



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



In the matter of:)	
)	
)	ISCR Case No. 09-02929
)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Julie R. Mendez, Esquire, Department Counsel

For Applicant: John P. Mahoney, Esquire, and Brandy A. Hood, Esquire

May 27, 2010

Decision

ANTHONY, Joan Caton, Administrative Judge:

After a thorough review of the case file, pleadings, testimony, and exhibits, I conclude that Applicant failed to rebut or mitigate the Government’s security concerns under Guideline F, Financial Considerations, and the whole-person analysis. His eligibility for a security clearance is denied.

Applicant executed and signed a security clearance application (SF-86) on November 20, 2008. On January 29, 2010, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing the security concerns under Guideline F, Financial Considerations. The action was taken under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the Department of Defense for SORs issued after September 1, 2006.

On February 27, 2010, Applicant answered the SOR in writing and requested a hearing before an administrative judge. The case was assigned to me on March 12, 2010. DOHA issued a Notice of Hearing on March 25, 2010, and I convened a hearing, as scheduled, on April 19, 2010, to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The Government called no witnesses and introduced 14 exhibits, which were marked Ex. 1 through 14. The Government withdrew Ex. 14, which duplicated documents that Applicant included with his Answer to the SOR. The Government's remaining exhibits, with the exception of Ex. 8, were then admitted to the record without objection. Applicant objected to Ex. 8 because he believed it identified a debt that was not his but that of his deceased parents. At the conclusion of the evidence, I admitted Ex. 8 to the record. The Government conceded that it could not establish that Applicant was responsible for the debt alleged at SOR ¶ 1.m. and further identified at Ex. 8. The Government also provided one demonstrative exhibit which I marked as Hearing Exhibit (HE) 1. Applicant did not object to HE 1, and it was admitted into evidence.

Applicant called no witnesses, but testified on his own behalf. He introduced 33 exhibits, which were marked as follows: Exs. A, B-1, B-2, B-3, B-4, C-1, C-2, C-3, C-4, D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12, D-13, E-1, E-2, F, G, H, I-1, I-2, J-1, J-2, J-3, J-4. Applicant's exhibits were admitted without objection. At the conclusion of the hearing, I left the record open for one calendar week, until April 26, 2010, so that Applicant could provide additional documentation. On April 26, 2010, Applicant, through counsel, requested that the record remain open for an additional 48-hour period so that he could supplement the record. However, before filing any post-hearing documents, Applicant filed his intent to withdraw from the adjudication of his security clearance eligibility. DOHA received the transcript (Tr.) of the hearing on April 27, 2010.

Applicant's Motion to Withdraw His Request for a Security Clearance

On April 26, 2010, Applicant forwarded to me an e-mail communication which he had sent to his counsel on April 22, 2010. The communication read, in pertinent part, as follows: "I [name] have decided to withdraw my application [for] eligibility for a security clearance." On Tuesday morning, April 27, 2010, I forwarded Applicant's e-mail to his counsel and to Department Counsel and requested that they participate in a telephone conference with me to discuss Applicant's request. The parties agreed to a telephone conference at 4:30 pm that day. At 4:30 pm, Applicant's counsel sent the following e-mail communication to Applicant, Department Counsel, and to me:

Per [Applicant's] email to DOHA below, he has decided to withdraw his application for a security clearance in this case. Hence he is withdrawing his DOHA appeal. Consequently, we hereby withdraw our notice of appearance in this case.

At 4:44 pm Department Counsel sent the following e-mail communication to Applicant, his counsel, and to me:

For the Record in This Case:

I have just attempted to call [Applicant's counsel] to discuss [Applicant's e-mail request to withdraw]. [Applicant's counsel] refused the phone call as he has withdrawn his appearance in this case.

The Government's position for the conference call was to be the following: [Applicant] currently has a Top Secret clearance. As such, he cannot withdraw his application for a clearance because he is not applying for a clearance. Rather, the Government is revoking his current, active clearance. In addition, under DoD Directive 5220.6, paragraph 4.4.1. this process cannot be stopped once a hearing has commenced, as in this case.

