DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 09-00560
	)	
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Tovah A. Minster, Esquire, Department Counsel
For Applicant: *Pro Se*

January 26, 2010

Decision

ANTHONY, Joan Caton, Administrative Judge:

After a thorough review of the case file, pleadings, and exhibits, I conclude that Applicant failed to rebut or mitigate the Government's security concerns under Guideline J, Criminal Conduct; Guideline H, Drug Involvement; and Guideline E, Personal Conduct. His eligibility for a security clearance is denied.

Applicant completed an electronic Questionnaire for Sensitive Positions (e-QIP) on about October 15, 2008. On July 27, 2009, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing the security concerns under Guideline J, Criminal Conduct; Guideline H, Drug Involvement; and Guideline E, Personal 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.

In his Answer to the SOR, dated August 10, 2009, Applicant requested a decision on the record in lieu of a hearing. The Government did not request a hearing within 20 days of receipt of Applicant's Answer. (*See* Directive, Enclosure 3, Additional Procedural Guidance (E3.1.7)). The Government then compiled its File of Relevant Material (FORM) on October 1, 2009. The FORM contained documents identified as Items 1 through 6. By letter dated October 7, 2009, DOHA forwarded a copy of the FORM to Applicant, with instructions to submit any additional information and/or objections within 30 days of receipt. Applicant received the file on October 14, 2009. His response was due on November 13, 2009. Applicant did not file additional information within the required time period. On January 8, 2010, the case was assigned to me for a decision.

Findings of Fact

The SOR contains five allegations of disqualifying conduct under Guideline J, Criminal Conduct (SOR ¶¶ 1.a. through 1.e.); two allegations of disqualifying conduct under Guideline H, Drug Involvement (SOR ¶¶ 2.a. and 2.b.); and three allegations of disqualifying conduct under Guideline E, Personal Conduct (SOR ¶¶ 3.a through 3.c.). In his Answer to the SOR, Applicant admitted the five Guideline J allegations and the two Guideline H allegations. He admitted one Guideline E allegation (SOR ¶ 3.c.) and denied two allegations under Guideline E (SOR ¶¶ 3.a. and 3.b.). Applicant's admissions are entered herein as findings of fact. (Item 1; Item 4.)

After a thorough review of the documentary record before me, I make the following additional findings of fact:

Applicant is 24 years old, never married, and employed as a mail processor by a government contractor. He has worked for his present employer since October 2008. In 2006, he left a job under unfavorable circumstances when he was unable to work with a supervisor. (Item 5.)

On November 14, 2008 and December 5, 2008, Applicant was interviewed by an authorized investigator from the U.S. Office of Personnel Management (OPM). On April 6, 2009, in response to DOHA interrogatories, Applicant provided a signed notarized statement which acknowledged and adopted the authorized investigator's summary of his interviews as accurate. He also affirmed his understanding that his responses to the interrogatories and the content of the investigator's report might be used as evidence to determine his suitability for a security clearance. (Item 6 at 7-8.)

Applicant has purchased marijuana, and he has used marijuana, with varying frequency, for approximately five years, from 2002 to at least October 2007. (Item 1: SOR ¶¶ 2.a. and 2.b.; Item 4 at 1; Item 6 at 3-5.)

Applicant began smoking marijuana when he was 17 years old. Each day, he shared about $20 worth of marijuana with his friends. He and his friends contributed

money towards the daily purchase of marijuana, or they took turns purchasing marijuana individually for the group's use. (Item 6 at 4.)

In 2003, Applicant was arrested, detained in jail for two days, and charged with Possession of Marijuana and Possession with Intent to Distribute Cocaine (Felony). The government did not prosecute the charges, and they were dropped. (Item 1: SOR ¶ 1.d.; Item 4 at 1, 2-3; Item 6 at 3.)

In 2006, while Applicant was employed in a federal job program, he stopped using marijuana for about two and a half months. When the program ended, Applicant resumed his marijuana use. (Item 6 at 4.)

