



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



In the matter of:)
)
) ISCR Case No. 10-06791
)
Applicant for Security Clearance)

Appearances

For Government: Richard Stevens, Esquire, Department Counsel
For Applicant: Alan V. Edmunds, Esquire

September 16, 2011

Decision

CREAN, Thomas M., Administrative Judge:

Based on a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

Statement of the Case

On May 19, 2010, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) to renew a security clearance required for a position with a defense contractor. After an investigation conducted by the Office of Personnel Management (OPM), the Defense Office of Hearings and Appeals (DOHA) issued interrogatories to Applicant to clarify or augment potentially disqualifying information in his background. After reviewing the results of the background investigation and Applicant's responses to the interrogatories, DOHA could not make the preliminary affirmative findings required to issue a security clearance. DOHA issued a Statement of Reasons (SOR), dated December 30, 2010, to Applicant detailing security concerns for financial considerations under Guideline F, and personal conduct under Guideline E. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program*

(January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the Department of Defense on September 1, 2006. Applicant acknowledged receipt of the SOR on January 4, 2011.

Applicant answered the SOR on January 22, 2011. He denied the four allegations under guideline F, and denied the six allegations under Guideline E. Department Counsel was prepared to proceed on April 6, 2011, and the case was assigned to me on May 19, 2011. DOHA issued a Notice of Hearing on June 9, 2011, scheduling a hearing for June 23, 2011. I convened the hearing as scheduled. The Government offered five exhibits which I marked and admitted into the record without objection as Government Exhibits (Gov. Ex.) 1 through 5. Applicant and two witnesses testified. Applicant offered 12 exhibits which I marked and admitted into the record without objection as Applicant Exhibits (App. Ex.) A through L. The record was held open for Applicant to submit documents. Applicant timely submitted four documents which I marked and admitted into the record as Applicant Exhibits M through P. Department Counsel had no objection to the admission of the documents. (Gov. Ex. 6, Memorandum, dated July 13, 2011; and Gov. Ex. 7, e-mail, dated July 14, 2011). DOHA received the transcript of the hearing (Tr.) on June 30, 2011.

Procedural Issues

Applicant received the Notice of Hearing on June 17, 2011. Applicant and his Counsel discussed the hearing date with Department Counsel prior to the notice of hearing being sent on June 9, 2011. Applicant is entitled to 15 days advance notice of a hearing. (Directive E3.1.8.). Applicant and his counsel were prepared and ready to proceed at the hearing on June 23, 2011. Applicant, through Counsel, waived the 15 days notice requirement. (Tr. 6-7)

Department Counsel moved that SOR allegations 2.e and 2.f be changed from January 10, 2010, to May 19, 2010, to reflect the execution date for the Questionnaire for National Security Positions alleged in the SOR. Applicant's counsel had no objection to the motion. The motion was approved and the date of the Questionnaire for National Security Position alleged in the SOR 2.e and 2.f is amended to read May 19, 2010.

On my own motion, I took administrative notice of the IRS code provisions considered by the Tax Court as listed in their dismissal order. (App. Ex. O, Order of Dismissal for Lack of Jurisdiction, dated October 11, 2001)

Findings of Fact

Applicant denied the allegations under both Guideline F and Guideline E. After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact.

Applicant is 56 years old and has been a quality assurance and mission assurance engineer for a defense contractor for approximately one year. He is a high

school graduate but has numerous technical certificates from technical schooling. He has previously been a quality assurance engineer for defense contractors, and has held a security clearance since 1983. He was married from October 1975 until June 1994 and the three children from that marriage are now grown. He married again in July 2000 and has two step-children.

Applicant was unemployed from March 2009 until April 2010. His present yearly salary with his defense contractor employer is \$98,000. His net monthly income is \$9,600, with monthly expense of \$7,876, leaving a monthly remainder of \$1,724. He listed his personal worth as \$1,049,000, with liabilities primarily for mortgages and loans of \$518,200. He estimates his net worth as \$530,800. Applicant has paid all required child support for his now grown children. (Tr. 14-16, 35-44; Gov. Ex. 1, e-QIP, dated May 19, 2010; App. Ex. B, Budget, 2011; App. Ex. C, Net Worth Worksheet); App. Ex. D, Resume, undated; App. Ex. H, Order, dated April 13, 2005)

Applicant is highly regarded by his employer and supervisors. Applicant's manager testified that she has known him both at work and socially for over four years. Applicant has performed flawlessly as a quality assurance engineer. He is well liked by his co-workers. He is always there to lend them support. When Appellant was unemployed for a year, she kept in contact with him. When a quality assurance engineering position opened at her company, Applicant was the first person she sought to fill the position. (Tr. 20-24; App. Ex. K, Statement, dated June 22, 2011)

A senior quality engineer for Applicant's employer testified that he has been in quality assurance engineering with the employer for over 28 years. He has known Applicant for over four years. When Applicant worked for another company, he learned of a manufacturing problem with the product his company was providing and informed the buyer of the problem. Applicant did the right thing but was fired by his company for letting the customer know there was a problem with their product. He hired Applicant for his present position. Applicant works for him on numerous projects. Applicant has been honest and forthright with him, and always done the right thing. He knows of no reason that Applicant should not have access to classified information (Tr. 24-30; App. Ex. L, Letter, dated June 22, 2011)