Section 4 of DoD Directive 5220.6 defines the policy which guides security clearance proceedings. Subsections 4.4 and 4.4.1 of Section 4 state: "Actions pursuant to this Directive shall cease upon termination of the applicant's need for access to classified information except in those cases in which . . . [a] hearing has commenced."

At 4:56 pm on April 27, 2010, I notified the parties by e-mail that Applicant could not, under the Directive, withdraw from the adjudication of his security clearance eligibility. I further advised them that after the record closed and I received the hearing transcript, I would carefully review all matters in the record and issue a written decision in this case. The e-mail communications among Applicant, his counsel, Department Counsel, and me are entered in the record as HE 2.

Findings of Fact

The SOR contains 16 allegations of disqualifying conduct under AG F, Financial Considerations. (SOR ¶¶ 1.a. through 1.p.) In his Answer to the SOR, Applicant admitted 13 allegations and denied three allegations. Applicant's admissions are entered as findings of fact. (SOR; Answer to SOR.)

Applicant, who is 55 years old, has held a security clearance for 15 years and is employed as a senior engineer by a government contractor. He is a college graduate and holds a bachelor's degree in business administration. He has been married for 28 years. He and his wife are the parents of two adult sons. Their younger son, who suffers from epilepsy, is a college student, and their older son is a teacher. Both sons still live at home. The older son suffers from bi-polar disorder. (Ex. 1; Tr. 41, 46-47, 112-113.)

Applicant and his wife purchased their home in 1995. They refinanced their mortgage in 2001 or 2002. The current loan balance of Applicant's home mortgage is \$405,000. Since 2002 or 2003, his mortgage payments have been \$3,400 a month. (SOR ¶ 1.k.; Tr. 157-158.)

During his career, Applicant has worked for several different federal contractors. In 2001 and 2002, he was employed as an independent contractor and, as such, was

responsible for paying his own income and social security taxes. During that period of employment, Applicant did not pay the required federal and state taxes. In 2003, he purchased a truck, and in 2004 and 2005, he claimed certain expenses related to the truck as deductions on his federal income tax returns. In 2005, the Internal Revenue Service (IRS) began an audit of his income tax returns, eventually auditing his returns from 2001 through 2006. In 2006, to recoup some of the taxes that Applicant owed, the IRS garnished his wages for approximately one year.¹ (Ex. D-6, D-7, D-8; Tr.117-123.)

After the garnishment of his wages ceased, Applicant made some small payments to the IRS. In 2006, the IRS levied four federal tax liens against Applicant, and, in 2007, the IRS levied a fifth lien against him. The tax liens are alleged in the SOR as follows: ¶ 1.d. (\$16,655); ¶ 1.e. (\$56,747)²; ¶ 1.n. (\$44,671); ¶ 1.o. (\$17,924); and ¶ 1.p. (\$13,555). Applicant hired a law firm to represent him before the IRS, but he concluded that the law firm was not helping him and he undertook direct negotiations with the IRS over the payment of his several liens. In September 2009, Applicant's wife withdrew over \$56,000 from her 401(k) plan and Applicant withdrew approximately \$4,000 from his retirement account and they remitted these funds to the IRS in satisfaction of the lien alleged at SOR ¶ 1.e. They also entered an agreement to pay the IRS \$2,500 each month on the remaining lien indebtedness. They made their first payment under the agreement in October or November 2009. Applicant estimated that he had made "six or seven" of the \$2,500 monthly payments, and he estimated that he would satisfy his federal tax debt in about three and one-half years. He indicated he would provide documentation after the conclusion of his hearing to establish the number of monthly payments he had made, but he failed to do so. (SOR; Ex. 2; Ex. 9; Ex. 10; Ex. 11; Ex. 12; Ex. A; Ex. D-1, D-2, D-3, D-4; Tr. 75-79, 82-83, 103-104, 124-128.)

