



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



In the matter of:)
)
) ISCR Case No. 08-04187
SSN:)
)
Applicant for Security Clearance)

Appearances

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

September 12, 2008

Decision

CREAN, Thomas M., Administrative Judge:

Applicant submitted his latest Electronic Questionnaire for Investigative Processing (e-QIP) to update his security clearance on May 23, 2007. On June 10, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing security concerns under Guideline H for drug involvement, Guideline E for personal conduct, and Guideline J for criminal conduct. 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 June 18, 2008.

Applicant answered the SOR in writing on June 27, 2008. He admitted some and denied others of the allegations. He requested a hearing before an Administrative Judge. Department Counsel was prepared to proceed with the case on August 6, 2008. The case was assigned to me on August 7, 2008. DOHA issued a notice of hearing on August 13, 2008, for a hearing on September 2, 2008. I convened the hearing as

scheduled. The government offered 12 exhibits, marked Government Exhibits (Gov. Ex.) 1 through 12, which were received without objection. Applicant submitted two documents, marked as Applicant Exhibits (App. Ex.) A-B, which were received without objection. Applicant testified on his behalf. DOHA received the transcript (Tr.) of the hearing on September 11, 2008. Based upon a review of the case file, pleadings, and exhibits, eligibility for access to classified information is denied.

Findings of Fact

In his response to the SOR, Applicant denies using marijuana from 1975 until at least December 2005 or January 2006. He admitted contributing to the purchase of marijuana twice since 2000. He admitted using opium in 1977 and mushrooms in 1981. He admitted using cocaine with varying frequency from 1986 until December 2005 or January 2006. He admitted to taking more than the recommended dosage of prescription painkillers to get high from 2001 until February 2006. He denies purchasing cocaine four times since 2000. Applicant also denies the allegation of false answers on security clearance applications submitted in September 1987, January 1995, July 2000, and December 2005, as well as a February 11, 2008 affidavit to security investigators. He denies that he was not granted access to Sensitive Compartmented Information (SCI) by a government agency in July 2006, that he used marijuana and cocaine after being granted access to classified information in 2002 and SCI in 2003, that he violated Air Force policy by using marijuana and cocaine from 1986 until 1990, and that he used marijuana, cocaine, and improperly used prescription drugs after submitting a security clearance application on December 14, 2005. He denied the resulting criminal conduct for providing false answers. During the hearing, Applicant testified differently concerning some of his admissions. Those differences will be discussed as findings of fact. I thoroughly and carefully reviewed the case file and the pleadings. I make the following findings of fact.

Applicant is 47 years old and has been a functional analyst for a defense contractor for about 2 years. He has an associate's degree in engineering technology, and a bachelor's degree in Information Systems Management. He served four years on active duty with the Air Force from 1986 until 1990. After his release from active duty until he started working for his present defense contractor employer, he worked for various organizations, some of which were government contractors, or was self-employed. He is married with one child. Applicant first received a security clearance in 1987 when he was on active duty with the Air Force. He has been granted access to classified information at various times since 1987 (Gov. Ex. 9, e-QIP, dated May 23, 2007; Applicant Exhibit A, Resume, undated). A friend and former college football team member noted that Applicant overcame numerous injuries to continue to play football at the college level. He worked hard and contributed to his team's success. He has a strong work ethic and is intelligent, resourceful, and energetic. He favorably impresses his neighbors, church members, colleagues, and business associates. Applicant's ability to motivate earns him respect admiration and popularity among his peers (Applicant Exhibit B, Letter, undated).

Applicant has submitted a number of security clearance applications and has been interviewed by security investigators various times since 1987. He has provided different information concerning his use of drugs during this process. In his first security clearance application when he entered active duty with the Air Force, Applicant answered "NO" to the question concerning use of narcotics (Gov. Ex. 1, Personnel Security Questionnaire, dated September 16, 1987). Applicant acknowledged that he had used illegal drugs prior to entering active duty. However, he states that he was advised by the Air Force recruiter to not list his drug use because it could cause the Air Force to question whether he should be accepted on active duty (Tr. 24). He did not reveal any drug use and was granted access to classified information.

