



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



In the matter of:)	
)	
)	ISCR Case No. 08-01177
)	
)	
Applicant for Security Clearance)	

Appearances

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

November 25, 2008

Decision

CREAN, Thomas M., Administrative Judge:

Applicant submitted his Electronic Questionnaire for Investigations Processing (e-QIP) on June 7, 2007. On June 9, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns for alcohol consumption, financial considerations, personal conduct, and criminal conduct under Guidelines G, F, E, and J, respectively. 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 acknowledged receipt of the SOR on August 5, 2008.

Applicant answered the SOR in writing on August 25, 2008. Applicant admitted the three factual allegations under Guideline G but denied that there was a security concern. He denied three and admitted two factual allegations under Guideline E, and denied there was a security concern under this guideline. The criminal conduct factual

allegations under Guideline J arose both from the actions associated with the alcohol consumption offenses as well as the personal conduct allegations for a false or inaccurate security clearance application. Applicant admitted the factual allegations as noted for his responses to Guidelines G and E, but denied there was a security concern under Guideline J. He admitted the four factual allegations under Guideline F, but denied there was a security concern. He requested a hearing before an administrative judge.

Department Counsel was prepared to proceed on August 28, 2008, and the case was assigned to me on October 16, 2008. DOHA issued a notice of hearing on October 21, 2008, for a hearing on November 5, 2008. I convened the hearing as scheduled. The government offered 13 exhibits, marked government exhibits (Gov. Ex.) 1 through 13, which were received without objection. Applicant and one Applicant witness testified on his behalf. The record was left open until November 19, 2008, for Applicant to submit supporting documents. Applicant timely submitted four documents, marked as Applicant Exhibits (App. Ex.) A through D. These documents were admitted into the record without objection (Gov. Ex 14). DOHA received the transcript of the hearing (Tr.) on November 12, 2008. Based on a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

Findings of Fact

Applicant is 34 years old and has been a material control planner for a defense contractor for almost three years. His supervisor hired Applicant for his position in 2006. He stated Applicant is conscientious and dependable and has great potential for advancement. He is a significant contributor to his company's mission. Everyone Applicant deals with is complimentary of his performance and the support he provides them (App. Ex. D, Letter, dated November 19, 2008). Applicant is married with two children. He has attended college and is a few credits short of receiving his degree (Gov. Ex. 1, e-QIP, dated June 7, 2007).

Applicant admits he was arrested for driving while intoxicated and while on a revoked /suspended driver's license in November 2000. He had left a graduation party at a relative's house before he was stopped by police.

Applicant was convicted of driving while intoxicated in February 2001, sentenced to a suspended jail term, his license was suspended for 12 months, and he was required to attend an Alcohol Safety Awareness program. He failed to complete the program and was ordered on July 3, 2001 to show cause why he failed to comply with the program (Gov. Ex. 3, Case Information, dated June 4, 2008; Gov. Ex. 4, Case Information, dated November 15, 2000; Gov. Ex. 13, Interrogatories, dated August 17, 2007 at 2).

Applicant admitted that he was again arrested for driving while intoxicated (second offense) and driving with a revoked/suspended driver's license in May 2001. He was sentenced to a jail term which was suspended except for ten days, his license

was suspended for 36 months, and he was again required to attend the Alcohol Safety Awareness Program. The show cause order of July 3, 2001 also covered his failure to attend this course as ordered (Gov. Ex. 5, Case Information, dated May 24, 2001).

Applicant admitted he was arrested and convicted in July 2006 for driving while intoxicated (third offense) and driving after forfeiture of his license (Gov. Ex. 7, Case Information, dated July 21, 2006). A friend called Applicant and told him he was moving from the area and wanted to have a last drink with him. Applicant drove to meet the friend and had two beers. He was arrested on his way home for driving under the influence of alcohol. His wife had to post his bail and pick up their car. Applicant did not have a license at the time. Applicant stated he was tired and is not much of an alcohol drinker which was the reason he was determined by the police to be intoxicated. Applicant admitted he made a conscious decision to drive even though his license had been revoked (Tr. 28-29, 44-46; Gov. Ex. 13, Interrogatories, dated August 17, 2007 at1-2).

Applicant denied that his three convictions for driving while intoxicated were a security concern based on alcohol consumption. Applicant's attorney from the 2006 offense told him that his convictions were for traffic offenses and were not criminal. However, since Applicant received jail sentences he feels the offense were criminal. Applicant did attend some Alcoholic Anonymous meetings before and after his 2006 conviction. He stopped attending meetings some time in 2007. He did see a counselor concerning alcohol abuse after his earlier convictions. He has not seen a counselor since the 2006 incident. His last drink of alcohol was the night of the 2006 incident. He does not consider himself an alcohol abuser (Tr. 30-31, 35-38). Applicant did not initially complete the required Alcohol Safety Awareness Program. He missed a class and was ordered back to court. He eventually completed the course (Tr. 42-43).