Applicant also owed delinquent taxes to his state of residence. In 2007, 2008, and 2009, the state filed four liens against Applicant. The liens reflected unpaid state taxes for tax years 2001, 2002, 2003, and 2004. These state tax liens are alleged in the SOR as follows: ¶ 1.a. (\$21,456); ¶ 1.b. (\$4,519); ¶ 1.c. (\$4,746); and ¶ 1.i. (\$1,344). Applicant contacted the state tax authority in the fall of 2009 and verbally agreed to pay \$350 a month to pay off the liens. He estimated that he would satisfy the four state tax liens in about two years. He provided the following documentation to corroborate payment on the state tax liens: a photocopy of a cashier's check for \$1,200, payable to the State; a photocopy of a money order receipt for \$144, showing payment to the State comptroller; photocopies of the faces of five personal checks, each made out to the State comptroller or to the State for \$350 and signed by Applicant or his wife.³ (SOR; Ex. 2; Ex. 3; Ex. 4; Ex. 5; Ex. 7; Exs. C-1 to Ex. C-5; Tr. 73-74, 103-104, 130-132.)

¹ Applicant testified that the IRS garnished approximately \$10,000 from his wages during 2006. (Tr. 77.)

² Ex. 6 establishes that this lien was released in January 2010. (Ex. 6.)

³ Two checks were dated November 4, 2009. The remaining three checks were dated December 1, 2009, February 7, 2010, and March 20, 2010. Applicant stated he would provide photocopies of the backs of the personal checks as post-hearing documents, but he failed to do so. (Ex. C-1 to Ex. C-5; Tr. 64-67.)

The SOR alleged that Applicant was delinquent on several consumer debts. He admitted he owed the \$2,180 line of credit debt alleged at SOR ¶ 1.f. He stated that he had a payment plan in place and paid the creditor \$220 a month. He provided photocopies of the faces of three personal checks, made out to the creditor for \$220 and dated November 22, 2009, December 28, 2009, and January 26, 2010. He also presented a photocopy of the face of a personal check, made out to the creditor for \$450 and dated March 30, 2010. Applicant acknowledged that he was not current on the debt, and he was not sure how much he still owed the creditor. (Ex. 2; Ex. 12; Ex. Exs. E-1 and E-2; Tr. 83-84, 134-135.)

Applicant denied a \$292 debt, alleged at SOR ¶ 1.g. However, at his hearing, he offered a photocopy of the face of a personal check for \$292, made out to the creditor identified in SOR ¶ 1.g. The check was dated April 10, 2010. He provided no other receipt or proof of payment. (Ex. 12; Ex. F; Tr. 85-86.)

Applicant admitted a \$56 debt, alleged at SOR ¶ 1.h. As proof of payment, he offered a photocopy of the face of a personal check for \$56, made out to the creditor identified in SOR ¶ 1.h. and dated April 1, 2010. (Ex. 2; Ex. 12; Ex. G; Tr. 66-89.)

Applicant denied a \$255 debt alleged at SOR ¶ 1.i. At his hearing, he provided a photocopy of the face of a personal check for \$255, made out to the creditor identified in SOR ¶ 1.i. and dated April 12, 2010. Applicant acknowledged that he had sent the check without contacting the creditor to verify the current amount due. (Ex. 2; Ex. 12; Ex. H; Tr. 136-137.)

Applicant admitted a delinquent debt owed to the creditor from whom he purchased a 2001 Mercedes for his wife in 2004. The purchase price of the car was about \$13,000, and the monthly payments on the vehicle were \$764. Applicant provided a receipt showing he had wired \$1,655.06 to the creditor on March 20, 2010. He asserted that the amount he sent to the creditor satisfied the debt in full. He failed to provide documentation to corroborate his assertion. (Ex. 2; Ex. I-1; Ex. I-2; Tr. 92-93, 137-139.)

The SOR alleged at ¶ 1.k. that Applicant was past due on his mortgage payment and owed the creditor \$3,410. Applicant acknowledged that he fell behind in paying his mortgage in December 2009, and he was attempting to negotiate a lower rate with his lender. He stated he was current on his mortgage and would provide documentation to show that he was current. However, he failed to do so. (Ex. 2; Ex. 12; Tr. 94, 103, 139-141.)

