



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



In the matter of:)	
)	
XXXXXXXXXX, XXXXX)	ISCR Case No. 08-06435
SSN: XXX-XX-XXXX)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Eric Borgstrom, Esq., Department Counsel
For Applicant: *Pro se*

March 11, 2010

Decision

TUIDER, Robert J., Administrative Judge:

Applicant failed to mitigate security concerns pertaining to Guideline F (financial considerations). Clearance is denied.

Statement of the Case

Applicant submitted his Electronic Questionnaire for Investigations Processing (e-Qip) on September 20, 2007. On May 8, 2009, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing security concerns under Guideline F (financial considerations) for Applicant. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the revised adjudicative guidelines (AG) promulgated by the President on December 29, 2005, and effective within the Department of Defense for SORs issued after September 1, 2006.

Applicant answered the SOR in writing on June 5, 2009, and requested a hearing before an administrative judge. DOHA received Applicant's answer on June 9, 2009. Department Counsel was prepared to proceed on July 28, 2009, and I received the case assignment on August 3, 2009. DOHA issued a notice of hearing on August 12, 2009, scheduling the hearing for September 15, 2009. The hearing was held as scheduled.

The government offered Government Exhibits (GE) 1 through 7, which were received without objection. Applicant offered Applicant Exhibits (AE) A and B, which were received without objection, and he testified on his own behalf. I held the record open until September 25, 2009 to afford the Applicant an opportunity to submit additional material. The Applicant timely submitted AE C through F, which were forwarded by Department Counsel on October 19, 2009, without objection. DOHA received the hearing transcript (Tr.) on September 24, 2000. The record closed on October 19, 2009.

Findings of Fact

Applicant admitted all of the SOR allegations with explanations. His admissions with explanations are incorporated as findings of fact. After a thorough review of the evidence, I make the following additional findings of fact.

Applicant is a 54-year-old limousine driver, who has worked for a limousine service in a major metropolitan area since October 2006. GE 1, AE B, Tr. 17. In August 2007, he applied for a job with a defense contractor as a linguist and cultural advisor. The scope of this prospective job includes deploying to the Mideast in support of U.S. troops. This position also requires that Applicant successfully vet for a security clearance before he can begin employment. Tr. 62-65.

Applicant was born in Pakistan, where he was educated and spent his formative years. He graduated from a Pakistani high school in March 1973, which is his highest level of education. Tr. 17, 59. He speaks Pashto, Urdu, and English. Tr. 63. Applicant immigrated to the United States in November 1980. Tr. 58. He became a naturalized U.S. citizen in December 1990.¹ Applicant was previously married to a U.S. citizen from February 1983 to August 1992. That marriage ended by divorce. He remarried in May 1993 to his present wife, who like him, was born in Pakistan. She became a naturalized U.S. citizen in September 2001. GE 1. Applicant and his wife have four children, a 16-year-old daughter, a 14-year-old son, a 12-year-old son, and an 8-year-old son. GE 1, Tr. 18-19.

Applicant's background investigation addressed his financial situation and included the review of his September 2007 e-QIP, his October 2008 and December 2008 Responses to Interrogatories, his October 2007 and October 2008 credit bureau

¹ The transcript reflects that Applicant became a naturalized U.S. citizen in December 1980. However, his e-QIP states he became a naturalized U.S. citizen in December 1990. This discrepancy is not significant to these proceedings.

reports, his state record of judgment filed in August 2005, and records from his state lottery commission. GE 1 – 7.

Applicant's SOR listed four separate debts consisting of a judgment of \$12,255 (personal loan), a past due debt of \$613 (insurance premium), a collection account of \$68,501 (state lottery commission), and a collection account of \$828 (utility), totaling \$82,197. (SOR ¶¶ 1.a. – 1.d.)

These debts were incurred during the time frame of May 1995 to May 2006² when Applicant owned a small neighborhood grocery store in a major metropolitan area. As a result of the downturn in the economy, Applicant's store failed and he was forced to close his store. The debts alleged remain. GE 1, Tr. 10. The four debts are summarized below.

