



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



In the matter of)	
)	
)	ISCR Case No. 10-06391
)	
Applicant for Security Clearance)	

Appearances

For Government: David Hayes, Esquire, Department Counsel
For Applicant: *Pro se*

November 21, 2011

Decision

O'BRIEN, Rita C., Administrative Judge:

Based on a review of the pleadings, exhibits, and testimony, I conclude that Applicant has not mitigated the security concerns raised under the guidelines for criminal conduct, financial considerations, and personal conduct. His request for a security clearance is denied.

Statement of the Case

Applicant signed an Electronic Questionnaire for Investigations Processing (Standard Form 86) on January 14, 2010, to request a security clearance required as part of his employment with a defense contractor. After reviewing the results of the ensuing background investigation, adjudicators for the Defense Office of Hearings and

Appeals (DOHA) were unable to make a preliminary affirmative finding¹ that it is clearly consistent with the national interest to grant Applicant's request.

On March 10, 2011, the Defense Office of Hearings and Appeals (DOHA) issued to Applicant a Statement of Reasons (SOR) citing security concerns focused on Guideline J (Criminal Conduct), Guideline F (Financial Considerations), and Guideline E (Personal Conduct) of the Adjudicative Guidelines (AG).² In his Answer to the SOR dated March 26, 2011, Applicant denied 4 of the 12 allegations under Guideline F. He admitted the seven allegations under Guideline J, and the seven allegations under Guideline E.

Department Counsel was ready to proceed on August 17, 2011. DOHA assigned the case to me on August 31, 2011, and issued a Notice of Hearing on September 23, 2011. I convened the hearing as scheduled on October 25, 2011. At the hearing, I admitted Government Exhibits (GE) 1 through 11. Applicant testified and offered one document, which I admitted as Applicant Exhibit (AE) A. The record closed on October 25, 2011.

Findings of Fact

Applicant's admissions in response to the SOR are incorporated as findings of fact. After a thorough review of the pleadings, Applicant's response to the SOR, and the evidence presented by both parties, I make the following additional findings of fact.

Applicant is 32 years old. He completed high school, and has also taken photography and criminal justice courses. He is engaged, and has one six-year-old daughter from a previous relationship. He has joint legal custody of his daughter, and pays child support. (GE 1; Tr. 22)

From 1999 to 2003, Applicant served in the Marine Corps. He has held a security clearance since 1999. He deployed to Afghanistan in 2001, after the September 11 attack, and where he served for 18 months. He was involved in combat duty periodically. After his honorable discharge, he had substantial savings, which he used in part to pay his mother's debts. He also contributed to the expenses of his aunt, with whom he lived. He testified that he was homeless for about six months during the period 2004 to 2006. His security clearance application provides conflicting information, indicating that he lived with his aunt from 2003 to 2005, but also that he lived in a rental from 2004 to 2005. He also listed a rental from 2005 to 2006. (GE 1) Applicant worked full-time for three years as a mailroom clerk (2003-2006), and two years as an administrative clerk (2006-2008). From 2008 to 2009, he worked at short-term positions, and was unemployed for eight months. He began his current position with a defense

¹ Required by Executive Order 10865, as amended, and by DoD Directive 5220.6 (Directive), as amended.

² Adjudication of this case is controlled by the Adjudicative Guidelines (AG), which were implemented by the Department of Defense on September 1, 2006. The AG supersede the guidelines listed in Enclosure 2 to the Directive.

contractor in January 2010, where he works on-site in the equal opportunity section of a federal agency. (GE 1, 2; AE A; Tr. 37-40, 76-77)

Guideline J, Criminal Conduct

Between 1996 and 2007, Applicant was charged with the following criminal conduct. The record contains no evidence of criminal conduct since 2007.