In September 2007, and again in October 2007, Applicant was arrested and charged with possession of marijuana. On both occasions, the government did not prosecute the charges, and they were dropped. (Item 1: SOR ¶¶ 1.b. and 1.c.; Item 4 at 1, 2-3; Item 6 at 3-4.)

Applicant told an authorized investigator that he last smoked marijuana on October 23, 2007. Applicant has not grown, sold, or manufactured marijuana. He has not been diagnosed as drug dependent, and he has not sought treatment for drug abuse or drug dependency. He has not tested positive for illegal drug use. (Item 6 at 4.)

Applicant began drinking alcohol when he was about 21 years old. In June 2008, Applicant was arrested and cited for Possession of Open Container/Alcohol. He was taken into custody by police. He paid a $25 fine and was released. (Item 1: SOR ¶ 1.a.; Item 4; Item 6 at 6.)

When he was interviewed by an authorized investigator, Applicant stated that he only drank alcohol on special occasions, which he estimated to be about three or four times a year. On those occasions, he consumed two to three mixed drinks in a social setting with friends. Applicant denied drinking to intoxication, and he denied ever being intoxicated. Applicant does not own an automobile, and he does not drive a vehicle after consuming alcohol. He has never been diagnosed or treated for alcohol abuse or alcohol dependence. (Item 6 at 6.)

On October 15, 2008, Applicant executed an e-QIP. Section 23a of the e-QIP asks: "Have you ever been charged with or convicted of any felony offense? (Include those under the Uniform Code of Military Justice.)" Applicant responded "No" to Section 23a. The SOR alleged at SOR ¶ 3.a. that when Applicant answered "No" to Section 23a, he deliberately falsified his e-QIP by failing to list the felony charge alleged at SOR ¶ 1.d. (Item 1; Item 5 at 5.)

Section 23d of the e-QIP asks: "Have you ever been charged with or convicted of any offense(s) related to alcohol or drugs?" Applicant responded "No" to Section 23d. The SOR alleged at ¶ 3.b. that when Applicant answered "No" to Section 23d, he

deliberately falsified his e-QIP by failing to list the drug and alcohol arrests and charges alleged at SOR ¶¶ 1.a. through 1.d. (Item 1; Item 5 at 5.)

Section 24a of the e-QIP asks: "Since the age of 16 or in the last 7 years, whichever is shorter, have you illegally used any controlled substance, for example, marijuana, cocaine, crack cocaine, hashish, narcotics (opium, morphine, codeine, heroin, etc.), amphetamines, depressants (barbiturates, methaqualone, tranquilizers, etc.), hallucinogenics (LSD,PCP, etc.), or prescription drugs?" Applicant answered "No" to Section 24a. The SOR alleged at ¶ 3.c.that when Applicant answered "No" to Section 24a, he deliberately falsified his e-QIP by failing to list his illegal use of marijuana as alleged at SOR ¶¶ 2.a. and 2.b. (Item 1; Item 5 at 5.)

In his answer to the SOR, Applicant denied deliberately falsifying his answers to Section 23d and 23a of the e-QIP he executed in October 2008. In response to the SOR allegation at ¶ 3.a., Applicant stated: "I put no because I [had] never been charge[d] or convicted of anything[.] I was arrested and released within 24 hours and the arrest was no papered." In response to the SOR allegation at ¶ 3.b., Applicant stated: "I put no because I [have] never been charged or convicted or anything[.] I was arrested and released and all arrested [were] no papered and I had to just [pay] a fine for the open container/alcohol." In his November 14, 2008 interview with an authorized investigator, Applicant again stated that he did not list his 2003 and 2007 drug arrests on his e-QIP because he had been released without charge and did not know the arrests needed to be included. (Item 4 at 1; Ex. 6 at 3.)