SOR ¶ 1.a. is a \$12,255 judgment Applicant owes to a video game vendor. The vendor originally loaned Applicant \$10,000 in "about 2004." When Applicant was unable to repay the loan to the vendor, the vendor filed suit in August 2004, and according to Applicant obtained a judgment against him in "2005." Applicant testified he closed his store in 2005. The \$12,255 judgment amount represents interest and penalties. Applicant has not paid or resolved this debt. GE 6, Tr. 20-26.

SOR ¶ 1.b. is a \$613 collection account owed to an automobile insurance company for an automobile owned by Applicant that was repossessed in 2005. This account went into collection in September 2007. Applicant had not made paid or resolved this debt. GE 5, Tr. 26-31.

SOR ¶ 1.c. is a \$68,501 collection account owed to the state lottery commission that supplied him lottery tickets at his store. Applicant testified that he was current with his state lottery ticket account until he experienced four robberies in "December (2004) to January (2005)" with the last robbery occurring on January 16, 2005. When queried by Department Counsel whether the amount owed was from losses sustained from the four robberies, Applicant responded, "Yes, and four robberies and plus my loss, what I lost in the store, you know. I use (sic) the money to cover up here and there." Source documents from the state lottery commission indicate that as of July 27, 2009, Applicant's debt to the lottery commission was \$89,380.84 as a result of collection fees and interest. The same source documents indicate that Applicant was late in paying the lottery commission on April 5, 2002 (\$6,195.69); September 20, 2002 (\$5,749.22); September 2, 2002 (\$5,037.12); May 30, 2003 (\$6,705.42); June 27, 2003 (\$6,554.53); August 1, 2003 (\$6,672.610; April 2, 2004 (\$4,320.69); July 16, 2004 (\$6,895.89); November 29, 2004 (\$10,867.42) (just before string of robberies began); December 24, 2004 (\$10,966.07); January 14, 2005 (\$10,265.51); January 21, 2005 (\$6,770.25); January 28, 2005 (\$8,893.76); February 4, 2005 (\$8,930.00); February 11, 2005 (\$8,225.00); and February 18, 2005 (\$28,200.00). GE 2, GE 7. Tr. 32-44.

² These dates are derived from Applicant's September 2007 e-QIP, p. 13.

Department Counsel made the point that Applicant's problems of falling behind with the state lottery commission were not limited to the string of robberies in December 2004 and January 2005. The following is Applicant's verbatim explanation and response to Department Counsel as reflected in the transcript:

I believe the business had a problem, but that's the way (of) the business. It's like – it's absolutely the business was had a problem and not doing well. So, you know, I was here and there, put it here, put it there. And then I was doing this to try to (do) what I can do to run the business. When you see that things is getting out of my hand, it's started getting worse and ended up here. The robbery, things happened to me. And I says it's getting worse and worse and then I have to shut it down, the business. That's the only thing to happen. This is you know, I'm just give you, asking for one minute, please. This is job I apply just because I worry about my lot of money. It's not going to be gone on me until I'm out of debt. Let me tell you this way. I want to pay this money. I'm honestly telling you I want to pay this money. That's why I apply for this job. If I got this job, in one year, I work for one year and you're going to see the difference in one year how much I pay them back. I have a lawyer. My lawyer is still talking to them. If you see my lawyer, he was talking to them and he will come to the agreement with a lot of company to pay them up. I back up because I don't have any money to pay them. If you see a couple of cases have been solved here. Maybe because they're dealing with a client who can't pay the money so they kept the money, kept down the interest. Even my lawyer, you can call him, I was serious to pay this money to them, but my hand and my money was so tied and I have four kids to support them, to feed them. That's most important than anything else for me. And that's the way I put on the – I applied for this job only for one reason. I'm going to be out from my family, I'm going to be out from kids, I'm going to be out of my enjoyment, everything, to go there and suffer this country and make some money to pay these people off. This is the only my goal is. You ask me 200, 300, 500 questions, I can answer you everything. But my business was lost. I was lost. I was picking up the money here, put it here over there, but I did not file my bankruptcy because I was very serious to pay the lottery company. That's the most, most important to pay for me. This is federal money. I know this is not going to go away until I pay them off. But the main thing is this. I'm making only money to feed my family. This job provide me with money. I can sit with a lot of company, my lawyer talk to them and pay them off slowly, slowly, which is the best way to do this, handle these things. Tr. 44-47.