Applicant submitted a request for access to SCI, was interviewed, and again did not report any use of illegal drugs (Gov. Ex. 2, SCI Screening Interview, notice, undated; Gov. Ex. 3, Report of Investigation, dated May 4, 1995; Gov. Ex. 4, Personnel Security Questionnaire, dated January 31, 1995). He submitted another security clearance application for a periodic update of his access to SCI in 2000 and did not report any use of illegal drugs (Gov. Ex. 5, Security clearance application, dated July 15, 2000).

Applicant submitted another security clearance application to a government agency for periodic update of his access to SCI on December 14, 2005. Again, he did not report any illegal drug use. Applicant was interviewed by security investigators who submitted Applicant to a polygraph examination. In the first interview and polygraph on February 13, 2006, Applicant reported using marijuana two times when he was 16 years old in 1975. He also reported using a steroid drug while playing college football in 1981. He admitted using prescription painkillers prescribed for pain after an automobile accident in 2004 not for pain relief but to get high.

Applicant was again interviewed and received a polygraph test on March 28, 2006. During the interview and test, he listed his use of marijuana to no more than four times and his use of steroids to no more than five times in a two week period. He denied abusing prescription medication after August 2004. He noted that he was prescribed painkillers in January 2006 after hand surgery but took the drugs as prescribed. He denied any other illegal drug use.

Applicant was interviewed and received a third polygraph test on June 5, 2006. He now states his use of marijuana was no more than 10 times from 1977 until 1984. He admitted to assisting with the purchase of marijuana by "chipping in" \$5 no more than five times. He admitted using marijuana about 25 times from 1984 until 2000. He admitted using marijuana from 2000 until the summer of 2005 about five times. He again "chipped in" \$5 twice during the times to purchase marijuana. He further admitted to using opium one time in 1977, and mushrooms twice in 1981. He admitted abusing prescription drugs twice in July 2005, and 10 times from 2003 until February 2006. He stopped using prescription drugs in February 2006 because he anticipated having security clearance interviews and tests. He further admitted to using cocaine six times from 1986 until 1990, eight times from 1990 until 2000, and four times from 2000 until December 2005. He purchased cocaine four times since 2000, and purchased \$100

worth of cocaine in December 2005. He discontinued his use of cocaine in December 2005 because of his pending security clearance interview and polygraph examination.

Based on these interviews and polygraph tests, Applicant was denied access to SCI as a result of his reported drug use (Gov. Ex. 6, Clearance Decision Statement, dated July 14, 2006; Gov. Ex. 7, Notification of Denial, dated July 28, 2006). Applicant's appeal of the denial of access to SCI was denied (Gov. Ex. 8, Final outcome of Appeal, dated April 24, 2007; *See also*, Gov. Ex. 12, JPAS history, dated February 25, 2008).

Applicant completed his latest e-QIP on May 23, 2007. In response to questions concerning his use of illegal drugs, Applicant responded "YES" to question 24a asking if in the last seven years he illegally used any controlled substance. He responded "YES" to question 24b asking if he ever illegally used a controlled substance while in a law enforcement position or while possessing a security clearance. He elaborated on his response by noting that he used pain killers prescribed by his physician ten times between September 2001 and February 2002. He did not indicate if the use was as prescribed by the physician or not as prescribed by the physician. He listed using cocaine four times from December 2000 until December 2005. He listed using marijuana six times from December 2000 until July 2005. He also answered "YES" to question 26b asking if he had ever been denied or had a security clearance revoked. He commented that a government agency denied a security clearance in April 2007 for failing to pass a polygraph test because of drug involvement issues (Gov. Ex. 9, e-QIP, dated May 23, 2007).

