the Defense Office of Hearings and Appeals Appeal Board, which under its decisional law does not review a case *de novo*. See ISCR Case No. 07-10396 (App. Bd., Oct. 2, 2008) and ISCR Case No. 07-07144 (App. Bd., Oct. 7, 2008). The Supreme Court in *United States v. Raddatz*, 447 U.S. 667.m 690 (198) succinctly defined the phrase "*de novo* determination":

[This legal term] has an accepted meaning in the law. It means an independent determination of a controversy that accords no deference to any prior resolution of the same controversy. Thus, in *Renegotiation Board v. Bannercrest Clothing Co.*, 415 U.S. 1, 23 (1974), the Court had occasion to define "*de novo* proceeding" as a review that was "unfettered by any prejudice from the [prior] agency proceeding and free from any claim that the [agency's] determination is supported by substantial evidence." And, in *United States v. First City National Bank*, this Court observed that "review *de novo*" means "that the court should make an independent determination of the issues" and should "not . . . give any special weight to the [prior] determination of" the administrative agency.

(internal footnotes omitted). In ISCR Case No. 05-01820 (App. Bd. Dec 14, 2006), the Appeal Board criticized the administrative judge's analysis, supporting grant of a clearance for a PRC-related Applicant, and then decided the case itself. Judge White's dissenting opinion cogently explains why credibility determinations and ultimately the decision whether to grant or deny a clearance should be left to the judge who makes witness

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

Guideline J, Criminal Conduct

AG ¶ 30 expresses the security concern pertaining to criminal conduct, “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.”

AG ¶ 31 describes conditions that could raise a security concern and the following may be disqualifying in this case:

- (a) a single serious crime or multiple lesser offenses;
- (c) allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted; and
- (f) conviction in a Federal or State court, including a court-martial of a crime, sentenced to imprisonment for a term exceeding one year and incarcerated as a result of that sentence for not less than a year.

Between October 1986, when Applicant was 19 years old, and August 1988, the police arrested him four times for misdemeanor offenses related to check writing and failure to return rental property, twice for felony check fraud, once for felony perjury, and once for habitual traffic offender, a felony. Between 1990 and 1993, the police arrested Applicant three more times as a habitual traffic offender, a felony. His felony arrests

credibility determinations. *Id.* at 5-7. See *also* ISCR Case No. 04-06386 at 10-11(App. Bd. Aug. 25, 2006)(Harvey, J., dissenting) (discussing limitations on Appeal Board's authority to reverse hearing-level judicial decisions and recommends remanding cases to resolve material, prejudicial error) and ISCR Case No. 07-03307 (App. Bd. Sept. 29, 2008).

resulted in convictions and sentences totaling 14 years. He served about three years in jail. The disqualifying conditions at AG ¶¶ 31 (a), (c) and (f) apply. The government established its case.

AG 32 provides conditions that could mitigate security concerns:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(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; and,

(e) potentially disqualifying conditions (b) and (f) above, may not be mitigated unless, where meritorious circumstances exist, the Secretaries of the Military Departments or designee; or the Directors of Washington Headquarters Services (WHS), Defense Intelligence Agency (DIA), National Security Agency (NSA), Defense Office of Hearings and Appeals (DOHA) or designee, has granted a waiver.

Applicant's check writing crimes occurred between October 1986 and April 1987, when he was 19 years old. He has not written a bad check in over 20 years. His felony convictions related primarily to noncriminal traffic offenses, failure to pay traffic fines, and driving on a suspended license. Applicant finally learned to follow the rules of the road. He has a valid driver's license and has not been arrested for any traffic offenses in more than 15 years. He is married and a father. He works regularly and manages his finances. He paid his traffic fines and the court lifted his designation as a habitual traffic offender in 1995. His criminal conduct occurred many years ago and the record contains evidence of successful rehabilitation. AG ¶¶ 32 (a) and (d) may be applicable. However, because he has several old felony convictions for traffic offenses and perjury when he was young, AG ¶ 32 (e) prohibits mitigation of criminal conduct unless the Director of DOHA grants a waiver based on meritorious circumstances. Guideline J is found against Applicant.

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern pertaining to personal conduct::

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.

AG ¶ 16(a) describes conditions that could raise a security concern and may be disqualifying:

(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.

For this guideline to apply, Applicant's omission must be deliberate. The government established that Applicant omitted material facts from his SF-86 when he answered "no" to Question 27 b about his financial record and failed to list all his felony arrests when he answered Question 23. This information is material to the evaluation of Applicant's trustworthiness to hold a security clearance and to his honesty. He denies, however, that he deliberately falsified his answer to these questions. When a falsification allegation is controverted, the government has the burden of proving it. Proof of an omission, standing alone, does not establish or prove an applicant's intent or state of mind when the omission occurred. An administrative judge must consider the record evidence as a whole to determine whether there is direct or circumstantial evidence concerning an applicant's intent or state of mind at the time the omission occurred.¹⁷ For DC ¶ 16 (a) to apply, the government must establish that Applicant's omission, concealment or falsification in his answer was deliberate.

At the time he completed his SF-86, Applicant thought he had paid all the judgments against him in the 1990s. He listed no outstanding judgments as debts owed in his bankruptcy petition. He did not intentionally falsify his answer to Question 27 b. Concerning his felony criminal arrests, Applicant acknowledged in his SF-86 that he had a felony arrest and had been sentenced to five years in jail. With this answer, he put the government on notice that he had a felony criminal conviction and had served time in jail. He had two arrests and convictions for perjury in 1988 and 1990, which raises a serious question about his honesty in the past. The issue now is whether his explanation for failing to list all his felony arrests is truthful given his past perjury convictions. His perjury convictions are 18 years old. He has not been charged with perjury or any other crime which raises questions about his honesty in 18 years. All his arrests as a habitual offender related to traffic offenses, not crimes related to honesty. He viewed his subsequent arrests as a habitual traffic offender and his perjury as a continuation of the first arrest for this offense. Given that he changed his life, his conduct and his youthful attitude and became a law-abiding member of society, I find that he did not intentionally falsify the SF-86. Guideline E is found in favor of Applicant.