Applicant has not paid or resolved this debt.

SOR ¶ 1.d. is an \$828 collection account from a utility company owed on his store. Applicant testified that the utility company placed his account in collections when

he moved in 2007 and they did not have his current address. Applicant has not paid or resolved this debt. GE 4, Tr. 31-32.

Applicant was interviewed by an Office of Personnel Management (OPM) investigator on December 5, 2007. He indicated that he had encountered business problems at his former grocery store and closed the business in 2005. He also indicated that he had contacted the vendor who had secured a judgment against him in 2007 and had agreed to repay him by monthly payments. Additionally, he informed the investigator that he would satisfy the debt to the insurance company within a week. GE 2.

Applicant was again interviewed by an OPM investigator on January 10, 2008 regarding the collection account owed to the state lottery commission. Applicant explained at that time he was a victim of armed robbery at his grocery store in January 2004 and suffered a casualty loss of approximately \$60,000. This, according to Applicant, represents the net value of the lottery tickets which were purchased on credit from the state lottery commission. Applicant claimed that the state lottery commission "cleared him of all past debts due to the aforementioned casualty loss and subsequent closure of his corporate business." GE 2. Applicant submitted three business cards from police detectives, who purportedly were assigned to investigate this robbery. AE E. He did not submit any copies of police reports or correspondence with the state lottery commission. The state lottery commission maintains the Applicant still owes the debt as alleged in the SOR plus interest and penalties. GE 7.

In Applicant's December 9, 2008 Response to Interrogatories, he submitted a letter dated December 4, 2008 from a law firm, which indicates the firm has been retained to represent him on the judgment to the vendor, the collection account to the insurance company, and the collection account to the utility company. The letter further indicates that Applicant earns \$800 per week, and based on his salary and support obligations to his family, is unable to settle his past due accounts. However, if he were employed as a translator, "his income would be adequate to resolve these matters." GE 3. Applicant did not submit any evidence that he has paid, settled or otherwise resolved any of the debts alleged.

Applicant submitted a letter dated September 9, 2009 from the same law firm indicating the firm also represents him on the debt owed to the state lottery commission as well as the other three creditors, discussed *supra*. AE A. Applicant submitted another letter dated September 24, 2009 from the same law firm stating again that the firm represented him on the judgment owed to the vendor. AE F.

Applicant earns \$800 per week as a limousine driver plus tips. His monthly rent is \$1,500, his gas and electric bills are each \$90 per month; his internet and cable is \$100 per month; and his cell phone is \$100 to \$130 per month. He has undisclosed food costs. He does not have a car payment, and his children go to public school. Tr. 52-54. Applicant's wife is unable to work because she has cancer. She does have good health

insurance, which only requires a \$3 co-pay for medicine and a \$5 co-pay for doctor appointments. Tr. 54-55.

Character Evidence

Applicant submitted an undated letter from the general manager of his limousine service employer that he has been working as a driver for them since October 2006, and that he makes \$800 per week. Furthermore, the general manager stated that Applicant has always been punctual, hard working, and very professional. AE B.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no 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 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 overarching adjudicative goal is a fair, impartial, and commonsense 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 “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. See *also* Executive Order 12968 (Aug. 2, 1995), Section 3. Thus, nothing in this decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to applicant’s allegiance, loyalty, or patriotism. 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). The burden of disproving a mitigating condition never shifts to the government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[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

Upon consideration of all the facts in evidence, and after application of all appropriate legal precepts, factors, and conditions, I conclude the relevant security concerns are under Guideline F (Financial Considerations).