In a November 2007 interview with a security investigator, Applicant stated he tried to answer all question in his February 2006 and March 2006 interviews truthfully but in doing so "split hairs." As an example he cited that in response to questions, he stated he may have gotten high from marijuana five times but he may have touched marijuana more than five times but did not smoke that many times and each time he smoked he did not get high. In his August 2006 interview he told everything about his drug use back to high school. (Gov. Ex. 10, Affidavit, dated November 29, 2007).

In a February 2008 affidavit provided security investigators, Applicant stated he attended a holiday party between Christmas and New Years 2002 and snorted two or three lines of cocaine and smoked a marijuana cigarette. A party attendee provided the drugs which were openly available. Only a few people at the party used the drugs. He attended a holiday party between Christmas and New Years 2003 and snorted two or three lines of cocaine and smoked a marijuana cigarette. He did not pay for any of the drugs since they were passed around the party. He attended a holiday party between Christmas and New Years 2005 and snorted a line of cocaine, and inhaled a marijuana cigarette. The cocaine and marijuana were passed around the party. Only a few people at the party used the drugs. He contributed \$100 to the party for food, alcohol, and drugs. He attended a party in July 2005 and smoked part of a marijuana cigarette. He kept part of the cigarette and smoked it in August or September 2005. He also noted his drug use has not caused him any financial problems or required medical attention.

Applicant stated that during his first polygraph test, he was nervous and confused about the interviewer's questions concerning drug use. He answered truthfully not wanting to leave out any information. His answers to questions changed because the questions asked by the interviewer changed. In his attempt to answer all questions truthfully in the second interview and polygraph test, the interviewer accused him of "splitting hairs." He made distinctions between touching marijuana, smoking marijuana, and getting high from marijuana. His nervousness increased based on the reaction of the interviewer and his questions. In his third interview and polygraph test, he disclosed his drug use back to high school. He was nervous in the interview but tried to answer truthfully the changing questions of the interviewer (Gov. Ex. 11, Affidavit, dated February 11, 2008).

Applicant provided conflicting information concerning his use of illegal drugs during the September 2, 2008 hearing, based on his definition of drug use. Applicant stated that prior to undergoing the polygraph tests; there was no continued extended drug use. He considered drug involvement to be at a party and have drugs passed around. He knew he would be tested for drugs because of his employment, so he did not extensively use drugs to cause him to fail any drug tests. The investigators' questions were always drug use or not drug use and he only had involvement (Tr. 24-27). Applicant stated his last "use" of marijuana was in 1994 or 1995. This answer is based on his definition of "use" being a continuing or a number of inhales. He did not continuously inhale when he smoked marijuana during the holiday parties in 2002, 2003 and 2005 so he does not consider that use of marijuana (Tr. 28-33). Applicant did not equate snorting a line of cocaine at a party to use of cocaine. He stated that such an act was drug experimentation or involvement (Tr. 34-40). Applicant and Department Counsel had the following exchange:

A. "Now if you don't like what I'm saying as far as the words "use" or "experimental" than that lays somewhere else. But it is not consistent. It does not make sense with my history of working, my history of being able to take a drug test and pass. But when I tell you my extent, it's made out to be--and again bad judgment, but it seems to me that that cannot be accepted when in fact that only after it took the poly that in my mind again during that time and it was wrong, bad judgment. But then again that's what it was, only a taste, just to say "Okay, I'm part of the crowd, part of the group." Bad judgment I agree.

Afterwards, after the party, in my mind based on that, any involvement, any involvement, then had to go back and fess up to any involvement. Because some way you make the quantum leap from involvement however limited it is, to drug use and I guess that is my point, yes, that is my issue I'm trying to address,"

Q. when you say "Involvement" with let's say marijuana, when you say "involvement" are you including a taste of marijuana up to touching it or passing it on to someone else?

