



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



In the matter of: )  
(Redacted) ) ISCR Case No. 09-05569  
Applicant for Security Clearance )

**Appearances**

For Government: Marc G. Laverdiere, Esq., Department Counsel  
For Applicant: *Pro se*

March 24, 2011

**Decision**

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines F (Financial Considerations) and E (Personal Conduct). Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) on April 30, 2009. On September 27, 2010, the Defense Office of Hearings and Appeals (DOHA) sent him a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny his application, citing security concerns under Guidelines F and E. 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) implemented by the Department of Defense on September 1, 2006.

Applicant received the SOR on October 3, 2010; answered it on October 23, 2010; and requested a hearing before an administrative judge. DOHA received the

request on October 25, 2010. Department Counsel was ready to proceed on November 30, 2010, and the case was assigned to me on December 6, 2010. DOHA issued a notice of hearing on January 5, 2011, scheduling it for January 20, 2011. I convened the hearing as scheduled. I granted Department Counsel's motion to correct a typographical error in SOR ¶ 2.b, without objection from Applicant. (Tr. 14-15.) The correction is handwritten on the SOR. Government Exhibits (GX) 1 through 10 were admitted in evidence without objection. Applicant testified and submitted Applicant's Exhibits (AX) 1 through 4, which were admitted without objection. DOHA received the transcript (Tr.) on February 1, 2011.

### **Findings of Fact**

In his answer to the SOR, Applicant admitted the allegations in SOR ¶¶ 1.f, 1.h, 1.i, and he denied all the remaining allegations. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 34-year-old computer systems analyst employed by a defense contractor since April 2009. He served on active duty in the U.S. Navy from October 1994 to October 1999, and received an honorable discharge. (GX 4 at 10.) He served in the U.S. Navy Reserve (USNR) from January 2005 to January 2008, and again he received an honorable discharge. He held a top secret clearance while he was on active duty. He was given a secret clearance as a member of the USNR in March 2005. He currently holds an interim clearance. (Tr. 6-7.)

While serving in the USNR, Applicant was awarded the Joint Service Achievement Medal in August 2006, for exceptionally meritorious service in support of a joint special operations task force. (AX 1 at 8-9.) He received certification in network administration from a technical school in September 2003. In April 2007, he received a bachelor's degree in information technology and was inducted into an international business honor society. (AX 1 at 6-7.)

Applicant's financial difficulties began after he was seriously injured in an automobile accident in April 2002, in which he was not at fault. (AX 1 at 1-5.) Most of his medical expenses were covered by the settlement he received. Before his automobile accident, he worked as a private contractor until he was laid off because of the market downturn. He worked as a "standby" employee for three or four months, available to work if a union strike occurred at a major communication company. He experienced periods of unemployment before his accident, but he was able to keep up with daily expenses. (Tr. 48-50.)

On his SCA of April 2009, he reported that he was employed as a senior executive management analyst from July 2001 to May 2005, but he testified that he was unemployed after his accident, and his only income was about \$700 per month under the GI Bill. After he enlisted in the USNR in January 2005, he began earning an additional \$174 per month for weekend duty. (Tr. 37-38.) He began working for a communications company about a year before finding his current job. (GX 1 at 16-22.)

In connection with Applicant's enlistment in the USNR, he submitted an SCA in December 2004, and he answered "No" to question 38, asking if he had been more than 180 days delinquent on any debt in the last seven years. (GX 2 at 7.) He testified that he was subsequently interviewed by a security investigator, and that she documented the information about the delinquent debts reflected on his credit report and the reason that they occurred. (Tr. 37.)

During cross-examination, Applicant declined to offer an explanation for his negative answer to question 38 on the December 2004 SCA, and he testified he needed to examine the security investigator's interview summary before explaining why he answered the questions in the negative. (Tr. 102-07.) Applicant was interviewed about his December 2004 SCA in June 2006. During that interview, he told the investigator that he did not think he had any debts that were more than 180 days delinquent when he executed the SCA. He also told the investigator that he incorrectly answered "No" to question 39, asking if he was currently more than 90 days delinquent on any debt, because he did not pay attention to the question. (GX 5 at 3.) Applicant was provided with a copy of the June 2006 interview summary before the hearing. There is no documentary evidence of any other security interview between December 2004 and June 2006.

Applicant testified that when he obtained a copy of his credit report in October 2009, he noticed that it listed his former addresses as two places where he had never lived, causing him to question its accuracy. (Tr. 42.) He asked his attorney to investigate the accuracy of his credit reports. His attorney disputed three medical debts, and they no longer are listed on Applicant's credit reports. (AX 3 at 1-4; Tr. 43.) Applicant testified that his attorney disputed the delinquent utility bill alleged in SOR ¶ 1.i, but there is no documentary evidence that Applicant's attorney disputed any delinquent debts other than the three medical debts. Applicant submitted four pages of correspondence pertaining to disputed entries on his credit report, but the only page identifying the disputed debts was AX 3 at 3, listing three disputed medical debts.