Applicant admitted that he was arrested and convicted for speeding and driving on a suspended driver's license in April 2002. He was sentenced to a 90-day jail term, of which 80 days was suspended (Gov. Ex. 6, Case Information, dated April 29, 2002). He admitted he was arrested and convicted for speeding and driving on a revoked/suspended driver's license in March 2005 and sentenced to 180 days, in jail of which 160 days was suspended and paid a \$200 fine (Gov. Ex. 9, Case Information, dated March 31, 2005).

Applicant denied he was charged with disorderly conduct in August 2003 (Gov. Ex. 8, Case Information, dated August 11, 2003). Applicant stated that he was exiting a restaurant with friends when a police officer, who was a distance from the restaurant, told the group they were being loud, boisterous, and disorderly. Applicant was charged with disorderly conduct. At his court hearing, Applicant and the police officer testified. Applicant informed the judge he was leaving the restaurant with friends and they were having a conversation. The judge entered a finding of not guilty. He did not believe he needed to note the offense on the security clearance application since he was found not guilty (Tr. 31-32).

Applicant denied falsifying his security clearance application by failing to disclose all of the driving while intoxicated offenses and the traffic offenses in response to questions concerning his police record. Applicant listed his 2000 and 2006 driving while intoxicated offense in response to questions on his security clearance application. He failed to list his 2003 driving while intoxicated offense or his other driving offenses of speeding and driving on a suspended or revoked license. Applicant stated it was an oversight on his part to not include the information in response to the question. He completed the form a number of times but it kept getting lost in the system and he had to redo the form. This process may have accounted for his failure to list the offenses. He knew the government would be able to examine his record and learn about the offenses so there was no reason not to list them. His failure to list the offenses was not intentional. It did not surprise him that he failed to list the offense because he tends to forget bad things that happened to him. (Tr. 32-34). He did list his alcohol counseling as a result of the driving while intoxicated incidents. He denied that his failure to completely list all of his offenses amounted to a security concern for personal conduct.

Applicant admitted that as a result of an automobile accident judgments were placed against him for \$10,317 by the insurance company of the other vehicle involved in the accident (Gov. Ex. 12, Judgment, dated March 31, 2004), and for \$5,642 from the rental car agency for the car he was driving (Gov. Ex. 11, Judgment, dated June 4, 2002). Applicant has not paid the judgments. He has spoken to representative of both creditors stating his intent to pay the judgments. However, he has not been able to make any payments on the debts (Tr. 39-40, 46-49).

Applicant also admitted that he was indebted to one bank on two different credit cards for \$4,330, and \$3,334 (Tr. 49-50; Gov. Ex. 10, Credit Report, dated June 27, 2007). Applicant's wife now handles the family finances (Tr. 40-41, 49-50). She testified that she and Applicant have been married for over two years and have two young children. She has known Applicant since they were college students. She herself has had a security clearance for over 13 years with access to sensitive compartmented information. She understands the need for financial responsibility for security clearance purposes. The family has three credit cards with the same bank with a total balance of approximately \$7,025. The couple has a total of six credit cards with a combined balance of approximately \$14,000. Most of the credit card debt was accumulated by Applicant before they were married. She believes he accumulated the debts because he received the cards as a college student and used them to purchase items. She and her husband have a budget and part of the budget is to pay on the cards to keep them current (App. Ex. C, Budget, undated). They are current with payments on all credit cards (Tr. 55-61; App. Ex. A, Statement, dated November 6, 2008; App. Ex. B, Letter, dated October 28, 2008). Applicant denied that these debts caused a security concern for financial considerations (See answer to SOR, dated July 23, 2008).

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.

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.

Analysis

Alcohol Consumption

Excessive alcohol consumption is a security concern because it often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness. (AG ¶ 21) Appellant's three arrests for driving under the influence of alcohol raise Alcohol Consumption Disqualifying Conditions (AC DC) ¶ 22(a) "alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent."

I considered Alcohol Consumption Mitigating Conditions (AC MC) ¶ 23(a) "so much time has passed or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment" and determine that it does not apply. There were three arrests in a six year period so his incidents of alcohol-related driving are frequent. The last incident was only two years ago so it is recent. There were no unusual circumstances causing the offense. Applicant willingly drank alcohol and drove his car afterward.