Guideline F, Financial Considerations

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

¹⁷See ISCR Case No. 03-09483 at 4 (App. Bd. Nov.17, 2004)(explaining holding in ISCR Case No. 02-23133 at 5 (App. Bd. Jun. 9, 2004)).

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 conditions that could raise security concerns. Under AG ¶ 19(a), an "inability or unwillingness to satisfy debts" is potentially disqualifying. Similarly under AG ¶ 19(c), "a history of not meeting financial obligations" may raise security concerns. Applicant's credit reports reflect that he pays his bills as agreed, meaning timely and in the amount due. The old judgments are not listed on his credit reports. Because judgments are enforceable for ten years in the jurisdiction where the judgments were obtained and Applicant lives, see State Code 16.1-69.55 B.3., I conclude that the 1998 judgment would still be listed on Applicant's credit reports if unpaid for two more months. Outside of these two small judgments, which Applicant resolved, he has no history of not paying his debts and bills. Instead, his credit reports reflect the opposite.

The court does not directly collect the money due and owing as a result of a judgment; rather the judgment creditor must collect the debt and can do so through a variety of legal mechanisms, including garnishment. If the debtor pays the judgment creditor directly, then the judgment creditor is responsible for notifying the court that the judgment has been satisfied. In the instant case, Applicant denied owing the judgments listed in Amended SOR allegations 3.b, 3.c and 3.f stating that the debts are paid. In light of his denial of these allegations, the burden of proof shifts to the government to establish that the debts are owed. The court case information sheet is not sufficient evidence to establish that Applicant has not paid these debts. As discussed above, the judgment creditor may not have filed a line of satisfaction with the court once the debt was paid. If this is the case, the court records would still consider the debt unpaid. In addition, Applicant did not include these judgments in his bankruptcy, which I find is an indication the debts are paid. His credit reports reflect a very good payment history on his bills, another indicator he has been truthful about paying these debts. The record evidence establishes only that a creditor filed a garnishment action on two separate occasions in 1998, not that the court issued the garnishment and Applicant's salary was garnished, particularly since the garnishee did not file an answer and is not identified. The government has not established its case as to allegations 3.b through 3.f. As for the bankruptcy, Applicant does not deny he filed for bankruptcy protection. He did not seek protection because of unpaid bills, but because someone else defaulted on a note he cosigned. He pays his bills as shown by the credit reports. Thus, the government has not established a security concern as he lives within his means and manages his financial obligations. The allegations under Guideline F are found in favor of Applicant.

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 common sense judgment based upon careful consideration of the guidelines and the whole person concept.

The mitigating evidence under the whole person concept is more substantial. In reaching a conclusion, I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. When he was 19 years old, the police arrested and charged Applicant with misdemeanor and felony larceny and bad checks several times in less than a year. (See AG ¶ 2(a)(4).) He has not been arrested, charged or convicted for the crimes related to bad checks since 1987. Prior to July 1987, Applicant's driving resulted in fines, arrests and suspension of his license. Despite the suspension of his driver's license, Applicant continued to drive. This conduct resulted in his habitual traffic offender arrests and confinement in jail. Since his last incarceration, Applicant has undergone significant behavioral changes. He finally matured. He understood the negative consequences of his conduct and changed his attitude and behavior. He complies with the state motor vehicle laws. He has not been arrested for any traffic violation in 15 years or criminal conduct in 18 years. He served his time in jail and paid the court fines imposed by the court. Since his last release from jail, he follows the rules of society. He works and supports his family. He pays his bills on a regular basis and has not accumulated excessive, unpaid debts. He and his wife filed for bankruptcy seven months ago, not because of excessive unpaid debt, but because he co-signed a loan for an individual who has now defaulted and the creditor is seeking payment from him. He is married and has three children. As a result, he has focused his attention on providing a stable domestic environment for his family. His bankruptcy filing cannot be a source of improper pressure or duress. Of course, the issue is not simply whether all his debts are paid—it is whether his financial circumstances raise concerns about his fitness to hold a security clearance. His finances are insufficient to raise security concerns. (See AG ¶ 2(a)(1).)

Although not violent crimes, his youthful crimes involving perjury and bad checks, which pertain to honesty, an important character issue in a security clearance determination. In the last 15 years, Applicant has conformed with the general rules of society and is to be commended for his change in behavior. In his discussions with the investigator, he provided all the information about his youthful conduct and the punishment imposed on him. He has been truthful about his finances. His conduct in the

last 15 years reflects a real change in him. I would grant Applicant a clearance given the changes he has made in the last 15 years; however, under Guideline J AG ¶ 32(e), his felony convictions preclude him from holding a clearance unless a waiver is granted.

Overall, the record evidence leaves me with questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant mitigated the security concerns arising from his financial considerations and personal conduct, but not his criminal conduct.

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
Subparagraphs 1.a-1.m:	Against Applicant
Subparagraph 1.n:	For Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	For Applicant
Paragraph 3, Guideline F:	FOR APPLICANT
Subparagraphs 3.a-3.f:	For Applicant

Conclusion

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

MARY E. HENRY
Administrative Judge