



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



In the matter of: )  
)  
) ISCR Case No. 09-01037  
)  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Tovah Minster, Esq., Department Counsel  
For Applicant: Husband of Applicant

March 26, 2010

**Decision**

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RICCIARDELLO, Carol G., Administrative Judge:

Applicant mitigated the government’s security concerns under Guideline F, Financial Consideration, and Guideline H, Drug Involvement, but she failed to mitigate the government’s security concerns under Guideline E, Personal Conduct. Applicant’s eligibility for a security clearance is denied.

On December 4, 2009, the Defense Office of Hearings and Appeals (DOHA) issued to Applicant a Statement of Reasons (SOR) detailing the security concerns under Guidelines E, F, and H. 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 on December 14, 2009, and requested a hearing before an administrative judge. The case was assigned to me on January 19, 2010. DOHA issued a notice of hearing on January 20, 2010, and I convened the hearing as

scheduled on February 16, 2010. The government offered Exhibits (GE) 1 through 10. Applicant did not object and they were admitted. Applicant testified and offered Applicant's Exhibits (AE) A through N. They were admitted without objection. DOHA received the transcript of the hearing (Tr.) on February 22, 2010.

### **Findings of Fact**

Applicant admitted SOR ¶¶ 1.c,<sup>1</sup> 1.d, 1.e, 1.f, 1.g, 2.a, 2.b, 2.e, 2.i, 2.j, and 3.a. She denied the remaining allegations. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is 30 years old. She graduated from high school in 1997 and married in 1998. She has two children, ages seven and eleven. She has taken colleges courses since 1996, and needs three credits to complete the requirements for her bachelor's degree. In April 1999, she enlisted in the Air Force. She was honorably discharged in April 2005, in the rank of staff sergeant (E-5). From February 2000 to approximately September 2005, she held a Top Secret security clearance and was eligible for access to sensitive compartmented information (SCI). After Applicant was discharged from the Air Force, she accepted employment as a civilian in the same office she had worked while on active duty. As a civilian, she was required to switch her security clearance from the Air Force to the new government agency (Agency). The Agency required Applicant submit a new security clearance application (SCA) and take a polygraph.<sup>2</sup>

Applicant submitted a SCA on September 29, 2005.<sup>3</sup> On it she responded "No" to Question 27, asking if she had illegally used a controlled substance since the age of 16 or in the last seven years, whichever is shorter. She responded "No" to Question 28, which asked if she had ever illegally used a controlled substance while possessing a security clearance.<sup>4</sup>

On October 19, 2005, Applicant was interviewed, as part of her polygraph examination. During the interview she admitted she had used marijuana on two occasions between the spring of 1996 and January 1999. During the interview she did not initially disclose other drug use until after further questioning. She then admitted she was not completely honest about her drug involvement. She admitted she used Ecstasy one time in November 2004. She withheld the information because she did not want to disclose that she had used illegal drugs while possessing a Top Secret security

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<sup>1</sup> Applicant admitted she answered "No", and she knew and sought to conceal information set forth in subparagraph 3.a. She denied she sought to conceal information set forth in subparagraph 3.b.

<sup>2</sup> Tr. 26-35.

<sup>3</sup> GE 3.

<sup>4</sup> Tr. 45.

clearance and while assigned by the Air Force to the Agency.<sup>5</sup> In November 2005, Applicant was denied access to SCI by the Agency due to the above information.<sup>6</sup>

Applicant signed an Agency Personnel Security Policy Advisory on September 15, 2004, verifying she understood and was willing to comply with their policies. Part of that agreement was the Agency's policy of strictly prohibiting the illegal use of controlled substances.<sup>7</sup>

Applicant's first marijuana use was with friends in 1996. Her second marijuana use in 1999 was also with friends and her husband. Applicant stated that she thought this use might have been in 1997, instead of 1999. She used Ecstasy in 2004, with her husband, who was also on active duty at the time, and with other military friends. She stated her military friends also held security clearances. Applicant stated she made a terrible mistake by using an illegal drug while holding a security clearance. She has not used illegal drugs since then and has no intention of using them again in the future.<sup>8</sup>