I also considered AC MC ¶ 23(b) "the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of action taken to overcome this problem, and has established a pattern of abstinence (alcohol dependent) or responsible use (if an alcohol abuser)", and determined that it does not apply. Applicant stated he no longer drinks alcohol. He attended alcohol-related counseling for awhile but ceased attending over a year ago. He has not actively participated in counsel since completion of court order counseling in 2004. His only positive sign has been his marriage and the birth of his children.

I also considered AC MC ¶ 23(c) "the individual is a current employee who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress"; and AC MC ¶ 23(d) "the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meeting of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or licensed clinical social worker who is a staff member of a recognized alcohol treatment program". Appellant has had some counseling and attendance at Alcoholics Anonymous. He has not attended these counseling sessions since shortly after the 2006 alcohol-related incident. Appellant has not presented information to meet his burden that his past alcohol use does not reflect now on his reliability, trustworthiness, and good judgment. Appellant has not mitigated security concerns for alcohol consumption.

Personal Conduct

A security concern is raised because conduct involving questionable judgment, untrustworthiness, unreliability, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. (AG ¶ 15) Personal conduct is always a security concern because it asks the central question does the person's past conduct justify confidence the person can be entrusted to properly safeguard classified information. The security clearance system depends on the individual providing correct and accurate information. If a person conceals or provides false information, the security clearance process cannot function properly to ensure that granting access to classified information is in the best interest of the United States Government. Applicant's incomplete answers to a question on his security clearance application concerning his police record raises a security concern under Personal Conduct Disqualifying Condition (PC DC) AG ¶ 16(a) "the deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history, or similar form used to conduct investigations, to determine security eligibility or trustworthiness".

Appellant denied intentional falsification. In response to questions on the security clearance application, Applicant listed two of his three alcohol-related driving incidents and the alcohol counseling he attended as a result of these offenses. He failed to list one of the driving while intoxicated offense and some other traffic offenses. Applicant testified that he completed his security clearance application a number of times and it was an oversight on his part not to list all of the offenses. A security concern may arise for an omission, concealment, or falsification of a material fact in any written document or oral statement to the government when applying for a security clearance. But every omission, concealment, or inaccurate statement is not a falsification. A falsification must be deliberate and material. It is deliberate if it is done knowingly and willfully. Since Applicant listed the two driving while intoxicated offenses and his alcohol counseling, the available information shows his failure to list all of the offenses was not knowing and willful. Applicant established he did not deliberately fail to provide full information on the security clearance application with intent to deceive. I find for Appellant as to Personal Conduct pertaining to falsification of the security clearance application. Since there is no intention to deceive, there is no violation of federal law and no criminal conduct. I also find for Applicant as to the part of the criminal conduct security concern based on falsification of the security clearance application.

In addition, Applicant's two driving on a revoked/suspended driver's license and speeding offenses are a pattern of misconduct raising security concerns under PC DC 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 protect information"; 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 regulation or other characteristics indicting the person may not properly safeguard protected information; and 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, . ." Since he was found not guilty of the disorderly conduct charges, I have not considered that offense as a part of the pattern of misconduct.

In regard to this issue, I considered Personal Conduct Mitigating Conditions (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", PC MC ¶ 19(d) "the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur"; and PC MC ¶ 17(e) "the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation or duress". Applicant has a pattern of driving an automobile while his license is revoked or suspended. His driving decisions were irresponsible indicating he would act irresponsibly towards protecting classified information. Driving while your driver's license is revoked or suspended is not minor, particularly when it happens more than once and driving while intoxicated is involved.

Applicant states that since he is now married and the father of two children, he has taken positive steps to change his behavior. However, he was married in 2006 when the latest instance of his driving without a license happened. He has not presented any information to show any course of conduct that changes this behavior. His wife credibly testified that she has known him for over 13 years and she has seen a change in his attitude since their marriage over two years ago. While this is positive information, he last driving without a license offense happened after they were married and she had to bail him out and retrieve their car. His actions were not caused by marital issues but by his own irresponsible conduct. I find against Applicant as to Personal Conduct.

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 ¶ 30) Appellant's convictions for driving while intoxicated and two driving on a suspended/revoked driver's license raises Criminal Conduct Disqualifying Conditions (CC DC) ¶ 31(a) "a single serious crime or

multiple lesser offenses", and CD DC ¶ 31(c) "allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted".

Appellant has raised by his testimony Criminal Conduct Mitigating Conditions (CC MC) ¶ 32(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"; and CC MC ¶ 32(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". There was at least one criminal offense a year from 2000 to 2006. The last offense was the driving while intoxicated offense in July 2006. All of the offenses happened because Applicant made a decision to drive after drinking alcohol or to drive knowing that his license was revoked or suspended. The offenses did not happen under unusual or unique circumstances. Similar criminal incidents are likely to recur because his driver's license is still suspended and he could decide to drink and drive or just drive without having a license. Applicant stated he has matured and no longer drinks alcohol. However, he is not involved in any counseling or alcohol prevention program. Applicant has not presented sufficient information to mitigate security concerns for criminal conduct.

