



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
-----) ISCR Case No. 09-04036
SSN: -----)
)
Applicant for Security Clearance)

Appearances

For Government: Gregg A. Cervi, Esquire, Department Counsel
For Applicant: *Pro se*

September 30, 2010

Decision

LYNCH, Noreen A., Administrative Judge:

On February 2, 2010, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline F (Financial Considerations), Guideline G (Alcohol Consumption) and Guideline E (Personal Conduct). DOHA acted 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 on September 1, 2006.

On March 8, 2010, Applicant answered the SOR and requested a hearing. DOHA assigned the case to me on May 20, 2010. DOHA issued a Notice of Hearing on June 23, 2010, and I convened the hearing as scheduled on July 20, 2010. Department Counsel offered six exhibits, which were admitted as Government Exhibits (GE) 1-6, without objection. Applicant testified on his own behalf and presented the testimony of one witness. He offered ten exhibits, which were admitted as Applicant Exhibits (AE) A-

J, without objection. At Applicant's request, I held the record open until August 5, 2010 for additional documentation. Applicant timely submitted a document (AE K) admitted into the record without objection. DOHA received the transcript (Tr.) on August 3, 2010. Based upon a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

Findings of Fact

In his Answer to the SOR, Applicant admitted the factual allegations in ¶¶ 1.a through 1.g, ¶¶ 2.a through 2.c, and ¶¶ 3.a through 3c.

Applicant is a 29-year-old employee of a defense contractor. He graduated from high school in 1999, and attended a technical college from December 2006 until August 2008. He is divorced with no children. (GE 1) Applicant served in the United States Air Force (active duty) from February 2000 until December 2006. Applicant has held a security clearance since 2000. He has been with his current employer since February 2009. (Tr. 36)

Alcohol Consumption

When Applicant was serving in the military, he received a DUI in 2005. He was drinking at a friend's home on base and during the course of the evening he consumed two eight-ounce alcoholic beverages. Applicant and his friend decided to leave the residence and visit a club. (Tr. 38) While on his way to the club, he saw a motorcycle rider fall from his bike. Applicant attempted to avert hitting the person and swerved to the left, crashing into a tree. (Tr. 39) The Air Force ordered a court-martial due to a violation of Article 111 (Drunk Driving). At the court-martial, Applicant was found guilty, sentenced to three months confinement and a reduction from E-3 to paygrade E-1. Applicant's license was suspended for one year. (Tr. 41)

In November 2006, while still in the military, Applicant and his wife were out for the evening socializing with friends. Applicant reports that he consumed approximately four-ounces of liquor. He believed he was not intoxicated and under the legal limit. However, on his way home, he did not stop for a stop sign. A police officer pulled Applicant over and while talking with him, smelled alcohol on his breath. After failing a Breathalyzer test and field sobriety tests, Applicant was charged with one count of DUI. He pled guilty and was sentenced to a 30-day license suspension. Additionally, he was fined \$800 and ordered to attend a one-day DUI class. (GE 2) After the incident, Applicant asked the military for additional alcohol counseling. (Tr. 44) Instead of more counseling, the military discharged him for misconduct. He received a general discharge under honorable conditions. (GE 2)

Applicant admitted that while in the military from approximately January 2002 until at least November 2006, he consumed alcohol at times to excess and to the point of intoxication. (Tr. 68) Applicant understands that he made mistakes at a young age with his use of alcohol. (Tr. 21) He believes he used alcohol to deal with stress. He has

changed his drinking habits. He still drinks occasionally. He reports that he might drink two or three beers on weekends. However, he does not drink and drive. (Tr. 62) He describes his alcohol use as responsible. His last alcohol incident was in 2006. He has not had any additional alcohol counseling since 2006. He believes that some stress at that time was due to his separation and divorce. He deals with stress in a more positive way, such as exercise or sports. (Tr. 63) Applicant noted that the military's evaluation concerning his alcohol use was that he was "not at risk."

Financial Considerations

At the hearing, Applicant explained that he started having financial difficulties in December 2006 after his separation from the military. He attended a technical school from 2006 until 2008, lived with his parents, and was unemployed during that time. He used the GI bill to pay for his tuition. In 2005, he purchased a vehicle. Applicant made monthly payments of \$500 until July 2007. He surrendered the vehicle, as he could not afford the payments. Applicant also incurred some medical bills that he was unable to pay. (GE 2)

The SOR alleges six delinquent debts, and one judgment. The approximate total for Applicant's debts (excluding his judgment) is \$17,000 (GE 6). The judgment is in the amount of \$21,405. The current status of Applicant's delinquent debts is described below.