At her hearing, Applicant stated she thought the date she used Ecstasy was in 2003, rather than November 2004, and her last marijuana use was 1997, instead of 1999. The dates that Applicant used both marijuana and Ecstasy were provided by her to the Agency investigator. Her interview was on October 19, 2005, less than a year after she stated she used Ecstasy. I have considered her retraction of the dates, and find the dates she provided to the investigator are likely to be more accurate than her recent memories of the dates.<sup>9</sup>

Applicant completed a SCA on May 28, 1999. In response to Question 27, asking if she had illegally used a controlled substance in the past seven years or since she was 16 years old, which ever was shorter, she answered "No." She failed to list her two marijuana uses on this SCA. When asked why she failed to disclose her drug uses she stated she had no explanation.<sup>10</sup>

Applicant also answered "No" to Question 20 on her SCA dated May 28, 1999, which asked if she had been terminated or left a job under unfavorable circumstances. It was alleged that she was fired from a restaurant in 1996. Applicant provided documents

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<sup>5</sup> Tr. 34-36, 51-52; GE 6.

<sup>6</sup> Tr. 31-33, 122-128.

<sup>7</sup> GE 6.

<sup>8</sup> Tr. 25, 45-51.

<sup>9</sup> Tr. 35-42, 122-126; GE 8.

<sup>10</sup> Tr. 128-132.

substantiating that she was not fired or terminated, nor did she leave under unfavorable circumstances.<sup>11</sup>

Applicant's husband was discharged from the Army in June 2006 and remained in the reserves. He was recalled to active duty in April 2007, and was discharged in July 2007. After he was discharged, he had difficulty finding full-time employment until April 2008. He was only able to work odd jobs during that period, and the lack of income negatively impacted the family's financial situation. He handled the family's finances. Applicant was aware that they were experiencing financial problems, but did not know the extent of the problem until October 2008, when she was interviewed by an investigator from the Office of Personnel Management (OPM). When Applicant completed a SCA on January 30, 2008, she did not disclose she had delinquent debts that were more than 180 days delinquent or 90 days past due. I find Applicant did not intentionally fail to disclose her delinquent debts. I found her credible and believe that she was unaware of the extent of her family's delinquent debts when she completed the SCA.<sup>12</sup>

Applicant stated that upon learning of the extent of their delinquent debts, she and her husband made a plan to reduce their expenses by moving to a residence where they paid less rent and utilities and budgeted their monthly expenditures to the "bare bones." Applicant's husband also was able to adjust his work hours so they would have less daycare costs. Beginning in June 2009, they began applying approximately \$3,500, almost all of their excess income after paying their monthly expenses, towards reducing their delinquent debt.<sup>13</sup>

The debt in SOR ¶ 2.a (\$621) was settled for \$400 and paid in January 2010.<sup>14</sup>

The debt in SOR ¶ 2.b (\$4,923) is a disputed utility bill. Applicant has disputed this bill in the past. The bill would change dramatically by thousands of dollars from one month to the next. She requested the creditor conduct an investigation regarding the bill, and they determined there was an error in the account. The debt was removed from Applicant's credit report.<sup>15</sup>

The debt in SOR ¶ 2.c (\$1,519) is for a telephone bill. It was disputed and settled. Applicant paid \$683 in December 2009, and the debt is resolved.<sup>16</sup>

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<sup>11</sup> Answer.

<sup>12</sup> Tr. 24-25, 53-63, 116-117.

<sup>13</sup> Tr. 25-26, 64-74.

<sup>14</sup> Tr. 74-75; AE H, J.

<sup>15</sup> Tr. 75-81; AE M, N.

<sup>16</sup> Tr. 81-83; AE B.

