



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



In the matter of:	)	
	)	
-----	)	ISCR Case No. 08-05334
SSN: -----	)	
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: John B. Glendon, Esq., Department Counsel  
For Applicant: *Pro se*

May 29, 2009  
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**Decision**  
\_\_\_\_\_

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines H (Drug Involvement), G (Alcohol Consumption), and F (Financial Considerations). Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a security clearance application on January 18, 2007. On February 6, 2009, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny his application, citing security concerns under Guidelines H, G, and F. 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 adjudicative guidelines (AG) promulgated by the President on December 29, 2005.

Applicant received the SOR on February 13, 2009; answered it on February 26, 2009; and requested a hearing before an administrative judge. DOHA received the request on March 3, 2009. Department Counsel was ready to proceed on March 19, 2009, and the case was assigned to me on March 26, 2009. DOHA issued a notice of hearing on March 30, 2009, scheduling the hearing for April 20, 2009. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 4 were admitted in evidence without objection. Applicant testified and submitted Applicant's Exhibits (AX) A through I, which were admitted without objection. The record closed upon adjournment of the hearing on April 20, 2009. DOHA received the transcript (Tr.) on April 28, 2009.

### **Findings of Fact**

In his answer to the SOR, Applicant admitted the allegations in SOR ¶¶ 1.a, 1.d through 1.f, and 3.a through 3.u. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 44-year-old pipe fitter employed in a government shipyard. He has worked for his current employer since July 1985. He has held a clearance since August 1990.

Applicant was married in July 1989. Two children, ages 24 and 15, were born during the marriage. Applicant's spouse has a 29-year-old daughter from a previous relationship (Tr. 39).

In his security clearance application, Applicant disclosed that he started using marijuana at age 21 and used it about four times and month until January 2005. He also disclosed that he started using cocaine at age 28 and had used it daily for the three years preceding his application. He disclosed his in-patient treatment for alcohol dependence, cocaine dependence, and major depression on two occasions, in November and December 2002 and in February and March 2005. He disclosed he had been spending his entire pay check and selling or pawning personal possessions to support his dependency, his wages had been garnished for delinquent utility bills in January 2000 and his debts for medical treatment in January and February 2005 were more than 180 days delinquent (GX 1). At the hearing, he testified he spent his entire paycheck on drugs when he was younger, but more recently he was spending only \$40 or \$50 for drugs (Tr. 48).

In response to DOHA interrogatories on August 4, 2008, Applicant disclosed he had been treated for drug abuse from June 14 to June 20, 2008, and that he had stopped using illegal substances about a year before because he saw his life "going down hill" and he was hurting his family. He stated he was not participating in Alcoholics Anonymous or a similar organization, but he had "found faith in the Lord" and had a different outlook on life (GX 2 at 4, 7-8). In response to supplemental interrogatories on April 10, 2009, he stated he was regularly attending church to assist him from drinking alcoholic beverages, and he had last consumed alcohol in June 2008, when he consumed a 40-ounce container of beer (GX 4 at 2-3; Tr. 54).

Applicant denied the allegation in SOR ¶ 1.f that he failed an employment drug screening in June 1998. He admitted, however, that he was admitted to a hospital in 1998 for drug treatment and was diagnosed as suffering from alcohol dependence and cocaine abuse (Tr. 51-52). He denied the allegation in SOR ¶ 1.c that he used PCP [phencyclidine] “and/or” LSD [lysergic acid diethylamide] once in February 2000 (Tr. 50). He admitted being referred to a drug treatment facility in August 2000 and being discharged a month later for failure to comply with the program (Tr. 52). He admitted being treated in April 2003 and July 2004, going to the emergency room for substance abuse in February 2005, and being admitted to a hospital for major depression in April 2006 (Tr. 53). He admitted using crack cocaine once on June 13, 2008, and then admitting himself into a one-week drug treatment program on June 14, 2008 (Tr. 58).

Applicant filed a Chapter 7 bankruptcy petition in November 1999, listing liabilities totaling about \$60,000. He received a discharge in February 2000 (Tr. 60-61). The bankruptcy is alleged in SOR ¶ 3.a. His credit reported dated March 8, 2007, reflected his bankruptcy as well as 20 delinquent debts incurred after the bankruptcy (GX 3).