Financial Considerations

AG ¶ 18 articulates the security concern relating to financial problems:

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 ¶ 19 provides two conditions that could raise a security concern and may be disqualifying in this case: “(a) inability or unwillingness to satisfy debts”; and “(c) a history of not meeting financial obligations.” The Appeal Board has noted, “Applicant’s credit report was sufficient to establish the Government’s prima facie case that Applicant had . . . delinquent [SOR] debts that are of security concern.” ISCR Case No. 03-20327 at 3 (App. Bd. Oct. 26, 2006). Applicant’s history of delinquent debt is documented in his credit reports, his OPM interview, his responses to DOHA interrogatories, his SOR response, and his oral statement at his hearing. He failed to ensure his creditors were paid as agreed. The government established the disqualifying

conditions in AG ¶¶ 19(a) and 19(c). Further inquiry about the applicability of mitigating conditions is required.

Five mitigating conditions under AG ¶ 20 are potentially applicable:

(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;

(b) 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;

(c) 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;

(d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

Applicant's conduct does not warrant application of AG ¶ 20(a) because he did not act more aggressively and responsibly to resolve his delinquent debts. His delinquent debts are "a continuing course of conduct" under the Appeal Board's jurisprudence. See ISCR Case No. 07-11814 at 3 (App. Bd. Aug. 29, 2008) (citing ISCR Case No. 01-03695 (App. Bd. Oct. 16, 2002)). He did not resolve all of his delinquent SOR debts through payment, established payment plans or disputes.

AG ¶ 20(b) applies in part. Applicant did experience a business downturn; however, his promise to resolve these debts at his hearing rings hollow given his promises to repay in the past and his past assertion that he was making payments. Applicant submitted no evidence that he has contacted creditors or has attempted to otherwise resolve these debts. Several letters from a law firm advising they had been retained to handle these matters is insufficient. Applicant's medical coverage is comprehensive and appears to cover medical costs associated with his wife's cancer treatment except for modest co-pays.

The Appeal Board's discussion of AG ¶ 20(b) in ISCR Case No. 08-06567 (App. Bd. Oct. 29, 2009) clarifies the applicability of this mitigating condition when an Applicant is unable to make substantial progress on delinquent debts after

circumstances outside an applicant's control cause delinquent debt. In ISCR Case No. 08-06567 (A.J. July 27, 2009), the applicant had a judgment against him in June 2001 for \$7,948; an IRS tax lien in January 2001 for \$25,441 from tax years 1993 to 1997 (since released), and a state tax lien in September 1999 for \$6,701 (since released). These three delinquent debts established a history of financial problems, which included significant tax problems extending over eight years (1993 to 2001). *Id.* at 2. In 2007, the applicant's business faltered (the circumstance beyond his control), and he generated about \$21,000 in additional delinquent debt. *Id.* at 3-4. He paid six of his new debts, and three debts totaling about \$17,000 remain for resolution. ISCR Case No. 08-06567 at 2 (App. Bd. Oct. 29, 2009). He obtained financial counseling, developed a repayment plan, and took reasonable actions to effectuate his repayment plan. *Id.* at 3. The Appeal Board at 3 determined that administrative judge erred when he failed to explain,

. . . what he believes that Applicant could or should have done under the circumstances that he has not already done to rectify his poor financial condition, or why the approach taken by Applicant was not "responsible" in light of his limited circumstances.

Applicant's unfulfilled promises to repay debts with no subsequent action offer little reassurance of future repayment. He asserts if he is given a security clearance, he will be able to get a job as a translator and cultural advisor and earn a salary that will allow him to repay his creditors. Unfortunately, this option is not available. Furthermore, it is unclear what the state lottery commission's position is with respect to the armed robbery of Applicant's store and reported loss of lottery tickets during that robbery. What is certain is the state lottery commission continues to pursue money owed to them, robbery notwithstanding.