The debt in SOR ¶ 2.d (\$6,372) is a charged-off credit card account. Applicant made a settlement offer. The offer was accepted and Applicant is required to pay \$3,186 in two equal installment payments in February and March 2010 to satisfy the debt. At the time of her hearing she intended to pay the settlement.<sup>17</sup>

The debt in SOR ¶ 2.e (\$2,205) is a debt for a computer Applicant purchased in 2005. She stated she made an offer to pay the full amount in two installments beginning in April 2010. She had not yet received a response to her offer.<sup>18</sup>

The debt in SOR ¶ 2.f (\$10,172) is for a repossessed car that Applicant and her husband purchased in 2005. Their payments became delinquent in June or July 2008, when Applicant's husband had difficulty finding a job. They began making monthly payments in August 2009 and pay between \$400 and \$900 a month. They intend to continue making payments until the debt is satisfied.<sup>19</sup>

The debt in SOR ¶ 2.g (\$21,651) is a consolidated loan that was obtained in 2006 to pay for a car and other debts. The original loan was for \$25,000. Applicant made payments on the loan, reducing the balance the balance to approximately \$19,000, before it became delinquent. She completed a repayment schedule in September 2009, and settled the debt for \$9,744.<sup>20</sup>

The debt in SOR ¶ 2.h (\$3,539) was for a credit card. The debt was settled for \$2,100, and paid in two installments in December 2009 and January 2010.<sup>21</sup>

The debt in SOR ¶ 2.i (\$892) was for bank overdrafts. Applicant settled and paid \$642 to resolve the debt.<sup>22</sup>

The debt in SOR ¶ 2.j (\$860) is for student fees from a college Applicant attended. She intends to pay the debt in May 2010.<sup>23</sup>

The debt in SOR ¶ 2.k (\$591) is for student fees from a college Applicant attended. She has paid the debt.<sup>24</sup>

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<sup>17</sup> Tr. 83-86, 114-115; AE G.

<sup>18</sup> Tr. 86-89.

<sup>19</sup> Tr. 89-91; AE A, I.

<sup>20</sup> Tr. 91-94; AE C.

<sup>21</sup> Tr. 94-96; AE D, E.

<sup>22</sup> Tr. 96-97; AE K.

<sup>23</sup> Tr. 97-99.

<sup>24</sup> Tr. 99-100; AE F.

Applicant has approximately \$13,000 in student loans that are deferred. She stated she has always paid her loans on time and never defaulted. She and her husband have received financial counseling through her husband's employer. They use a financial software program to keep track of their budget and expenses. Applicant and her husband intend on paying all of their delinquent debts. She maintains only one store credit card that has a minimal balance.<sup>25</sup>

The following documents were included in Applicant's answer to the SOR and were considered: verification she was a volunteer for the county and passed a background investigation, a letter of recommendation from her supervisor, performance appraisal, documents from her college, showing her grades and that she was on the Dean's List.<sup>26</sup>

### **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 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.

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<sup>25</sup> Tr. 100-110.

<sup>26</sup> Answer to SOR.

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 E, Personal Conduct**

AG ¶ 15 expresses the security concern pertaining to personal conduct:

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.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. I have specifically considered:

- (a) 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; and
- (e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging activities which, if known, may affect the person's personal, professional, or community standing.

I have considered Applicant's testimony and conclude that she was unaware of her family's financial situation when she failed to disclose she had delinquent debts over 180 days and 90 days past due on her 2005 SCA. I have also reviewed the evidence and conclude Applicant was not terminated from employment under unfavorable circumstances. I find none of the disqualifying conditions apply to these allegations.

Applicant intentionally and deliberately failed to disclose on her SCA in 1999 and again in 2005, that she had used marijuana in the past. She also failed to disclose on her 2005 SCA that she used Ecstasy in November 2004, while she held a Top Secret security clearance and access to SCI. In September 2004, she signed an Agency policy agreement to refrain from using illegal drugs. She did not disclose her past drug use until she was confronted by an investigator. I find both of the above disqualifying conditions apply.