The debt alleged in SOR ¶ 1.a is for a judgment filed in June 2008. The amount of \$21,405 is the result of Applicant's 2007 vehicle repossession. Applicant acknowledged that this debt is unpaid. (Tr. 47) Applicant claims he has been "working" to settle the matter since 2009 but does not have the funds to do so. He claims that he had an agreement for a \$6,000 settlement but did not have the necessary lump sum. (Tr. 54) He provided a post-hearing statement that noted "he made arrangements to settle the account beginning at the end of the month." Unfortunately, he did not have documentation of the agreement with terms listing the specific repayment. (AE K)

Applicant's debt alleged in SOR ¶ 1.b for \$10,083 is the result of an enlistment bonus that he had to return. Applicant's federal tax refund (\$2,920) was applied to this account on February 5, 2010. (AE G) He has arranged for a 36-month payment plan that will begin in September 2010 to repay the remainder.

Applicant admits the debt alleged in SOR ¶ 1.c. for \$28. The account is for a medical bill. The account is now paid in full. (AE C)

Applicant resolved the debt alleged in SOR ¶ 1.d for \$690. This account was paid on April 23, 2010. (AE A)

Applicant resolved the medical debt alleged in SOR ¶ 1.e for \$593. The account is now paid. (AE B)

Applicant claims the debt alleged in SOR ¶ 1.f for \$886 is the same account as above. He claims this medical account is paid. (AE K)

Applicant settled and paid the debt alleged in SOR ¶ 1.g for \$2,568 in July 2010. (AE K) the original amount of the debt was \$5,136.

Applicant's current net monthly income is approximately \$3,300. (GE Tr. 56) He is current with his monthly expenses. His net monthly remainder is approximately \$1,380. He has a savings account. Applicant has no credit cards. (Tr. 59) He has not obtained financial counseling.

Applicant obtained full time-employment in 2008 with a contractor and worked outside of the United States from August 2008 until January 2009. He did not begin repayment of any debts until after his 2009 employment. He explained that he had not obtained a credit report before that time. He also stated that each company wanted a lump sum and he did not have enough income. After his interview with OPM, he obtained his credit report. Applicant tried to set up a repayment plan to pay all his debts. He was not successful in that effort until 2010. (AE K)

Personal Conduct

When Applicant completed his March 6, 2009 security clearance application, he read Section 22(e) (Police Record). In that application, he answered "Yes" to question 22(e): Have you ever been charged with any offense(s) related to alcohol or drugs? He listed the 2006 DUI but did not list the 2005 DUI. However, Applicant provided the information in Section 15: Military History. Applicant answered "yes" to any military charges. He provided complete information about his November 2005 DUI and listed the court's finding of guilty. In that same section, military history, Applicant identified his discharge as "other" and listed "Under honorable conditions." (GE 1 and AE J)

Applicant also read Section 26: Your Financial Record in his 2009 security clearance application. In response to 26(e): Have you had a judgment entered against you?, he answered, "no." He explained that he did not have specific information about a 2008 judgment at the time. The judgment is the result of the voluntary vehicle repossession in 2007.

At the hearing, Applicant was forthright and candid about his answers on the 2009 security clearance application. (Tr. 46) At the time he completed the application, he did not have any specific information with him concerning the judgment. He was credible in his explanation that he decided to answer "no" because he did not have the information to input the amount of the judgment or the company. (Tr. 48) He also reported during his OPM interview that when he turned the vehicle in after several years of payments that he believed he did not owe such a sum. (GE 2) He did not list any outstanding balances or delinquencies because he had not checked a credit report. He acknowledged during his OPM interview that he did not know if the account was forwarded to a collection agency. (GE 2)

Applicant's former military buddy testified at the hearing that Applicant is a hard-working individual. He has known Applicant since 2006. He was with him in 2006, when Applicant received a DUI. He affirmed that Applicant does not drink and drive. He knows that Applicant has changed his drinking habits. (Tr. 83)

Applicant's current supervisor describes him as a professional who exhibits integrity in the daily maintenance operations at the base. Applicant is described as one of the top maintenance performers. He is highly motivated and instills in others a sense of the importance of mission readiness. Applicant's personal and professional life is exemplary. He is a valuable asset to the organization, and he has held an interim security clearance with no difficulties. (AE H)

Applicant submitted certificates acquired during his current employment. (AE D and E) He also included many letters of reference from his colleagues who work with him closely. (AE H) Each person describes Applicant as an outstanding worker and a trustworthy individual.

Applicant presented a job performance commendation for his outstanding service in the Air Force in 2001, 2002, 2003, 2004, and 2005. (AE F) Applicant received many letters of commendation and appreciation during his service in the military from 2000 until 2006. His dedication to his mission in 2001 is noted in several letters. In 2005, Applicant was lauded for his exemplary conduct. Applicant was also praised for his community involvement and his volunteer efforts.