- **1996 – Breach of Trust, allegation 2.a** - When Applicant was 18 years old, he worked for a “big box” discount store. He gave clothes and baby items to a friend without paying for them. He was terminated from his job, and charged with Breach of Trust. He testified he was “young and dumb” and displayed bad judgment. The case was dismissed. (GE 8; Tr. 24, 78-79)
- **2000 – Shoplifting, allegation 2.b** - Applicant testified that when he was stationed in Japan, he was with another younger Marine, who stole a video game. He testified that he “took the hit” of shoplifting for the other Marine. However, the Navy incident report states that he was observed on closed circuit television taking two video games and a music CD worth \$51.43. The merchandise was found on his person. The report does not indicate that another Marine was present. Applicant received nonjudicial punishment (NJP), 60 days restriction, and 60 days extra duty. (GE 7; Tr. 24-27, 45, 79-81)
- **2002 – Driving while Intoxicated (DWI), allegation 2.c** – While on active duty, and after returning from Afghanistan, Applicant was drinking and driving. His blood alcohol level was at the legal limit for intoxication. He was charged with DWI. He was found guilty, fined, lost his driving privileges for 60 days, and was sentenced to 60 days unsupervised probation. He was required to take on-base alcohol counseling, and to teach younger Marines about the dangers of drunk driving. (GE 3; Tr. 24-27, 81-83)
- **2003 – Aggravated Assault, allegation 2.d** - Applicant was attacked by two men, who attempted to rob him. He fought back and was arrested, along with the assailants. He was charged with Aggravated Assault. The government dismissed the charge against Applicant and released him. Several days later, he was asked to appear in the case as a government witness. He testified against the assailants. (GE 3; Tr. 25-26, 84-85)
- **2004 – Possession of Marijuana; Possession with Intent to Distribute Cocaine, allegation 2.e** - Applicant was with several friends, near his aunt’s home. The police detained the group, and searched the area. They found cocaine in nearby bushes. Applicant and his friends were arrested. He admitted in his security interview that he was socializing with the wrong crowd. Applicant testified they were not his drugs and he did not know who owned them. The charges against Applicant were dismissed. (GE 3; Tr. 85-87)

- **2006 – Theft of \$100 or Less, allegation 2.f** – Applicant did not have the funds to pay for license plates for his car. He paid a lesser amount to a friend who worked at the Department of Motor Vehicles to obtain plates for him. He thought his friend was going to give him legitimate tags “under the table,” without paying for them. He testified that he did not know the plates were stolen. He was stopped by police and charged with theft. The charge was not prosecuted, but he was found guilty on another charge stemming from the same event (see allegation 2.g, below) (GE 5; Tr. 26-27, 87-89, 109-110, 115-116)
- **2007 – Driving under the Influence of Alcohol, allegation 2.g** – Applicant was drinking with friends. While driving home, he had a flat tire, pulled over to the curb, and waited for a tow truck. It was late, and a police officer stopped to check. During the license check, the officer discovered that Applicant's license plates were stolen. Applicant was arrested and charged with DWI, Theft of \$100 or Less (see allegation 2.f, above) and numerous violations including driving on an expired license, driving an unregistered vehicle, and operating an uninsured vehicle. Applicant pled guilty to DWI, and was sentenced to probation before judgment. He was fined more than \$1,000, and his license was suspended for 90 days. After this arrest, he attended alcohol classes two times per week for three months. (GE 3, 6; Tr. 27, 89-92)

Applicant disclosed during his June 2010 security interview that he used marijuana from 1994 to 1997 about once per week with high school friends. After leaving the Marine Corps in 2003, where he served in combat, he was having trouble sleeping at night. He told the security investigator that he resumed using marijuana about once per week in 2003 to take the edge off. He stopped using marijuana when his girlfriend became pregnant in March 2004. He informed the security agent that he had no intent to use marijuana in the future. (GE 3)

Guideline F, Financial Considerations

Applicant's delinquent SOR debts total approximately \$21,000. He met with an investigator in February 2010 to discuss these debts, as part of his security investigation. In November 2010, he completed an interrogatory in which he said he had been “in contact with several financial advisors to get my debt in order.” However, at the hearing he said he spoke with one financial counseling company. He did not retain the company. His fiancée's employer has debt counseling available, and they have been discussing enrolling Applicant in that course, but he had not enrolled as of the date of the hearing. (GE 3, 4; Tr. 65-66, 112)

Applicant pays \$796 in monthly child support payments. The SOR lists arrearages of \$9,495, and Applicant's August 2011 credit report shows a balance of \$9,598. However, Applicant testified that a portion of his monthly payment is applied to the arrearage. He believes it is currently approximately \$8,000, but he did not submit documentation to support his claim. (GE 4, 11; Tr. 48-50)

Applicant and his fiancée share the rent, but she does not contribute any other funds to Applicant's expenses. He has no checking account. He has not used credit cards in the past five years. He has about \$60 in his savings account. He noted at the hearing that several changes have occurred since he completed his Personal Financial Statement (PFS) in November 2010. His portion of the rent has increased \$85 per month; he now spends no money on clothes, reducing his monthly expenses by \$80. His net monthly income is \$1,500. His monthly expenses total \$1,511. However, he now also pays an additional \$400 per month in commuting expenses not listed on the PFS. With this additional expense, his current monthly net remainder (MNR) is negative \$400. (GE 4; Tr. 66-72, 74-75, 110-111)