The guideline also includes examples of conditions that could mitigate security concerns arising from personal conduct. I have considered all of the mitigating conditions under AG ¶ 17 and especially considered the following:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under unique circumstances that it is unlikely to recur, and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress; and

(g) association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Applicant intentionally misled the government when she failed to disclose illegal drug use on her 1999 SCA. She intentionally failed to disclose her prior marijuana use and her use of Ecstasy on her 2005 SCA, again misleading the government. She did not disclose her past drug use until she was confronted by an investigator. She continued to mislead the government and it was not until she was interviewed and was to be polygraphed, that she disclosed her drug use. Having served on active duty for six years, she was well aware of the military's policy on illegal drug use. Although she changed the date from the one provided during her interview, stating she used Ecstasy in 2003 instead of 2004, the date is a matter in aggravation because of the proximity of when she signed the Agency's drug policy statement. The real concern is while holding a Top Secret security clearance and access to SCI, and working with classified material, she used Ecstasy. She did this while on active duty, with her husband, who was also on



active duty, and with other military members. She risked potentially being court-martialed or administratively separated under other than honorable conditions.

Applicant did not promptly correct the omission. To the contrary, she continued to perpetuate the false information for many years and did not divulge it until she was going to be subjected to a polygraph. I find mitigating condition (a) does not apply. The offenses are not minor. She failed to disclose her drug use twice on SCAs. Her use of an illegal drug while she held a Top Secret security clearance is serious misconduct. These actions cast doubt on her good judgment, reliability, and trustworthiness. I find mitigating condition (c) does not apply. I have considered mitigating condition (d) and find that Applicant acknowledges her mistake in using illegal drugs while she held a security clearance, and it is unlikely she will use illegal drugs in the future. She realizes the magnitude of her mistake. However, she used Ecstasy after she had served four to five years in the Air Force. She was a staff sergeant and used it with her husband and other military friends. She then lied about her use on her SCA. I find insufficient evidence was presented to conclude mitigating condition (d) applies. Applicant has acknowledged her mistakes, in both using Ecstasy, while holding a security clearance, and lying about all of her prior drug use. Other than her husband, it is unclear who else knows about her illegal drug use while holding a security clearance and lying on her SCAs. I am unaware of the steps Applicant has taken to reduce her vulnerability to exploitation, manipulation, or duress. I find mitigating condition (e) does not apply. Applicant used drugs with her husband in 1999 and again 2004. She stated she no longer associates with the Air Force personnel with whom she used Ecstasy. However, she and her husband remain married and two of the three times she used drugs were with him. I find the circumstances of her use of Ecstasy and her failures to disclose her drug use cast doubts on her reliability, trustworthiness, judgment, and willingness to comply with rules and regulations. Therefore, I find mitigating condition (g) does not apply.

## **Guideline F, Financial Considerations**

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

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.

The guideline notes several conditions that could raise security concerns. I have considered all of the disqualifying conditions under AG ¶ 19 and especially considered:

(a) inability or unwillingness to satisfy debts; and

(c) a history of not meeting financial obligations.

Appellant had ten delinquent debts totaling more than \$48,000. She was unable or unwilling to address the debts until recently. I find there is sufficient evidence to raise the above disqualifying conditions.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. I have considered the following mitigating conditions under AG ¶ 20:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(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 behavior is recent because she is still resolving her financial delinquencies. I find mitigating condition (a) does not apply. Applicant's husband was unemployed for a period of time, after he was discharged from active duty. His lack of income in a family accustomed to two salaries created a financial hardship. Although he worked odd jobs and temporary jobs, his salary was not enough. He did not tell Applicant about their financial problems. He obtained a full-time job in April 2008, and together they have been resolving their delinquent debts. They have received financial counseling through Applicant's husband's employer. They reduced their expenses by moving to a home that costs less. They are using almost all of their expendable income to pay their delinquent debts. They have settled and paid most of their debts and are addressing the remaining debts. I find there are clear indications the problem is being resolved and Applicant has made good-faith efforts to resolve their debts. I also find she has a reasonable dispute in SOR ¶ 2.b. The debt is no longer on her credit reports. I find mitigating conditions (b), (c), (d) and (e) apply.