Policies

When evaluating an applicant's suitability for a security clearance, the 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 must be considered 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 overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2, 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 to obtain 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 safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order (EO) 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 *a/so* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F, Financial Considerations

The security concern 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. Under AG & 19(a), an inability or unwillingness to satisfy debts^o is potentially disqualifying. Similarly under AG & 19(c), Aa history of not meeting financial obligations^o may raise security concerns. Applicant has a judgment in the amount of \$21,405. Applicant accumulated delinquent debts on various accounts by his own admission. His credit reports confirm the debts. The evidence is sufficient to raise these disqualifying conditions.

The guideline also includes conditions that could mitigate security concerns arising from financial difficulties. Under AG ¶ 20(a), the disqualifying condition may be

mitigated where 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. Applicant still has some unresolved delinquent debts. He has paid several small accounts. He intends to pay his judgment but he has not provided documentation that a precise plan is in place. He is in a stable financial situation and has promised to pay his debts when he can. This mitigating condition applies in part.

Under AG & 20(b), the disqualifying condition may be mitigated where 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. Applicant was not employed while attending technical school after his separation from the military in 2006. He was employed in 2008, but Applicant did not address his delinquent debts at that time. When Applicant obtained his permanent position in 2009, he did not contact the creditor about the judgment. He has not been aggressive in his actions. His net remainder is \$1,380 and he had the means to make much greater progress sooner. This mitigating condition applies in part.

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 is potentially mitigating under AG & 20(c). Similarly, AG & 20(d) applies where the evidence shows the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts. Applicant has not received formal financial counseling. He has resolved some of his debts. One debt was partially repaid due to a tax refund not a voluntary payment on his part. He did not maintain contact with his creditors. He claims he has arranged payment plans for two remaining debts. However, he has not started the actual repayments. He did not present evidence that he and the creditors agreed on a specific payment plan. His efforts are insufficient to carry his burden in this case.

In sum, Appellant has not demonstrated sufficient consistency, diligence, and effort in the resolution of his delinquent SOR debts. There is insufficient evidence that his finances are under control. Although he has not incurred more delinquent debt, he has not used the money that was available to him since he became employed to show that delinquent debt will not recur. His track record of financial responsibility shows insufficient good judgment, trustworthiness, and reliability to warrant mitigation of financial considerations concerns at this time.

Guideline G, Alcohol Consumption

AG ¶ 21 expresses the security concern pertaining to alcohol consumption, "Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness."

AG ¶ 22 describes conditions that could raise a security concern and may be disqualifying:

(a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;

(b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;

(c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;

(d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;

(e) evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;

(f) relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program; and,

(g) failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

Applicant admitted that he consumed alcohol, at times to excess and to the point of intoxication, from approximately January 2002 until at least November 2006. In November 2005, Applicant was charged with violating Article 111 (Drunk Driving) while in the military. He was found guilty at a court-martial and sentenced to three months incarceration. In November 2006, Applicant was convicted of a DUI. He was sentenced to a license suspension, fined \$800, and ordered to attend a one day education class on preventing DUIs. AG ¶¶ 22(a) and (c) apply.

AG ¶ 23 provides conditions that could mitigate security concerns:

(a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser);

(c) the individual is a current employee who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress; and

(d) the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

Applicant has changed his drinking habits. He does not drink and drive. He has not had any other alcohol-related incidents since 2006. He received some alcohol counseling. He also recognized a problem in 2006 and asked the military for more counseling. He recalled that his evaluation at the time noted he was not at risk. He was not diagnosed with an alcohol problem. He acknowledges that he handles stress in a positive manner and does not use alcohol to alleviate stress. Moreover, the stress of divorce was a part of the problem in 2006. Applicant has mitigated the security concerns under alcohol consumption. AG ¶¶ 23(a) and (b) apply.

Guideline E, Personal Conduct

The security concern for Personal Conduct is set out in AG ¶ 15:

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 cooperate with the security clearance process.

The guideline notes several conditions that could raise security concerns. Under AG ¶ 16(a), "deliberate omission, concealment, or falsification of relevant facts from any personnel 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" is potentially disqualifying.

In this case, when Applicant completed his March 2009 security application, he answered "Yes" to section 22(e) concerning charges or offenses relating to alcohol. He

listed complete information concerning his November 2006 DUI. He did not report his 2005 DUI in that section. However, Applicant did report the 2005 DUI in detail, along with his court-martial information, under Section 15, military history.