Applicant has not made any payments on the SOR debts because he works on a contract basis, and he is uncertain how long each contract will last. He does not want to commit to payment plans that he may not be able to fulfill, and he has not had additional funds available to pay these debts. However, his current supervisors are pleased with his performance. He is confident that he will be retained by the federal agency where he works, and intends to start working on paying his debts in the future. He does not have a debt payment plan in place. (Tr. 55-57, 62-63, 75-78)

Applicant's debts appear in his credit reports dated January 2010, and January and August 2011. His financial problems began in 2004, when he bought a car that had problems and the dealer would not honor the warranty. He was unable to keep up with the repair bills, and pay his other debts. The car was repossessed, and the unpaid deficiency is \$5,984 (allegation 1.i). He called the lender, who stated he is responsible for the debt. It remains unresolved. He believes the gas bill at allegation 1.a belongs to a previous tenant. He testified that he did not have documentation related to past discussions with the utility company because his papers were lost or stolen when he was homeless. He has made no recent efforts to resolve a student loan debt listed at allegation 1.c. (GE 9-11; Tr. 41-47, 50-51, 58)

Applicant disputes a debt of \$537 owed to a telephone company and has tried to have it removed from his report, but without success (allegation 1.d). He also disputes a cable company debt for an unreturned cable box (allegation 1.l). He faxed his receipt to the company, but the debt still appears on his credit report. He disputes a cell phone debt at allegation 1.k, because he believes his child's mother owes it. The debt at allegation 1.g relates to a student loan. Applicant does not recognize the creditor, and disputes that it is his debt, but has not investigated it. He did not contact the credit reporting agencies or provide documentation regarding his disputes. (Tr. 51-52, 61)

Applicant does not recognize the credit card debts at allegations 1.e and 1.f., which total \$2,545. He testified he tried to reach the creditor for allegation 1.e in the past, but he has not recently made contact with either creditor about these debts. (Tr. 52-54)

Applicant owes \$312 for funds misappropriated after his check card was stolen, (allegation 1.h). He contacted the bank, and was told he is responsible for the debt, but has taken no action. He was unaware of the \$99 debt to a book club, but when he called the creditor, he was told he owes it because it is in his name. He has taken no steps to resolve it. (Tr. 57-60, 113-114)

Guideline E, Personal Conduct

The SOR alleges that Applicant: deliberately falsified his security clearance applications in 1998 and 2010 about his illegal drug use; falsified his 2010 security clearance application about his use of an illegal drug while holding a security clearance; falsified his 2010 security clearance application by failing to list his alcohol-related arrests in 2003 and 2006; and engaged in conduct that resulted in his being terminated from employment in 1996 and in 2006. Applicant admitted these allegations.

When Applicant tried to join the Marines in 1998, he tested positive for marijuana. In 1999, he had a negative test, and was able to enlist. He testified that when he completed the security clearance application in 1998, his recruiter, who was aware of Applicant's drug history, told him to state he had used it once, and Applicant did so. He realized at the time that the true response was that he used it more than one time. (Tr. 92-97)

Applicant testified that he never knew, while he was on active duty in the Marine Corps, that he held a security clearance. After his discharge, he remained in the inactive Marine reserve, subject to recall. In April 2003, he started working at a federal agency, and learned that he still held a security clearance. From 2003 to March 2004, he used marijuana. (GE 1; Tr. 97-102)

Applicant was terminated from employment twice, based on his conduct. In 1996, he stole items from a "big box" store and was terminated for breach of trust. In 2006, Applicant completed an employment application which asked if he had been charged with criminal conduct within the previous seven years. He answered "No," failing to disclose four of the charges that fall within that period. Applicant testified that he misread the question and thought it asked for the previous ten years. He was terminated from his job for failing to disclose the information. (GE 1; Tr. 102-104)

On his security clearance application in 2010, Applicant did disclose alcohol arrests in 2002 and 2007, and cocaine possession in 2003. But he admitted in his Answer to the SOR that he deliberately failed to disclose his alcohol arrests in 2003 and 2006, his marijuana use in 2003-2004, and his use of an illegal drug while he held a security clearance in 2003-2004. He testified that he was unsure why he did not list the arrests, that he was not paying attention when he failed to list his marijuana use, and he "read the questions wrong." (GE 1; Tr. 104-107)

Policies

Each security clearance decision must be a fair, impartial, and commonsense determination based on examination of all available relevant and material information, and consideration of the pertinent criteria and adjudication policy in the AG.³ Decisions must also reflect consideration of the factors listed in ¶ 2(a) of the Guidelines, commonly referred to as the “whole-person” concept.