Applicant was a cosigner on the delinquent student loans alleged in SOR ¶¶ 1.d, 1.e, and 1.i. The primary debtor was a friend of the family who made the payments until his death in January 2008. (Tr. 66.) The loans have been combined and rehabilitated. (AX 3 at 8-9; AX 4 at 29; Tr. 44-45, 61-65.)

Applicant admitted the credit card debt alleged in SOR ¶ 1.f during an interview with a security investigator in May 2009, stating that he opened the account in the late 1990s or early 2000s, and that he fell behind on the payments after his automobile accident. (GX 3 at 3.) He admitted the debt in response to DOHA interrogatories on October 30, 2009, and he stated that he had negotiated 20 monthly payments of \$109. (GX 4 at 2.) In his answer to the SOR, he again admitted this debt and stated that the current balance was \$1,559. At the hearing, he denied the debt and stated that he was unable to contact the creditor because the account was no longer listed on his current credit report. (Tr. 70-74.)

Applicant presented evidence of two payments of \$104.95 on the debt alleged in SOR ¶ 1.j. He stated that the final payment of \$68.84 was made by direct debit from his bank account on November 2, 2009, but he produced no documentary evidence of the final payment. (GX 6 at 3, 5, 6.)

The evidence concerning the medical debt alleged in SOR ¶ 1.m is sparse. Applicant consistently denied any knowledge of this debt. Based on the timing of the referral to collection, it probably is one of the medical debts arising from the automobile accident and settled by Applicant's attorney.

Applicant admitted to a security investigator in May 2009 that he opened the accounts alleged in SOR ¶¶ 1.n and 1.o in the late 1990s or early 2000s and fell behind on the payments after his automobile accident (GX 3 at 4.) He testified at the hearing that he had not contacted the creditors because the accounts are no longer listed on his credit report. (Tr. 88-95.)

The table below summarizes the evidence concerning the delinquent debts alleged in the SOR.

<b>SOR</b>	<b>Debt</b>	<b>Amount</b>	<b>Answer to SOR</b>	<b>Status</b>	<b>Evidence</b>
1.a	Medical	\$270	Deny	Paid	Answer at 5-9; AX 3 at 3
1.b	Collection	\$1,770	Deny	Paid	GX 4 at 11, 19; Tr. 58; Answer at 1, 6, 9
1.c	Medical	\$148	Deny	Paid	Answer at 5-9; AX 3 at 3
1.d	Student loan	\$12,372	Deny	Account is current	AX 4 at 29; Tr. 44-45
1.e	Student loan	\$5,834	Deny	Combined with 1.d	AX 4 at 29
1.f	Credit card	\$2,177	Admit	Unresolved	GX 3 at 3; GX 4 at 2; GX 7 at 4; Tr. 70-74
1.g	Credit card	\$1,958	Deny	Paid	GX 8 at 2
1.h	Tuition	\$700	Admit	Paid	AX 3 at 5-6; Tr. 45
1.i	Student loan	\$18,087	Admit	Same as 1.d and 1.e; making payments	AX 3 at 8-9; Tr. 61-65
1.j	Collection	\$69	Deny	Made payments; not fully resolved	GX 6 at 3, 5, 6
1.k	Credit card	\$2,195	Deny	Settled	Answer at 4; AX 3 at 7
1.l	Utility	\$659	Deny	Unresolved	GX 3 at 4; GX 7 at 7
1.m	Medical	\$42	Deny	Paid	GX 3 at 4
1.n	Credit card	\$1,402	Deny	Unresolved	GX 3 at 4
1.o	Collection	\$1,999	Deny	Unresolved	GX 3 at 4; GX 7 at 9

The date of last activity on the credit card debt alleged in SOR ¶ 1.f was in October 2002, when it was 180 days past due and was charged off. (GX 7 at 4.) The date of last activity on the utility bill alleged in SOR ¶ 1.l was December 2006, when it was referred for collection. (GX 7 at 7.) The credit card debt alleged in SOR ¶ 1.n was opened in February 2000, and the date of last activity was in June 2002, when it was referred for collection. (GX 7 at 9.) The date of last activity on the delinquent account alleged in SOR ¶ 1.o was April 2009, when it was referred for collection. (GX 7 at 9.)

When Applicant submitted his SCA in April 2009, he answered “No” to question 26m, asking if he had been more than 180 days delinquent on any debt in the last seven years, and question 26n, asking if he was currently more than 90 days delinquent on any debt. (GX 1 at 44.) He did not disclose any of the delinquent debts alleged in the SOR.