When Applicant completed section 26(e) concerning his financial record, he answered “no” to the issue of a judgment. He admitted that he knew he had a judgment or had some notice in 2007 but he did not have the specific information or amount of the judgment when he completed the security clearance application. I found him credible in his explanation that he tried to input “yes” but that since he did not have specific information about the judgement, he answered “no”. He admitted the allegation in his answer to the SOR but noted that he did not have the 2008 judgment information. He was candid, forthright, and credible in his testimony that he explained and clarified his financial record to the investigator when interviewed. I do not find that he deliberately falsified his 2009 security clearance application.

In that same application, Applicant entered under the military section that he was separated from the USAF under honorable conditions. He checked “other” rather than “general” for the type of discharge. He had already listed the court-martial as noted in the above section. I do not find that he was trying to mislead the government about his military discharge.

The fact that he was discharged for misconduct from the Air Force is not an independent basis for raising personal conduct concerns. His misconduct was his 2005 and 2006 DUIs, which are addressed under Guideline G.

When a falsification allegation is controverted or denied, the government has the burden of proving it. Proof of an omission, standing alone, does not establish or prove an applicant’s state of mind when the omission occurred. An administrative judge must consider the record evidence as whole to determine whether there is direct or circumstantial evidence concerning an applicant’s state of mind at the time the omission occurred. ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004) (explaining holding in ISCR Case No. 02-23133 at 5 (App. Bd. Jun. 9, 2004)). Thus, AG ¶ 16(a) does not apply in this case. I find for Applicant on SOR ¶¶ 2.a and 2.b.

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 must 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 and conclude they are insufficient to overcome the government's case. Applicant served on active duty in the USAF from 2000 until 2006. During his first five years of service Applicant was praised for his dedication, service, ability and loyalty to the mission. His early evaluations describe him as "absolutely superior" in all areas. He held a security clearance without incident. He received letters of appreciation and certificates describing his good conduct and accomplishments.

In November 2005 and again in 2006, Applicant had alcohol-related driving incidents which resulted in DUI convictions. He was separated and going through a divorce during the second DUI. He acknowledged his problem and completed a court-ordered alcohol class. After his 2006 DUI, the Air Force presented Applicant with two options. They offered him a hearing and a potential OTH discharge or if he waived his hearing he could receive a general discharge. Applicant separated in 2006. He admitted that he drank at times to excess or to intoxication during his military years.

Applicant has not had any alcohol-related incidents since 2006. He has changed his drinking habits. He does not drink and drive. He recognizes his past mistake was to use alcohol as a stress reliever. He is now divorced. He has no diagnosis of alcohol abuse or dependence. He drinks in a responsible manner. He has learned from his last DUI. He has mitigated the security concerns under the alcohol consumption guideline.

Applicant attended technical college from 2006 until 2008 to attain greater skills. He used the GI bill and lived with his parents but did not have sufficient income to maintain his expenses. He had to surrender his vehicle in 2007 due to late payments. This resulted in a judgment of \$21,000 despite his years of payments on the car. He also had some medical bills that he did not pay and he had to repay his re-enlistment bonus. He could not repay due to his unemployment from 2006 until 2008 when he was a student.

However, Applicant has not acted as responsibly as he should have under the circumstances. He was employed in 2008. He has been steadily employed with his current employer since 2009. He did not maintain contact with his creditors. His promises and good intention since 2009 are not evidence of clear action to resolve his judgment and his debts. He still has not submitted evidence of the specifics of his repayment plans. His track record of financial responsibility shows insufficient good

judgment and reliability to warrant mitigation of financial considerations concerns at this time.

As a result, Applicant acquired delinquent debts. He obtained a position in 2008 outside the United States. In 2009, Applicant obtained his current employment. Despite steady employment since then, he still has unresolved debt. He has recently paid some accounts but he has not yet started his repayment plans for the judgment and the remainder of the bonus amount. He is on the right track but it is too soon to show a responsible financial record. He has not mitigated the security concerns under the financial considerations guideline.

Applicant did not falsify his March 2009 security clearance application. He admitted that he did not list one DUI under Section 22. However, he had provided full and complete information under Section 15. He did not respond "yes" to the question concerning the judgment due to lack of information. I find that he did not intend to mislead the government. I found his explanations credible. He did not falsify his March 2009 security clearance application. He has mitigated the concerns under the personal conduct guideline.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has not mitigated the security concerns arising under financial considerations. Applicant has mitigated the concerns under personal conduct and alcohol consumption.

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
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Subparagraph 1.f:	For Applicant
Subparagraph 1.g:	For Applicant
Paragraph 2, Guideline G:	FOR APPLICANT
Subparagraphs 2.a through 2.c:	For Applicant
Paragraph 3, Guideline E:	FOR APPLICANT

Subparagraph 3.a through 3.c: For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

NOREEN A. LYNCH
Administrative Judge