The presence or absence of a disqualifying or mitigating condition does not determine a conclusion for or against an applicant. However, specific applicable guidelines are followed whenever a case can be measured against them as they represent policy guidance governing the grant or denial of access to classified information. In this case, the pleadings and the information presented by the parties require consideration of the security concerns and adjudicative factors addressed under Guideline J (Criminal Conduct), Guideline F (Financial Considerations) and Guideline E (Personal Conduct).

A security clearance decision is intended only to resolve whether it is clearly consistent with the national interest⁴ for an applicant to either receive or continue to have access to classified information. The Government bears the initial burden of producing admissible information on which it based the preliminary decision to deny or revoke a security clearance for an applicant. Additionally, the Government must be able to prove controverted facts alleged in the SOR. If the Government meets its burden, it then falls to the applicant to refute, extenuate, or mitigate the Government’s case.

Because no one has a “right” to a security clearance, an applicant bears a heavy burden of persuasion.⁵ A person who has access to classified information enters into a fiduciary relationship with the Government based on trust and confidence. Therefore, the Government has a compelling interest in ensuring each applicant possesses the judgment, reliability and trustworthiness to protect the national interests as his or his own. The “clearly consistent with the national interest” standard compels resolution of any reasonable doubt about an applicant’s suitability for access in favor of the Government.⁶

Analysis

Guideline J, Criminal Conduct

The security concern under Guideline J is that

³ Directive 6.3

⁴ See *Department of the Navy v. Egan*, 484 U.S. 518 (1988).

⁵ See *Egan*, 484 U.S. at 528, 531.

⁶ See *Egan*; Adjudicative Guidelines, ¶ 2(b).

Criminal conduct creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

Applicant was arrested seven times on criminal charges between 1996 and 2007. Disqualifying conditions AG ¶ 31(a) (*a single serious crime or multiple lesser offenses*) and AG ¶ 31 (c) (*allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted*) apply.

Guideline J includes the following relevant mitigating conditions under AG ¶ 32:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment, and

(d) there is evidence of successful rehabilitation, including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.

AG ¶ 32(a) does not provide mitigation. The last criminal conduct occurred in 2007, approximately four years ago, and it is not recent. However, Applicant's falsification of his security clearance application in 2010 brings his criminal conduct closer to the present. In addition, nothing in the record evidence indicates that Applicant's criminal conduct happened under unusual circumstances. Applicant's numerous arrests cast doubt on his judgment and his willingness to abide by rules and regulations. Overall, his conduct casts doubt on his reliability and trustworthiness.

Applicant's credibly testified about his dedication to his daughter, and his stable relationship with his fiancée. These facts are indicators of rehabilitation. However, Applicant provided false information to the Government in his 2010 application. At the hearing, Applicant stated he did not steal merchandise in 2000, but was simply covering for a friend who stole the merchandise. However, the video surveillance and the incident report show that it was Applicant who took the merchandise. His testimony at the hearing on this issue is not credible, and undermines a claim of rehabilitation. AG ¶ 32(d) does not apply.

Guideline F, Financial Considerations

AG ¶ 18 expresses the security concern about financial considerations:

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 over-extended is at risk of having to engage in illegal acts to generate funds.

The relevant disqualifying conditions are AG ¶19 (a) (*inability or unwillingness to satisfy debts*) and AG ¶19 (c) (*a history of not meeting financial obligations*). The SOR alleges more than \$20,000 in debts. They have been accruing for several years, indicating that Applicant has been either unable to unwilling to resolve them. AG ¶¶ 19(a) and (c) apply.

Under AG ¶ 20, the following potentially mitigating factors are relevant:

(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 was on notice that delinquent debts were a security concern when he completed his application almost two years ago. He was reminded that debts were a security concern when he met with an investigator in February 2010. Again, when he completed his response to DOHA interrogatories one year ago, he was reminded that delinquent debts are a concern. However, the debts in the SOR remain unpaid. With more than \$20,000 in bad debt, Applicant's debts are both frequent and recent. His failure to take any steps to resolve them raises questions about his reliability and judgment. AG ¶ 20(a) does not apply.