The SOR alleged at ¶ 1.m. that Applicant owed approximately \$1,044 on an unsatisfied judgment filed against him in 2006 in another State. Applicant denied that the judgment applied to him, and he noted that his parents' names, and not his, were on the judgment, which had been levied against his parents, who are deceased. The Government conceded that it could not establish that Applicant was responsible for the judgment. (Ex. 8; Tr. 97-98, 109-111.)

Since 2006, Applicant has held down two full-time jobs, one during the day, and the other at night, in order to pay his debts. In 2008, he was stricken with colon cancer and was out of work for about two months. He described his current work situation as exhausting and his current financial situation as "like a nightmare." (Tr. 58-59, 106, 108-109.)

In response to DOHA interrogatories, Applicant provided two personal financial statements for the record. The first financial statement, dated September 26, 2009, reported a total net monthly income of \$12,498 and monthly expenses of \$5,060.40. On the statement, Applicant listed two financial obligations: his home mortgage and his wife's and son's student loans. He reported that his monthly mortgage payment was \$3,407 and his monthly payment on his wife's and son's student loans was \$525, for a total of \$3,932. He reported a net monthly remainder of \$3,506. His financial statement did not include his monthly payment of \$2,500 to the IRS, his \$350 monthly payment to the state taxing authority, or his \$220 monthly payment on his line of credit debt. (Ex. 12 at 15.)

On October 2, 2009, Applicant provided a second personal financial statement, which the record indicated he signed on August 12, 2009. At his hearing, Applicant reviewed the statement he provided on October 2, 2009, and confirmed the accuracy of a net monthly income of \$12,459 as reported on the second statement. He was less clear about details of his living expenses and other financial obligations. He stated that his wife had completed the financial statements and paid the family's monthly bills. He confirmed that he and his wife had a net monthly income of \$12,459. On his October 2009 personal financial statement, Applicant reported total monthly expenses of \$6,148, itemized as follows: food, \$700; clothing, \$350; utilities, \$1,200; car expenses, \$2,706⁴; life and other insurance, \$180; medical expenses, \$836; and miscellaneous, \$172. The second statement listed two debts: Applicant's monthly mortgage of \$3,407 and a monthly payment on his wife's student loan debt of \$215. He confirmed that he was not paying his son's student loan debt. He reported on the second statement that his net remainder each month was \$2,423. His financial statement did not include his monthly payment of \$2,500 to the IRS, his \$350 monthly payment to the State taxing authority, or his \$220 monthly payment on his line of credit debt. Applicant has not had financial credit counseling. He has no money in his savings account. He reported \$16,000 in his retirement account (Ex. 13 at 3; Tr. 146-155.)

Applicant has been active in his community as a volunteer coach and youth leader. He has used some of his own money to purchase equipment and supplies for the youth groups he has mentored. Three individuals who worked with him in his community activities provided letters of character reference for Applicant. All three

⁴ Applicant testified that he had paid off his wife's automobile debt and no longer makes payments of \$764 a month on her vehicle. He pays \$450 a month on his car note; \$420 a month on his younger son's car note; and approximately \$400 on his second son's car note. Applicant did not know how much he pays each month for automobile insurance, and he also did not know how much he spends on maintaining his family's automobiles. (Tr. 149-150.)

references praised Applicant's character, generosity, and dedication. (Ex. B-1; Ex. B-2, Ex. B-3; Tr. 48-49.)

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 adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are used 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, 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.

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 in 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 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.

Applicant and his wife paid \$56,000 to the IRS in September 2009, thus satisfying the federal tax lien alleged at SOR ¶ 1.e. Additionally, the record did not establish that Applicant was responsible for the debt alleged at SOR ¶ 1.m. Accordingly, the allegations at SOR ¶¶ 1.e. and 1.m. are concluded for Applicant.