Applicant offered no evidence that he has made any payments to any creditors. There is no evidence that he has contacted any of his creditors. In short, there is no evidence the Applicant has acted responsibly under the circumstances. There are no clear indications that his financial problem is being resolved or is under control. He has not established financial responsibility.

AG ¶¶ 20(c), (d), and (e) do not apply. Applicant has not sought counseling nor has he indicated that he has a good-faith³ basis to dispute the legitimacy of past-due

³The Appeal Board has previously explained what constitutes a "good faith" effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the "good faith" mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant's debts. The Directive does not define the term 'good-faith.' However, the Board has indicated that the concept of good-faith 'requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation.' Accordingly, an applicant must do more than merely show that he or she relied on a legally available option (such as bankruptcy [or statute of limitations]) in order to claim the benefit of [the "good faith" mitigating condition].

debts. He did not establish good faith in the resolution of his SOR debts because he did not adequately demonstrate his efforts to pay any of his debts after he closed his business in 2005. He did not show sufficient adherence to his obligations. Applicant has never disputed the legitimacy of the debts alleged.

In sum, Applicant should have been more diligent and made greater efforts sooner to resolve his delinquent debts. His debts resulted from a failed business, with the added undetermined losses following several robberies. Applicant's debts have been owed since his business failed in 2005 with no sign of being resolved in the near future. I am not confident he will repay his delinquent debts because of his insufficient track record of financial progress over the last five years.

Whole Person Concept

Under the whole person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

The ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole person concept. AG ¶ 2(c). I have incorporated my comments under Guideline F in my whole person analysis. Some of the factors in AG ¶ 2(a) were addressed under that guideline, but some warrant additional comment.

I note Applicant is gainfully employed as a limousine driver and is supporting a wife and four children. Apart from the SOR debts, he appears current on his day-to-day expenses. The whole person factors against reinstatement of Applicant's clearance are significant. Applicant's failure to pay or resolve his just debts over the past five years was not prudent or responsible. He has a history of financial problems. His debts are significant and ongoing.

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. June 4, 2001)).

The Appeal Board has addressed a key element in the whole person analysis in financial cases stating:

In evaluating Guideline F cases, the Board has previously noted that the concept of “‘meaningful track record’ necessarily includes evidence of actual debt reduction through payment of debts.” However, an applicant is not required, as a matter of law, to establish that he has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he has ‘ . . . established a plan to resolve his financial problems and taken significant actions to implement that plan.’ The Judge can reasonably consider the entirety of an applicant’s financial situation and his actions in evaluating the extent to which that applicant’s plan for the reduction of his outstanding indebtedness is credible and realistic. See Directive ¶ E2.2(a) (‘Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.’) There is no requirement that a plan provide for payments on all outstanding debts simultaneously. Rather, a reasonable plan (and concomitant conduct) may provide for the payment of such debts one at a time. Likewise, there is no requirement that the first debts actually paid in furtherance of a reasonable debt plan be the ones listed in the SOR.

ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).

In short, Applicant has not demonstrated a meaningful track record of repayment or a good-faith effort to resolve these debts. While Applicant’s circumstances deserve consideration, the record is void of any affirmative action on his part to mitigate these debts.

I take this position based on the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), my “careful consideration of the whole person factors,”⁴ and supporting evidence, my application of the pertinent factors under the Adjudicative Process, and my interpretation of my responsibilities under the Guidelines. I conclude he has not shown sufficient responsibility and rehabilitation to mitigate the financial considerations security concerns. For the reasons stated, I conclude he is not eligible for access to classified information.

⁴See ISCR Case No. 04-06242 at 2 (App. Bd. June 28, 2006).

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 F: AGAINST APPLICANT

Subparagraphs 1.a to 1.d: Against Applicant

Conclusion

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

ROBERT J. TUIDER
Administrative Judge