A. That's involvement.

Q. Okay. That's involvement, that's not use.

A. That can be use.

Q. That can be use?

A. That -- involvement, is involvement.

Q. Well, I'm trying to see what you believe in your mind is use versus involvement.

A. Sir, I told you. Let me try one more time and I'm sure where it is that he misunderstanding is. You asked me about use and if I am using that means I am continually inhaling. I'm continually snorting to the point..." (Tr. 41-42).

Applicant went on to explain that a taste of marijuana or a taste of cocaine does not equate to use of marijuana or cocaine. His "taste" was bad judgment but it was not drug use. It was involvement but it was not use. Applicant admitted that the last time he took a puff of a marijuana cigarette or snorted a line of cocaine was between Christmas and New Years 2004 (Tr. 43-50). He denied taking a puff of a marijuana cigarette or snorting a line of cocaine during the period between Christmas and New Years in 2005 because he knew he was going to be tested in February 2006. He did provide \$100 to provide food, alcohol, and drugs for the party (Tr. 50-53).

Based on a reading of the entire record and Applicant's testimony, I find that he is totally without credibility. Based on all the information in the file, I find that Applicant used marijuana at various times from 1975 until late December 2005. I find that he contributed funds for the purchase of marijuana until at the latest December 2005. I find that he used opium in 1977 and mushrooms in 1981. I find that he used cocaine from 1986 until late December 2005 and purchased cocaine at least four times since 2002. I find he also took prescription drugs from 2001 until February 2006 for the purpose of getting high and not for the purpose the drugs were prescribed by the physician.

I find Applicant provided false information that he did not use illegal drugs on his September 16, 1987, January 31, 1995, July 15, 2000, and December 14, 2005 security clearance applications. He provided false information on his December 14, 2005 security clearance application, when he denied using illegal drugs while holding a security clearance. He provided false information to security investigators on February 11, 2008, when he denied his past use of drugs as noted above. I also find that a government agency denied him access to SCI in July 2006, that he used marijuana after being granted access to classified information and SCI, that he knowingly used marijuana and cocaine in violation of Air Force policy from 1986 until 1990, and that he used prescription drugs to get high and not for the intended purpose after submitting a security clearance application on December 14, 2005.

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.

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 H, Drug Involvement

The use of an illegal drug or misuse of a prescription drug can raise questions about an individual's reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. Drugs are mood and behavior altering substances, and include those listed on the Controlled Substances Act of 1970. Drug abuse is the illegal use of a drug or the use of a legal drug in a manner that deviates from approved medical direction (AG ¶ 24).

The information in the exhibits presented at the hearing by the government and Applicant's answers and testify and noted in my findings above are sufficient to raise Drug Involvement Disqualifying Conditions (DI DC) AG ¶ 25(a) (any drug use), DI DC AG ¶ 25(c) (illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution), and DI DC AG ¶ 25(g) (any illegal drug use after being granted a security clearance. It is clear that Applicant smoked marijuana and snorted cocaine as noted in the SOR. He admitted use of opium and mushrooms, and also used prescription drugs to get high and not for their intended purpose of reducing pain. His drug-related activities are drug use for security clearance purposes and are not simply drug involvement or drug experimentation.

Since the government produced substantial evidence to raise the disqualifying conditions in AG ¶¶ 25(a), (c), and (g), the burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the illegal drug use (Directive ¶ E3.1.15). An applicant has the burden to refute an established allegation or prove a mitigating condition, and the burden of disproving it never shifts to the government (See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

Applicant has repeatedly denied that he knowingly used marijuana and cocaine. He equates his actions of puffing a marijuana cigarette or snorting a line of cocaine as either involvement or experimentation because he did not continually use either drug. Applicant's definition of use defies logic and is clearly erroneous. He used the drugs as noted in the SOR. I have considered Drug Involvement Mitigating Conditions (DI MC) ¶ 26(a) (the behavior happened so long ago, was so infrequent, or 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 DI MC ¶ 26(b) (a demonstrated intent not to abuse drugs in the future, such as; (1) disassociation from drug-using associates and contacts; (2) changing or avoiding the environment where drugs were used; (3) an appropriate period of abstinence; (4) a signed statement of intent with automatic revocation of clearance for any violation). Applicant failed to present any information to show that his past use of illegal drugs is unlikely to recur and that he no longer associates with known drug users, or now changed or avoided a drug use environment. He presented no reasonable explanation for his drug-related actions. His only explanation is to quibble with the definition of the term "use" as opposed to his belief that he only was "involved" or "experimented" with illegal drugs. He failed to