As of the date of the hearing, Applicant had settled the auto repossession debt alleged in SOR ¶ 3.b, a delinquent telephone bill alleged in SOR ¶ 3.c, and a delinquent credit card account alleged in SOR ¶ 3.q (AX A; AX B, AX D; Tr. 65-68). He was making monthly payments on the medical bill alleged in SOR ¶ 3.s (AX H; AX I; Tr. 70-71). The medical bill alleged in SOR ¶ 3.s appears to duplicate the medical bill alleged in SOR ¶ 3.d, since the amounts are similar and they both have the same account number (GX 3 at 12, 13). The medical bills alleged in SOR ¶¶ 3.e-3.p and 3.t, totaling about \$10,466, as well as the \$500 credit card account alleged in ¶ 3.r, are unresolved. The \$11,534 auto repossession debt alleged in SOR ¶ 3.u is unresolved. Applicant and his wife also had settled two delinquent telephone bills (AX E; AX G) and a delinquent medical bill (AX F) that were reflected on their credit report but not alleged in the SOR.

Applicant submitted a personal financial statement dated August 4, 2008, in response to DOHA interrogatories. It reflected net monthly income of \$2,454, expenses of \$1,826, no debt payments, and a remainder of \$628 (GX 2 at 18). At the hearing, he testified his net monthly pay is about \$2,000 per month, and his wife also is employed, but he does not know how much she earns (Tr. 75). His wife takes care of the family finances, and he concentrates on his job (Tr. 37). They purchased their home in August 2008, after he submitted his personal financial statement, trading land that Applicant inherited for the home. They did not borrow any money to acquire the home (Tr. 73). Purchasing the home reduced their monthly expenses by eliminating the monthly rent of \$225.

### **Policies**

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to

control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the revised adjudicative guidelines (AG). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s over-arching adjudicative goal is a fair, impartial and common sense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. 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.

Clearance decisions must be made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is not necessarily a determination as to the loyalty of the applicant. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity

clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

## **Analysis**

### **Guideline H, Drug Involvement**

The SOR alleges Applicant used cocaine, “with varying frequency to include, at times, daily” from 1992 to January 2007 (SOR ¶ 1.a); he used marijuana with varying frequency from 1985 to January 2005 (SOR ¶ 1.b); he used PCP “and/or” LSD once in February 2000 (SOR ¶ 1.c); he purchased illegal drugs on numerous occasions (SOR ¶ 1.d); and he used illegal drugs after being granted a security clearance in 1990 (SOR ¶ 1.e). It also alleges he was referred to a hospital after failing an employment drug screening in June 1998 and was diagnosed with alcohol dependence and cocaine abuse (SOR ¶ 1.f). Finally, it alleges he was referred to a hospital on August 9, 2000, and treated for cocaine dependence following a relapse and suicidal ideation, but he was discharged on September 9, 2000 for failing to attend prescribed treatment sessions (SOR ¶ 1.g).

The concern under this guideline is as follows: “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.” AG ¶ 24. This guideline encompasses “drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens).” AG ¶ 24(a)(1). Drug abuse is “the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.” AG ¶ 24(b).

Disqualifying conditions under this guideline include “any drug abuse”; “illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia”; and “any illegal drug use after being granted a security clearance.” AG ¶¶ 25(a), (c), and (g). Applicant admitted purchasing and using cocaine and marijuana after being granted a clearance, as alleged in the SOR. He denied failing an “employment drug screening” as alleged in SOR ¶ 1.f, but he admitted the remaining allegations in SOR ¶ 1.f that he was referred to a hospital and diagnosed with alcohol dependence and cocaine abuse. Finally, he admitted being treated for cocaine dependence after a relapse and being discharged from treatment for failing to attend treatment sessions, as alleged in SOR ¶ 1.g. Applicant's admissions and the evidence produced by the government raise AG ¶¶ 25(a), (c), and (g).

Disqualifying conditions under this guideline also include “diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence”; “evaluation of drug abuse or drug dependence by a licensed clinical social worker who, is a staff member of a recognized drug treatment program”; and “failure to successfully complete a drug treatment program prescribed by a duly qualified medical professional”. AG ¶¶ 25(d), (e), and (f). These disqualifying

conditions are not raised because there is no evidence of the qualifications of the persons who diagnosed Applicant or prescribed treatment.

Applicant denied using PCP or LSD as alleged in SOR ¶ 1.c, and the government produced no evidence to support this allegation. I conclude Applicant has refuted SOR ¶ 1.c, and I resolve it in his favor.