The guideline notes several conditions that could raise financial considerations security concerns in this case. Under AG ¶ 19(a), an “inability or unwillingness to satisfy debts” is potentially disqualifying. Similarly under AG ¶ 19(c), “a history of not meeting financial obligations” may raise security concerns. Applicant failed to pay his federal and state income taxes in 2001 and 2002. In 2004 and 2005, he claimed tax deductions on a truck that were disallowed. As a result, he accumulated substantial delinquent tax debt, interest, and penalties which he did not address until recently. Moreover, his current budget suggests confusion and uncertainty about how much his family spends each month and how much remains available after paying his fixed expenses to satisfy his tax debts and the debts alleged in the SOR. This evidence is sufficient to raise these potentially disqualifying conditions.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. Several Guideline F mitigating conditions could apply to the security concerns raised by Applicant's financial delinquencies. Unresolved financial difficulties might be mitigated if they "happened so long ago, w[ere] so infrequent, or occurred under such circumstances that [they] are unlikely to recur and [do] not cast doubt on the individual's current reliability, trustworthiness, or good judgment." (AG ¶ 20(a)) Additionally, unresolved financial delinquency might be mitigated if "the conditions that resulted in the financial problem were largely beyond the person's control, (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce, or separation), and the individual acted responsibly under the circumstances." (AG ¶ 20(b)) Still other mitigating circumstances that might be applicable include evidence that "the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control" (AG ¶ 20(c)) or "the individual has initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." (AG ¶ 20(d)) Finally, if "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 options to resolve the issue," then AG ¶ 20(e) might apply.

Applicant's financial difficulties date at least to 2001, when he was employed as an independent contractor and did not pay his federal and state income taxes. His wages were garnished for approximately one year in 2006 by the IRS. He then obtained a second full-time job in order to earn enough money to pay his tax debts. However, his personal financial statements of September 26, 2009 and October 2, 2009 do not reflect any payments to federal or State taxing authorities.

In 2008, Applicant was stricken with colon cancer and missed about two months of work, a situation that was beyond his control. However, his serious tax debts arose before he contracted colon cancer. His substantial indebtedness continues to the present time.

Applicant holds down two full-time jobs, a situation that causes him fatigue and stress. Despite a high combined income from his two jobs, he was unaware of how his money was spent. While he has a payment plan in place with the IRS and a verbal payment arrangement with his state taxing authority and hopes to pay his tax debts in the future, his current financial situation casts doubt on his ability to plan realistically for the future. Moreover, Applicant has not received financial counseling, and it is not clear at this time that his financial problems are being resolved or are under control. Although he has known of his substantial tax debts since at least 2006, he provided documentation at his hearing that showed he did not take action to pay or resolve his tax delinquencies and other debts alleged on the SOR until the latter part of 2009 and the first four months of 2010. Although he deserves credit for satisfying his \$56,000 tax lien, he failed to establish that he has carried out other good-faith efforts to repay his overdue creditors or to otherwise resolve his debts.

While Applicant admitted many of his financial delinquencies, it was not clear that he understood his financial problems or how to resolve them. While he has plans to pay his federal and state tax delinquencies in the future, his month-to-month financial situation remains precarious: he has no plan in place to systematically resolve his substantial delinquent debt and prepare for future contingencies. I conclude that while AG ¶ 20(b) applies in part to Applicant's case, AG ¶¶ 20(a), 20(c), 20(d), and 20(e) do not apply to the facts of his case.⁵

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 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 relevant facts and circumstances surrounding this case. Applicant is a mature adult of 55 years. He is respected and appreciated for his ability to mentor youth and for his helpfulness and generosity to others. He has suffered a serious physical illness beyond his control. He has been holding down two full-time jobs in an attempt to acquire enough money to pay his tax delinquencies. However, he remains financially overextended, and his October 2009 financial statement suggests that he lacks sufficient funds to meet his monthly expenses and pay his debts. Applicant's current financial situation raises concerns about his judgment and potential financial vulnerability.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. Accordingly, I conclude, after a careful review of the facts of his case, the financial considerations adjudicative guideline, and the whole-person analysis, that Applicant failed to mitigate the security concerns arising from his financial delinquencies.

⁵ AG ¶ 20(f) does not apply in this case.

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. - 1.d.:	Against Applicant
Subparagraph 1.e.:	For Applicant
Subparagraphs 1.f. - 1.l.:	Against Applicant
Subparagraph 1.m.:	For Applicant
Subparagraphs 1.n.: - 1.p.:	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 eligibility for a security clearance. Eligibility for access to classified information is denied.

Joan Caton Anthony
Administrative Judge