present sufficient information to meet his heavy burden of establishing that he did not knowingly use marijuana, opium, mushrooms, or cocaine, or prescription drugs in an illegal manner. He failed to present sufficient information to show that his drug use does not raise questions concerning his reliability, trustworthiness, judgment, or willingness to comply with rules and regulations. I find against Applicant as to drug involvement under Guideline H.

Guideline E, 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 false answers to questions on his security clearance applications concerning drug use and his answers to security investigators raise a security concerns 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); and PC DC AG ¶ 16(b) (deliberately providing false and misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative).

Appellant denied intentional falsification. He states that his answers to questions on security clearance applications concerning drug use were accurate based on his definition of the word "use". While there is a security concern for an omission, concealment, or falsification of a material fact in any written document or oral statement to the government when applying for a security clearance, 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. Applicant's definition of drug use defies logic and so clearly erroneous that his questioning of the word "use" can only be to deliberately conceal his use of drugs. I find that Applicant deliberately provided false information on his security applications and to security investigators.

I considered all of the Personal Conduct Mitigating Conditions under AG ¶ 17 and determine none apply. Applicant never made a good faith effort to correct erroneous or inaccurate information. He has not acknowledged that his information was false. He merely argued about the definition of the word "use".

Applicant was denied access to SCI by a government agency, he used marijuana and cocaine after being granted access to classified information and SCI, he violated the Air Force policy on drug use, and he used illegal drugs after submitting a security clearance application. These actions raise a security concern under PC DC 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. . .). This conduct shows questionable judgment, untrustworthiness, unreliability, or unwillingness to comply with rules and regulations by Applicant. I have considered the PC MC and find none apply to this conduct. His past conduct noted above does not establish or justify confidence that Applicant can be entrusted to properly safeguard classified information. I have considered the Personal Conduct Mitigating Conditions and find none apply to his past 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) Applicant violated federal law by knowingly and willfully providing false information on his security clearance application and to security investigators (18 U.S.C. § 1001). This conduct raises Criminal Conduct Disqualifying Conditions (CC DC) AG ¶ 31 (a) (a single serious crime or multiple lesser offenses), and CD DC AG ¶ 31 (c) (allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted). As noted above, Applicant provided false information repeatedly on security clearance applications and to security investigators. I have considered all of the mitigating conditions under Criminal Conduct Mitigating Conditions AG ¶ 32 and determine that none apply.

Whole Person Concept

Under the whole person concept, the Administrative Judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The Administrative Judge should consider the nine adjudicative process factors listed at AG ¶ 2(a): "(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence." Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall common sense judgment based upon careful consideration of the guidelines and the whole person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I considered that Applicant served four years on active duty in the Air Force and has held a security clearance for a number of years. I considered that his employment record is good and that he has not tested positive for drug use. I considered that Applicant used illegal drugs for many years and then lied about his use on security clearance applications and to security investigators. Overall, the record evidence leaves me with questions and doubts that Applicant will not use illegal drugs in the future. I have doubts about his eligibility and suitability for a security clearance because he repeatedly provided false information on his security clearance applications and to security investigators. For all these reasons, I conclude Applicant has not mitigated the security concerns arising from his illegal drug use, personal conduct, 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 H:	AGAINST APPLICANT
Subparagraph 1.a to 1.g:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a to 2.j:	Against Applicant
Paragraph 3, Guideline J:	AGAINST Applicant
Subparagraph 3.a:	Against Applicant

Conclusion

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

THOMAS M. CREAN
Administrative Judge