To support his statements, Applicant provided a computer-generated list of his arrests and the dispositions made following the arrests. He also provided a letter, dated November 4, 2008, from an attorney in the Public Defender Service in the jurisdiction where he was arrested. The attorney stated, in pertinent part: "I have reviewed [Applicant's] records in the [court's] computer system, and the records show that [Applicant] has no convictions in [this jurisdiction.]" The attorney also identified the arrests alleged at SOR ¶¶ 1.b., 1.c., and 1.d. as "no-papered" arrests and reported that the prosecutors "declined to bring any charges. That is [Applicant] was never charged in court, he never had any charges pending against him in court, and the government declined to prosecute him shortly after his arrest." It is not clear from the record whether the Public Defender Service attorney represented Applicant or advised him specifically concerning the security clearance process and his responses to Section 23d and 23a on the e-QIP. (Item 4 at 2-3.)

In his answer to SOR ¶ 3.c., Applicant admitted that he deliberately falsified his answer to Section 24a on the e-QIP by failing to admit his illegal drug use. SOR ¶ 1.e. alleges that deliberate falsification of answers to questions on a security clearance application constitutes a felony violation of 18 U.S.C. § 1001. Applicant admitted the felonious conduct alleged at SOR ¶ 1.e. In his interview with the authorized investigator, he stated that he did not admit his illegal drug use on his e-QIP because he was afraid that listing it "would look bad." (Item 1; Item 4; Item 6 at 4.)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security, and it has emphasized that "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 Applicant's 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.

When evaluating an applicant's suitability for a security clearance, an administrative judge must consider the revised adjudicative guidelines (AG). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, the administrative judge applies these guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial and commonsense 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 J, Criminal Conduct

Under the Criminal Conduct guideline "[c]riminal 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 was arrested in 2003 for possession of marijuana and possession with intent to distribute cocaine, a felony. He was arrested twice in 2007 for marijuana possession. In 2008, he was arrested and paid a fine for possession of an open container of alcohol. Applicant deliberately failed to list his illegal drug use on his e-QIP because he was afraid it would "look bad." This willful omission was a violation of 18 U.S.C. Section 1001.

Applicant's history of three drug arrests, one alcohol-related arrest, and his deliberate falsification of his drug use on his security clearance application raise concerns under AG ¶ 31(a) and AG ¶ 31(c). AG ¶ 31(a) reads: "a single serious crime or multiple lesser offenses." AG ¶ 31(c) reads: "allegation or admission or criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted."

Two Criminal Conduct mitigating conditions might apply to Applicant's case. If "so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment," AG ¶ 32(a) might apply. If "there is evidence of successful rehabilitation, including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive involvement," then AG ¶ 32(d) might apply.

The record establishes that Applicant was arrested for criminal behavior in 2003, 2007, and 2008. Additionally, he admitted criminal conduct in October 2008 when he deliberately falsified his e-QIP. Applicant's criminal behavior is recent; his most recent criminal conduct occurred approximately fifteen months ago. Nothing in the record before me suggests successful rehabilitation or provides assurances that Applicant's criminal behavior is unlikely to recur.

In 2008, Applicant deliberately falsified his e-QIP by concealing and failing to report his use of illegal drugs. His unwillingness to inform the government about this past criminal behavior raises concerns about his reliability, trustworthiness, and good judgment. Additionally, his deliberate falsifications suggest a failure in rehabilitation. I conclude that AG ¶ 32(a) and AG ¶ 32(d) do not apply to Applicant's criminal conduct and his deliberate falsification of his e-QIP in 2008.

Guideline H, Drug Involvement

Use of an illegal drug or misuse of a prescription drug can raise questions about an individual's reliability and trustworthiness 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(a) defines drugs as "mood and behavior altering substances." The definition of drugs includes "(1) 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), and (2) inhalants and other similar substances." AG ¶ 24(b) defines drug abuse as "the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction."