## Guideline H, Drug Involvement

AG ¶ 24 expresses the security concern pertaining to drug involvement: 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 defined as mood and behavior altering substances, and include: (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; Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

I have considered the disqualifying conditions under Drug Involvement AG ¶ 25 and especially considered the following:

- (a) any drug abuse;
- (c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and
- (g) any illegal drug use after being granted a security clearance.

Appellant used marijuana twice in the 1990s. She used Ecstasy one time in either 2003 or 2004, while she held a Top Secret security clearance and access to SCI. In order to use it she must have possessed the drugs. I find all of the above disqualifying conditions apply.

I have considered all of the mitigating conditions under Drug Involvement AG ¶ 26 and especially considered the following:

- (a) the behavior happened so long ago, was so infrequent or happened under circumstances that it is unlikely to recur or does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and
- (b) 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; (4) a signed statement of intent with automatic revocation of clearance for any violation.

Applicant used marijuana when she was young and prior to entering the Air Force. She used Ecstasy on active duty in the Air Force, as a staff sergeant, with her husband and other military personnel, and while holding a security clearance. There is

no evidence Applicant has used illegal drugs since 2004, or that she is drug dependant or an abuser. She credibly testified that her actions were a mistake and she never intends to use illegal drugs again. She has abstained from illegal drug use for at least six years, a significant period of abstinence. She used the Ecstasy with her husband, and they remain married. I find under the circumstances, he too has learned the seriousness of their actions and contact with him does not cause a concern. Applicant also understands the seriousness of her conduct and its ramifications on her career. She has demonstrated an intention not to use drugs in the future. I do not believe Applicant has a drug problem. Therefore, I find both mitigating conditions (a) and (b) 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) 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 served in the Air Force for five years and was honorably discharged. She is a good student and a valued employee. Applicant and her husband had financial difficulties when he was discharged from active duty and could not find a job. They accumulated delinquent debts. They have been aggressively resolving their debts and have settled most of them. The few remaining debts, they have plans to resolve. Applicant failed to disclose on her SCA in 1999, that she had used illegal drugs in her past. She knew the information was false. She used Ecstasy while she was on active duty and holding a Top Secret security clearance. When completing her 2005 SCA, after being released from active duty, she failed to disclose all of her prior illegal drug use. Her use prior to enlisting can be attributed to youthful indiscretion. Although I do not believe Applicant has a drug problem or that she will use illegal drugs in the future, her disregard for the rules while maintaining a security clearance, cannot be overlooked or attributed to her youth. She was holding a responsible job at the time, and was trusted in having access to classified

material. Her repeated failure to disclose her drug use on her SCAs causes concern about her honesty and trustworthiness. It was not until she was confronted at her interview prior to a polygraph that she finally told the truth. Overall, the record evidence leaves me with serious questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant mitigated the security concerns arising under Guideline F, Financial Considerations, and Guideline H, Drug Involvement, but failed to mitigate the security concerns under Guideline E, for 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 E:	AGAINST APPLICANT
Subparagraphs: 1.a-1b:	For Applicant
Subparagraphs: 1.c-1.d:	Against Applicant
Subparagraph: 1.e:	For Applicant <sup>27</sup>
Subparagraph: 1.f:	Against Applicant
Subparagraph 1.g:	For Applicant <sup>28</sup>
Subparagraphs: 1.h:	For Applicant
Subparagraph 1.i:	Against Applicant
Paragraph 2, Guideline F:	FOR APPLICANT
Subpargraphs 2.a-2.k:	For Applicant
Paragraph 3, Guideline H:	FOR APPLICANT
Subparagraphs 3.a-3.b:	For Applicant

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<sup>27</sup> This is a factual allegation that Applicant had no control over. The fact she was previously denied access to SCL is not a disqualifying condition.

<sup>28</sup> This allegation alleges the same conduct as SOR ¶ 1.f, and is therefore redundant.

## **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 eligibility for a security clearance. Eligibility for access to classified information is denied.

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Carol G. Ricciardello  
Administrative Judge