Applicant testified that many of his delinquent debts were incurred before his car accident in April 2002, and they were about nine years old when he submitted his April 2009 SCA. In May 2009, he told a security investigator he thought he was not required to disclose his delinquent debts on his SCA because they were about seven years old and would soon be deleted from his credit report. (GX 3 at 5.) He gave the same explanation during his testimony at the hearing. (Tr. 40-41.)

Applicant currently earns about \$50,000 annually. He lives with his girlfriend, who earns about \$40,000. He has net monthly income of about \$3,200, and she has net monthly income of about \$3,000. Their monthly living expenses are about \$1,500, leaving a substantial remainder. (GX 3 at 5.)

### **Policies**

“[N]o 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 applicants 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.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 92-1106 at 3, 1993 WL 545051 at \*3 (App. Bd. Oct. 7, 1993).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

### **Analysis**

The SOR alleges 15 delinquent debts. Although 10 have been settled or resolved, they all were delinquent for a substantial period of time. The five debts alleged in SOR ¶¶ 1.f, 1.j, 1.l, 1.n, and 1.o are unresolved. The security concern under this guideline 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.

Two disqualifying conditions under this guideline are relevant: AG ¶ 19(a) (“inability or unwillingness to satisfy debts”) and AG ¶ 19(c) (“a history of not meeting financial obligations”). Applicant’s admissions and the documentary evidence submitted by Department Counsel are sufficient to establish these two disqualifying conditions. Thus, the burden shifted to Applicant to rebut, explain, extenuate, or mitigate the facts.

Security concerns based on financial problems can be mitigated by showing that “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.” AG ¶ 20(a). Applicant’s delinquent debts are numerous. Several are unresolved. AG ¶ 20(a) is partially established, because some of the debts became delinquent after Applicant was seriously injured in an automobile accident, which was a circumstance unlikely to recur.

Security concerns under this guideline also can be mitigated by showing that “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). Both prongs, i.e., conditions beyond the person’s control and responsible conduct, must be established. Applicant’s automobile accident and resulting injuries and his periods of unemployment and underemployment were conditions beyond his control. He has acted responsibly toward some of the delinquent debts, challenging errors on his credit report, verifying the payment of his medical debts, and rehabilitating his delinquent student loans. He has not acted responsibly by discontinuing payment on debts he had previously verified simply because they were no longer reflected on his credit report. AG ¶ 20(b) is partially established.

Security concerns under this guideline also can be mitigated by showing 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). Applicant receives some credit under this mitigating condition, because he has sought and received legal advice, and some debts have been deleted from his credit report after they were challenged. However, this mitigating condition is not fully established, because Applicant has refused to acknowledge delinquent debts that are no longer reflected on his credit report, even though he previously recognized one of them, negotiated a payment arrangement, and made payments.

Security concerns under this guideline also can be mitigated by showing that “the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.” AG ¶ 20(d). The concept of good faith “requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation.” ISCR Case No. 99-0201, 1999 WL 1442346 at \*4 (App. Bd. Oct. 12, 1999).

An applicant is not required, as a matter of law, to establish resolution of every debt alleged in the SOR. An applicant need only establish a plan to resolve financial problems and take significant actions to implement the plan. There is no requirement that an applicant make payments on all delinquent debts simultaneously, nor is there a requirement that the debts alleged in the SOR be paid first. See ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008).

Applicant has successfully resolved many of the debts alleged in the SOR. He has refused, however, to make any effort to resolve debts that are no longer reflected on his credit report (SOR ¶ 1.f, 1.n, and 1.o), even though he previously recognized the debt in SOR ¶ 1.f, negotiated a settlement agreement, and made payments on it. Merely waiting for a debt to drop off a credit report by the passage of time is not a factor in an applicant's favor. See, e.g., ISCR Case No. 99-9020 at 5-6 (App. Bd. Jun. 4, 2001). There are several reasons for deleting a delinquent debt from a credit report, including the seven-year time limit imposed by the Fair Credit Reporting Act, 15 U.S.C. § 1681(c). Applicant's refusal to make any further effort to resolve the debts in SOR ¶¶ 1.f, 1.n, and 1.o precludes a finding of good faith with respect to these three debts, and it casts doubt on his current reliability, trustworthiness, and good judgment. Thus, I conclude that AG ¶ 20(d) is not fully established.

Security concerns under this guideline also can be mitigated 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 actions to resolve the issue." AG ¶ 20(e). Although Applicant claimed that his attorney disputed the utility bill in SOR ¶ 1.j, his documentation of the disputes filed by his attorney does not show that this debt was disputed. Thus, I conclude that AG ¶ 20(e) is established for the medical debts in SOR ¶¶ 1.a, 1.c, and 1.m that Applicant successfully disputed, but it is not established for the remaining unresolved debts.