AG ¶ 20(b) mitigates financial problems that stem from unexpected events beyond an applicant's control. Here, Applicant experienced some periods of unemployment, and short-term contracting jobs. His current salary is modest. However,

to apply this mitigating condition, an applicant must show that he acted reasonably under the circumstances. The record contains no evidence that Applicant worked with creditors to obtain settlements, or with a credit counselor, that he established even modest payment plans, or made any substantial effort to resolve his debts. AG ¶ 20(b) does not apply.

Applicant disputes several debts. However, it is his burden to notify the credit reporting agencies to investigate whether or not the debts are valid. The record contains no evidence that he contacted any credit reporting agencies. His financial situation is not under control. Moreover, his lack of action for almost two years, despite his awareness that his debts are a security issue, does not support a finding of good-faith efforts. AG ¶¶ 20(c), (d), and (e) do not apply.

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern about 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.

The SOR alleges Applicant deliberately failed to inform the Government of relevant information about his conduct when he completed security clearance applications in 1998 and 2010. The allegations implicate the following disqualifying condition under AG ¶ 16:

(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

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information.

In his Answer, Applicant admitted that he deliberately falsified information he provided in his security clearance applications in 1998 and 2010, including his illegal marijuana use from 1994 to 1997, two alcohol-related offenses in 2003 and 2006; his

marijuana use in 2003-2004; and his use of marijuana while holding a security clearance. Applicant also admitted his terminations from employment in 1996 for breach of trust after he stole several items, and his termination in 2006 for failing to disclose his criminal past. AG ¶ 16(a) and (c) apply.

The following mitigating conditions are relevant under AG ¶17:

(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 such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

(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.

The record contains no indication that Applicant reported his falsifications to an appropriate authority, such as his security officer or supervisor, after completing either application. Applicant's actions are not in the distant past, as his most recent falsification occurred in 2010, less than two years ago. A decision to deliberately conceal information from the Government is not minor, and casts doubt on Applicant's judgment and trustworthiness. AG ¶ 17 (a) and (c) do not apply. Applicant has shown indications of rehabilitation: he is obviously dedicated to his daughter, and he has been working steadily for almost two years, and reports that his employers are pleased with his performance. However, the recency of his falsifications to the Government in 2010 prevent full application of AG ¶ 17(d).

Whole-Person Concept

Under the whole-person concept, an administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all the relevant circumstances. I have evaluated the facts presented and have applied the appropriate adjudicative factors under the cited guideline. I have also reviewed the record before me in the context of the whole-person factors listed in 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.

AG ¶ 2(c) requires that the ultimate determination of whether to grant a security clearance must be an overall commonsense judgment based on careful consideration of the guidelines and the whole-person concept. Under the appropriate guidelines, I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case.

Applicant expressed his intent to begin resolving his debts. However, a promise of future action is insufficient without some demonstration that the promise will be fulfilled. He has taken no steps to make payments or initiate payment plans for any of the SOR debts. Currently, his debts are unresolved, and Applicant has no plan in place to resolve them.

Some of Applicant's criminal offenses occurred when he was young, starting at 18 years of age. But it is disturbing that it continued until he was 28 years old. When he falsified his security application in 2010, he was a mature man of 31 years old. His falsification of the application in 2010 makes his criminal conduct recent. In 2010, he failed to disclose his complete police record, his 2003-2004 drug use, and his use while holding a security clearance.

Applicant testified that he did not become aware until late 2003 that he held a security clearance. But even if that were true, he used marijuana until March 2004, after he knew he held a security clearance. Applicant's involvement conduct involving trust issues has extended over a 15-year period, from the 1996 theft from the "big box" store, to the shoplifting in 2000, the theft of license plates in 2006, and the falsifications in 2010. Finally, Applicant testified at the hearing that he did not shoplift in 2000, but the closed-circuit surveillance video shows that he did. Applicant was not forthright about this event, undermining the credibility of his hearing testimony.

Overall, Applicant has not demonstrated the trustworthiness and good judgment requisite in those who are granted access to classified information.

A fair and commonsense assessment of the available information shows Applicant has not satisfied the doubts raised about his suitability for a security clearance. For these reasons, I conclude Applicant has not mitigated the security concerns arising from the cited adjudicative guidelines.

Formal Findings

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

Paragraph 1, Guideline F:

AGAINST APPLICANT

Subparagraphs 1.a. – 1.l	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraphs 2.a – 2.g	Against Applicant
Paragraph 3, Guideline E:	AGAINST APPLICANT
Subparagraphs 3.a– 3.g	Against Applicant

Conclusion

In light of the foregoing, it is not clearly consistent with the national interest to allow Applicant access to classified information. Applicant's request for a security clearance is denied.

RITA C. O'BRIEN
Administrative Judge