The record shows that Applicant admitted the illegal use and possession of marijuana, with varying frequency, for approximately five years, from 2002 until at least 2007. In 2006, he attempted to stop using marijuana when he participated in a federal job program. When his participation in the program ended, he returned to marijuana use. Applicant's marijuana use was habitual and a lifestyle choice.

Applicant's involvement with an illegal drug, marijuana, casts doubt on his reliability, trustworthiness, and good judgment. It also raises security concerns about his ability or willingness to protect classified information and to comply with laws, rules, and regulations. I conclude that Applicant's illegal drug use raises security concerns under AG ¶¶ 25(a) and 25(c). AG ¶ 25(a) reads: "any drug abuse [as defined at AG ¶ 24(b)]." AG ¶ 25(c) reads: "illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia."

Two Guideline H mitigating conditions might apply to the facts of Applicant's case. If Applicant's drug use happened "so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt" on his "current reliability, trustworthiness, or good judgment," then AG ¶ 26(a) might be applicable in mitigation. If Applicant "demonstrated [an] intent not to abuse any drugs in the future" by "(1) disassociation from drug-using associates and contacts; (2) changing or avoiding the environment where drugs were used;" (3) abstaining from drug use for an appropriate period; and (4) signing a "statement of intent with the automatic revocation" of his security clearance "for any violation," then AG ¶ 26(b) might be applicable.

The documentary record shows that Applicant's first arrest for marijuana possession occurred in 2003. His most recent arrests for marijuana possession occurred in September and October 2007. His use at that time was on-going and frequent. While he told an authorized investigator that he ceased using illegal drugs in October 2007, he provided no documentation to corroborate his assertion. Nothing in the record supports a conclusion that he no longer associates with individuals who use drugs habitually. Nothing in the record establishes that he has abstained from drugs for an appropriate period in order to demonstrate an intent not to abuse drugs in the future. Applicant's use of marijuana occurred under circumstances that are likely to recur. I conclude that AG ¶¶ 26(a) and 26(b) do not apply in mitigation to the security concerns raised by the facts in Applicant's case.

Guideline E, Personal Conduct

AG ¶ 15 explains why personal conduct is a security concern:

> Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

When Applicant completed and certified his e-QIP in 2008, he failed to report his criminal behavior, including a felony arrest, and his use of illegal drugs.[1] In his answer to the SOR, he denied that his failure to disclose his criminal conduct was deliberate falsification of material facts and stated that he did not consider the conduct to be criminal since he was neither charged nor prosecuted. He was assessed a $25 fine as the result of his one alcohol-related arrest for Open Container/Alcohol. He provided a letter from a public defender attorney to corroborate his belief that his three drug arrests did not result in charges or prosecution and therefore he did not believe they were

[1] The Appeal Board has cogently explained the process for analyzing falsification cases, stating:

> (a) when a falsification allegation is controverted, Department Counsel has the burden of proving falsification; (b) proof of an omission, standing alone, does not establish or prove an applicant's intent or state of mind when the omission occurred; and (c) a Judge must consider the record evidence as a whole to determine whether there is direct or circumstantial evidence concerning the applicant's intent or state of mind at the time the omission occurred. [Moreover], it was legally permissible for the Judge to conclude Department Counsel had established a prima facie case under Guideline E and the burden of persuasion had shifted to the applicant to present evidence to explain the omission.

ISCR Case No. 03-10380 at 5 (App. Bd. Jan. 6, 2006) (citing ISCR Case No. 02-23133 (App. Bd. June 9, 2004)).

reportable as criminal behavior on his e-QIP. Applicant's rationale for failing to list his three drug arrests and one alcohol arrest on his e-QIP was corroborated by a letter supplied for the record by a Public Defender attorney who reviewed his record.

The allegations in the SOR raise a security concern under AG ¶ 16(a), which reads: "deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities."