### **Guideline E, Personal Conduct**

The SOR alleges that Applicant falsified his SCAs in 2004 and 2009 by intentionally failing to disclose his delinquent debts. The concern under this guideline 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 provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

The relevant disqualifying condition in this case is "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.” AG ¶ 16(a). When a falsification allegation is controverted, as in this case, the Government has the burden of proving it. An omission, standing alone, does not prove an applicant’s state of mind when the omission occurred. An administrative judge must consider the record evidence as a whole to determine whether there is direct or circumstantial evidence concerning an applicant’s state of mind at the time of the omission. See ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004).

When Applicant submitted his SCA in December 2004, he had been unemployed or underemployed since his car accident in April 2002. He was struggling to take care of current expenses and had fallen behind on his financial obligations. His explanation during the June 2006 security interview, *i.e.*, that he did not realize that his debts were more than 180 days delinquent, was not plausible or credible. By his own description, he was living on minimal income, barely able to pay his living expenses, from April 2002 to December 2004, a period of about 20 months, when he submitted his SCA. He admitted to the security investigator that he should have disclosed all debts that were currently more than 90 days delinquent.<sup>1</sup> At the hearing, he declined to explain his failure to disclose his delinquent debts on his December 2004 SCA.

When Applicant submitted his current SCA in April 2009, he knew that the delinquent credit card accounts had not been resolved. In June 2006, he had been questioned about his responses to the financial questions on his December 2004 SCA, and he knew that he should have disclosed all debts that were currently more than 90 days delinquent. His explanation that he thought the debts were outside the seven-year period covered by the question is implausible, not responsive, and not believable. It does not explain why he answered in the negative when asked if he had any current debts more than 90 days delinquent.

Applicant is an intelligent, well-educated, mature adult. His April 2009 SCA was his third experience with the security clearance process. He had been questioned in June 2006 about his failure to disclose delinquent debts on his previous SCA. Based on all the evidence, I conclude that he intentionally failed to disclose his delinquent debts on his December 2004 SCA and his April 2009 SCA. Thus, I conclude that the disqualifying condition in AG ¶ 16(a) is established.

Security concerns under this guideline may be mitigated if “the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before

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<sup>1</sup> Applicant’s failure to disclose debts that were currently more than 90 days delinquent in December 2004 was not alleged in the SOR. Conduct not alleged in the SOR may be considered to assess an applicant’s credibility; to decide whether a particular adjudicative guideline is applicable; to evaluate evidence of extenuation, mitigation, or changed circumstances; to consider whether an applicant has demonstrated successful rehabilitation; or as part of a whole-person analysis. ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006) (citations omitted). I have considered his uncharged omission from his December 2004 SCA for these limited purposes.

being confronted with the facts.” AG ¶ 17(a). This mitigating condition is not established because Applicant did not voluntarily correct his two SCAs. In both cases, he did not disclose his delinquent debts until confronted with the evidence by a security investigator.

Security concerns based on personal conduct may be mitigated if “the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment.” AG ¶ 17(c). This mitigating condition is not established. Applicant's falsifications were serious because they threatened the integrity of the security clearance process. His latest falsification was recent. He has twice falsified his SCAs, and neither falsification occurred under unusual circumstances.

### **Whole-Person Concept**

Under the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the relevant circumstances. An 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 have incorporated my comments under Guidelines F and E in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guideline(s), but some warrant additional comment.

Applicant is intelligent, talented, and articulate, but his lack of candor raises grave doubts about his reliability, trustworthiness, and good judgment. He has made significant strides on righting his financial ship, but his refusal to settle debts solely because they no longer are reflected on his credit reports undermines any claim of good-faith efforts to resolve these debts.

After weighing the disqualifying and mitigating conditions under Guidelines F and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns based on financial considerations and

personal conduct. Accordingly, I conclude he has not carried his burden of showing that it is clearly consistent with the national interest to grant him eligibility for access to classified information.

### **Formal Findings**

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline F (Financial Considerations): **AGAINST APPLICANT**

Subparagraphs 1.a-1.e:	For Applicant
Subparagraph 1.f:	Against Applicant
Subparagraphs 1.g-1.i:	For Applicant
Subparagraph 1.j:	Against Applicant
Subparagraph 1.k:	For Applicant
Subparagraph 1.l:	Against Applicant
Subparagraph 1.m:	For Applicant
Subparagraphs 1.n-1.o:	Against Applicant

Paragraph 2, Guideline E (Personal Conduct): **AGAINST APPLICANT**

Subparagraphs 2.a-2.b:	Against Applicant
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### **Conclusion**

I conclude that 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.

LeRoy F. Foreman  
Administrative Judge