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 facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

Security concerns under this guideline may be mitigated if “the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment.” AG ¶ 26(a). The first clause of AG ¶ 26(a) (“happened so long ago”) focuses on whether the drug involvement was recent. There are no “bright line” rules for determining when conduct is “recent.” The determination must be based on a careful evaluation of the totality of the evidence. If the evidence shows “a significant period of time has passed without any evidence of misconduct,” then an administrative judge must determine whether that period of time demonstrates “changed circumstances or conduct sufficient to warrant a finding of reform or rehabilitation.” ISCR Case No. 02-24452 at 6 (App. Bd. Aug. 4, 2004).

Applicant's last use of cocaine was on June 13, 2008, less than a year ago, and it followed drug treatment and relapse in June 1998, September 2000, April 2003, July 2004, and February 2005. Given his history of treatment and relapse, insufficient time has passed since his last relapse to establish his rehabilitation. His drug abuse has been frequent, did not occur under circumstances that are unlikely to recur, and raises doubt about his current reliability, trustworthiness, and good judgment. I conclude AG ¶ 26(a) is not established.

Security concerns also may be mitigated by “a demonstrated intent not to abuse any 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; and (4) a signed statement of intent with automatic revocation of clearance for any violation.” AG ¶ 26(b). Applicant has declared his intent not to use drugs again, but he has not demonstrated his intent by any of the indicators set out in this guideline. As noted above in the discussion of AG ¶ 26(a), his period of abstinence from drugs is insufficient to establish that he is not likely to relapse again.

Finally, security concerns under this guideline may be mitigated by “satisfactory completion of a prescribed drug treatment program, including but not limited to rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable

prognosis by a duly qualified medical professional.” AG ¶ 26(d). Applicant receives some mitigating credit for admitting himself into a drug treatment program several times, most recently in June 2008, but this mitigating condition is not fully established because there is no evidence of a favorable prognosis by a duly qualified medical professional.

### **Guideline G, Alcohol Consumption**

The SOR cross-alleges the conduct alleged in SOR ¶ 1.f (diagnosis of alcohol dependence in June 1998) under this guideline. The concern under this guideline is set out in AG ¶ 21 as follows: “Excessive alcohol consumption 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.”

Security concerns under this guideline may be raised by “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.” AG ¶ 22(a). Security concerns also may arise from “alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent.” AG ¶ 22(b). Neither of these disqualifying conditions is raised, because there is no evidence of an “alcohol-related incidents,” either at work or away from work.

A disqualifying condition also may be raised by “habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent.” AG ¶ 22(c). While Applicant admitted on his security clearance application that he is alcohol dependent, this disqualifying condition is not raised because there is no evidence of the extent of Applicant's alcohol consumption.

A disqualifying condition also may be raised either by “diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence” or by “evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.” AG ¶ 22(d) and (e). These disqualifying conditions are not established because there is no evidence of the professional qualifications of the person who diagnosed Applicant as alcohol dependent.

Finally, a disqualifying condition may be raised by “relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program.” AG ¶ 22(f). Applicant admitted in two sets of responses to interrogatories that he had received treatment due to his use of alcohol (GX 2 at 7; GX 4 at 3). He disclosed on his security clearance application that he was treated in 2002 and 2005 for alcohol dependence. He admitted he consumed a 40-ounce container of beer in June 2008. This evidence is sufficient to raise AG ¶ 22(f).

Security concerns under this guideline may be mitigated if “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.” AG ¶ 23(a). Applicant was diagnosed and treated for alcohol dependence in 1998, 2002, and 2005. He relapsed in June 2008. His alcohol consumption was recent, frequent, and did not occur under circumstances unlikely to recur, and casts doubt on his current reliability and trustworthiness. I conclude AG ¶ 23(a) is not established.

Security concerns also may be mitigated if “the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser).” AG ¶ 23(b). Applicant acknowledged his past alcohol dependence. He relies on his church and his family to avoid problems with alcohol. Nevertheless, he was treated three times for alcohol dependence, and he relapsed in June 2008. I conclude this mitigating condition is not established.

Finally, security concerns under this guideline may be mitigated if “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 meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.” AG ¶ 23(d). This mitigating condition is not established because Applicant has not demonstrated a “clear and established pattern” of abstinence, and there is no evidence of a favorable prognosis by a qualified medical professional or licensed clinical social worker.

## **Guideline F, Financial Considerations**

The SOR alleges a Chapter 7 bankruptcy discharge in February 2000 (SOR ¶ 3.a) and 20 delinquent debts that were incurred after the bankruptcy discharge (SOR ¶ 3.b-3.u). The concern under this guideline is set out in AG ¶ 18 as follows:

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.