Financial Consideration:

Under financial considerations, failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds (AG ¶ 18). Similarly, an individual who is financially irresponsible may also be irresponsible, unconcerned, or careless in their obligations to protect classified information. Behaving responsibly or irresponsibly in one aspect of life provides an indication of how a person may behave in other aspects of life.

A person's relationship with his creditors is a private matter until evidence is uncovered demonstrating an inability or unwillingness to repay debts under agreed terms. Absent evidence of strong extenuating or mitigating circumstances, an Applicant with a history of serious or recurring financial difficulties is in a situation of risk inconsistent with the holding of a security clearance. An Applicant is not required to be debt free, but is required to manage his finances in such a way as to meet his financial obligations. Applicant admitted, and credit reports confirm, that he has delinquent debts for two unpaid judgments from an automobile accident and two delinquent credit card debts to a bank. These delinquent debts and unpaid judgments are a security concern raising Financial Consideration Disqualifying Conditions (FC DC) ¶ 19(a) "inability or unwillingness to satisfy debts", and FC DC ¶ 19(c) "a history of not meeting financial obligations".

I considered Financial Considerations Mitigating Conditions (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" applies. The judgments were entered against Applicant in 2002 and 2004, and he has not made any payments. Applicant talked to the creditors for the damage from the automobile accident but he has not followed through on his promises to pay. The judgments are still outstanding and current debts, and cast doubt on his current reliability, trustworthiness, and good judgment. While the credit cards are being paid and are current because of the financial management of Applicant's wife, the debts did not happen long and are only current because of his wife's actions. The credit card debt can likely recur even though they are now current because of his wife's action in handling the family finances.

FC MC ¶ 20(b) "the conditions that resulted in the financial problems were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce, or separation), and the individual acted responsibly under the circumstances" does not apply. The judgments arose from an automobile accident. Applicant is liable for the damage to the rental car he was driving and for the damage to the other vehicle. The accident was not beyond his control. Applicant presented no reasons for his failure to pay the debts except he does not have the funds to do so. This is not a reason beyond his control. He has not acted reasonably under the circumstances.

FC MC ¶ 20(d) "the individual has initiated a good-faith effort to repay the overdue creditors or otherwise resolve debts" applies to the credit cards only and not to the judgments. For FC MC ¶ 20(d) to apply, there must be an "ability" to repay the debts, the "desire" to repay, and "evidence" of a good-faith effort to repay. A systematic, concrete method of handling debts is needed. Applicant and his wife have the ability to pay the credit card debts, have shown a strong desire to pay them, and have shown a good effort to pay them. Applicant's wife has established their budget and payments on the credit cards to keep them current. However, no plan was presented to show how or when the judgments would be paid. Applicant has not acted responsibly towards the judgments and has not established his good-faith efforts to resolve the judgments. He has not presented sufficient information to mitigate security concerns for his financial situation.

"Whole Person" Analysis

Under the whole person concept, the Administrative Judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all the circumstances. An 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 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 that Applicant is a good employee and a conscientious and dependable worker held in high regard by this supervisors and peers. I considered Applicant has been married for over two years and has two young children. His wife holds a security clearance and is well aware of the requirements to continue to hold a clearance. His wife and family are a positive influence in his life. I considered that he did not deliberately provide incomplete information on his security clearance application. I considered that Applicant stated he no longer drinks alcohol, but he has not presented any information concerning present counseling for alcohol abuse or present attendance at any alcohol prevention programs. His last alcohol-related incident is recent, only two years ago after he had the positive influence of being married. Sufficient time of no alcohol-related incidents has not passed since 2006 to mitigate alcohol consumption issues given that he has a series of alcohol-related incidents starting in 2000. He has two judgments of long standing that he has not taken any action to resolve or pay. He has had at least one criminal conduct offense a year from 2000 to 2006. His actions indicate poor self control, lack of judgment, or unwillingness to abide by rules and regulations. Overall, on balance 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 has not mitigated the security concerns arising from his financial considerations, personal conduct, alcohol consumption, and 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 G:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	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:	Against Applicant
Subparagraph 2.e:	For Applicant
Paragraph, Guideline J:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Paragraph 4, Guideline F:	AGAINST APPLICANT
Subparagraph 4.a:	Against Applicant
Subparagraph 4.b:	Against Applicant
Subparagraph 4.c:	For Applicant
Subparagraph 4.d:	For 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.

THOMAS M. CREAN
Administrative Judge