Several Guideline mitigating conditions might apply to the facts of this case. Applicant's disqualifying personal conduct might be mitigated under AG ¶ 17(a) if "the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts." If "the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security process" and "[u]pon being made aware of the requirement to cooperate or provide information, the individual cooperated fully and completely," then AG ¶ 17(b) might apply. If "the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not case doubt on the individual's reliability, trustworthiness, or good judgment," then AG ¶ 17(c) might apply.

AG ¶ 17(d) might apply if "the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur." AG ¶ 17(e) might apply if "the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress."

I have reviewed the documentary evidence in this case carefully. While I was unable to question Applicant about his state of mind when he completed his e-QIP, the record reflects that he consistently believed he should not list his arrests and detentions on his e-QIP because he was not prosecuted and charges against him were dismissed. His belief was reinforced by the statements of the Public Defender attorney in her letter of November 4, 2008. I conclude that there is insufficient record evidence to conclude that Applicant's "No" answers to Sections 23d and 23a on the e-QIP he executed on October 15, 2008 were willful and deliberate falsifications.

However, I conclude that Applicant deliberately falsified material facts in his response to Section 24a on the e-QIP when he denied any illegal drug use since the age of 16 or in the last seven years. Nothing in the record suggests that he took prompt good-faith action to correct the omissions, concealments, or falsifications before he was confronted with the facts. (AG ¶ 17(a).) Nothing in the record suggests that his failure to report his illegal drug use was caused or significantly contributed to by improper or

inadequate advice specifically about the security clearance process from authorized individuals or legal counsel. (AG ¶ 17(b).) When he executed his e-QIP, Applicant knew he had used drugs illegally, and he acknowledged that he had falsified his e-QIP by omitting information about his illegal drug use because he believed "it looked bad." As a mature adult, he knew that his criminal behavior was not minor, so remote in time, so infrequent, or had occurred under such unique circumstances that it would not seriously impact his eligibility for a security clearance. (AG 17(c).) Applicant failed to provide documentation that he obtained counseling or had taken other positive steps that might alleviate the circumstances that caused his unreliable conduct and, as a result, such behavior was unlikely to recur. (AG ¶ 17(d).) Nothing in the record suggests that Applicant took positive steps to reduce or eliminate the vulnerability to exploitation, manipulation, or duress that his behavior caused. (AG ¶ 17(e).) I conclude, therefore, that Applicant's failure to report his illegal drug use on his e-QIP was deliberate and that none of the personal conduct mitigating conditions apply.

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 an applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense 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.

Applicant habitually used the illegal drug marijuana from 2003 until at least 2007. He stopped using drugs when he attended a federal jobs program, but he resumed his use of illegal drugs after the program ended. He was arrested in 2003 for marijuana possession and possession with intent to distribute cocaine. He was arrested twice in 2007 for marijuana possession. He was cited for an alcohol violation in 2008. In 2008, he completed an e-QIP and deliberately failed to report his illegal drug use, thereby creating a situation that could seriously mislead the government about his honesty, reliability, and trustworthiness. His falsification was not minor: it went to the heart of his

capacity for truthfulness, a critical qualification for one who would hold a security clearance. Applicant's failure to be truthful was deliberate. He made no effort to correct his falsification before the government confronted him with his lack of candor. His deliberate falsification is recent.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude Applicant failed to mitigate the security concerns arising from his criminal conduct, drug involvement, and personal conduct.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline J:	AGAINST APPLICANT
Subparagraphs 1.a. - 1.e.:	Against Applicant
Paragraph 2, Guideline H:	AGAINST APPLICANT
Subparagraphs 2.a. - 2.b.:	Against Applicant
Paragraph 3, Guideline E:	AGAINST APPLICANT
Subparagraphs 3.a. - 3.b.:	For Applicant
Subparagraph 3.c.:	Against Applicant

Conclusion

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

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Joan Caton Anthony
Administrative Judge