Several disqualifying conditions under this guideline could raise a security concern and may be disqualifying in this case. AG ¶ 19(a) is raised where there is an



“inability or unwillingness to satisfy debts.” AG ¶ 19(b) is a two-pronged condition that is raised where there is “indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt.” AG ¶ 19(c) is raised when there is “a history of not meeting financial obligations.” Applicant’s financial history raises AG ¶ 19(a) and (c). In addition, his irresponsible spending to buy illegal drugs instead of paying his debts raises AG ¶ 19(b).

Applicant’s credit reports indicate that the medical bill in SOR ¶ 3.s duplicates the medical bill alleged in SOR ¶ 3.d. When the same conduct is alleged twice in the SOR under the same guideline, one of the duplicative allegations should be resolved in Applicant’s favor. See ISCR Case No. 03-04704 (App. Bd. Sep. 21, 2005) at 3 (same debt alleged twice). Accordingly, I resolve SOR ¶ 3.d in Applicant’s favor.

Security concerns based on financial problems can be mitigated by showing that “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.” AG ¶ 20(a). Applicant’s delinquent debts are numerous, are not yet resolved, did not occur under circumstances that are unlikely to recur, and cast doubt on his current reliability, trustworthiness, and good judgment. I conclude AG ¶ 20(a) is not established.

Security concerns under this guideline also can be mitigated by showing that “the conditions that resulted in the financial problem were largely beyond the person’s control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances.” AG ¶ 20(b). Both prongs, i.e., conditions beyond the person’s control and responsible conduct, must be established. I conclude AG ¶ 20(b) is not established, because Applicant’s financial problems were caused largely by his drug involvement.

Security concerns under this guideline also can be mitigated by showing that “the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control.” AG ¶ 20(c). Neither prong of this mitigating condition is established.

Security concerns under this guideline also can be mitigated by showing that “the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.” AG ¶ 20(d). Good faith means acting in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation. ISCR Case No. 99-0201, 1999 WL 1442346 at \*4 (App. Bd. Oct. 12, 1999). Applicant’s bankruptcy was a lawful means of resolving the \$60,000 in debts that were discharged, but it does not necessarily establish good faith, especially because Applicant’s financial problems leading up to the bankruptcy were drug-related. Applicant has resolved the delinquent debts alleged in SOR ¶¶ 3.b, 3.c, and 3.q, and he is making payments on the medical bill alleged in ¶ 3.s. He has done nothing to resolve the other delinquent debts alleged in the SOR. I

conclude AG ¶ 20(d) is established for the debts in SOR ¶¶ 3.b, 3.c, 3.q, and 3.s, but not for bankruptcy and the other delinquent debts alleged in the SOR.

### **Whole Person Concept**

Under the whole person concept, an 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. 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) 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. I have incorporated my comments under Guideline H, G, and F in my whole person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

Applicant is a mature adult. Notwithstanding his drug problems, he has managed to serve satisfactorily for more almost 24 years, and he has held a clearance, apparently without incident, for almost 19 years. He was candid about his substance abuse on his security clearance application, in his responses to DOHA interrogatories, and at the hearing. To his credit, he has sought and received treatment for his drug dependence, and he has turned to his church and his family for support, but more time is needed to determine if he has successfully turned his life around. He has begun to address his financial problems, but he is a long way from the end of his financial distress.

After weighing the disqualifying and mitigating conditions under Guidelines H, G, and F, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns under Guidelines G, H and F. Accordingly, I conclude he has not carried his burden of showing that it is clearly consistent with the national interest to continue his eligibility for access to classified information.

## Formal Findings

I make the following formal findings on the allegations set forth in the SOR, as required by Directive ¶ E3.1.25:

Paragraph 1, Guideline H (Drug Involvement):	AGAINST APPLICANT
Subparagraphs 1.a-1.b:	Against Applicant
Subparagraph 1.c:	For Applicant
Subparagraphs 1.d-1.g:	Against Applicant
Paragraph 2, Guideline G (Alcohol Consumption):	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Paragraph 3, Guideline F (Financial Considerations):	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Subparagraphs 3.b-3.d:	For Applicant
Subparagraphs 3.e-3.p:	Against Applicant
Subparagraph 3.q:	For Applicant
Subparagraph 3.r:	Against Applicant
Subparagraph 3.s:	For Applicant
Subparagraphs 3.t-3.u:	Against Applicant

## Conclusion

In light of all of the circumstances, it is not clearly consistent with the national interest to continue Applicant's security clearance. Eligibility for access to classified information is denied.

LeRoy F. Foreman  
Administrative Judge