Another senior quality assurance engineer wrote that he has worked with Applicant since 1982. He found Applicant to have good work habits, was dedicated, and loyal. Applicant has worked on sensitive projects in the past with no security violations. (App. Ex. J, letter, dated June 30, 2011)

Applicant's has worked on many Department of Defense programs as a quality assurance engineer for various defense contractors. (App. Ex. G, Programs, undated) His last performance evaluation shows that he exceeds expectations. (App. Ex E, Evaluation, dated December 2010) Applicant has also received many certificates of training, and course completion certificates for the technical training courses he has taken. (App. Ex. F, Certificates, various dates)

Credit reports (Gov. Ex. 4, dated June 10, 2010; and Gov. Ex. 5, dated November 10, 2010) show the following delinquent debts for Applicant: a judgment for a \$310 medical debts (SOR 1.a); an Internal Revenue Service (IRS) tax lien of \$30,782 (SOR 1.b); a mortgage of \$229,000 that is past due since March 2009 for \$33,940 and in foreclosure (SOR 1.c); and a telephone debt in collection for \$1,055 (SOR 1.d).

Applicant denied that he was responsible for the medical debt judgment. Applicant's son had some behavioral issues. His son was living at home and not attending school. Applicant and his former wife attempted to get their son some mental health treatment. His wife made an appointment for their son with a psychiatrist. Their son did not keep the appointment and the medical debt was entered by the psychiatrist for the missed appointment. Applicant does not feel the debt is legitimate since no services were rendered. He also claims no responsibility because his son was emancipated since he was over 18 years of age. Applicant contacted the doctor's office about the debt only once shortly after the initial bill was received. He has not communicated the basis of his dispute with either the medical practice or the creditor. Applicant was unaware the debt was reduced to a judgment until a security investigator told him of the judgment in June 2010. Since learning of the judgment, he has taken no action to resolve the judgment. (Tr. 36, 44-47, 56-59)

Applicant denied liability for the tax debt that is the basis of the tax lien in SOR 1.b. The tax lien was for personal tax liability for tax years 1994, 1995, and 1996. Applicant received a Notice and Demand of Deficiency from the IRS after a review of Applicant's tax returns for the tax years in question. He did not recall why the IRS arrived at a deficiency. He petitioned for a due process hearing to discover the basis of the claim. Applicant contends that the tax court stated they had no jurisdiction and therefore he has no liability for the tax debt.

Applicant provided the documents received from the tax court. App. Ex. M, e-mail, dated July 12, 2011) The Tax Court citing the provisions of 26 United States Code (USC) 6320(c) and 6330(d) order an amended petition for Lien or Levy Action be filed by August 20, 2001. The provisions of 26 USC (a), (b), and (c), pertain to the requirements for notice of a lien, the right to a fair hearing for the tax payer, and the matters to be considered at the hearing as well as the requirements for determination by the appeals officer. Subsection (d) pertains to the judicial review of the appeals officer's determination. Appellant filed an amended Petition on August 17, 2001 which the tax court received on August 20, 2001. The tax court dismissed the petition noting a response to their order was not received. (App. Ex. N, Amended Petition, dated August 17, 2001; App. Ex. O, Tax Court Order, dated October 11, 2001).

While the complete tax court file is not available, it appears that Applicant challenged the lien, a hearing was held, and an appeals officer ruled against Applicant. Applicant requested a judicial review by the Tax Court of the appeals officer's determination. Applicant's petition for Tax Court review was not in proper form and the Tax Court ordered the filing of a proper request. It also appears that Applicant filed the amended request. However, the Tax Court dismissed Applicant's request noting that the

requested proper form was not received. Applicant believed the action had been dismissed and did not follow up with either the IRS or the Tax Court. (Tr. 36, 47-52, 59-61)

Applicant denied the mortgage debt at SOR 1.c. He believes on advice of counsel that the mortgage servicing company does not have a legal promissory note or standing to collect on the note in the state in which the property is located. Appellant engaged a law firm to represent him in a foreclosure action on his property. His attorney filed a motion to dismiss the foreclosure in August 2009. The bank responded to the motion in 2011. The matter is still in litigation. (Tr. 36-38; App. Ex. I, Agreement, dated March 7, 2009; App. Ex. A, Attorney's Letter, dated March 24, 2011)

Applicant purchased the house in 2005 for \$285,000. He put down \$50,000 and financed a \$235,000 mortgage. The mortgage was originally with a bank and Applicant made payments on the mortgage to the bank for about two years. The mortgage was sold to the mortgage servicing company, and Applicant made payments to them for about a year and a half. He and his wife stopped making payments on the mortgage because the housing market collapsed and they owed more on the mortgage than the value of the house. They were concerned because the house may not be a wise investment. Applicant's wife contacted the law firm to seek the best possible remedy. They have followed the law firm's advice since then. The action contesting the foreclosure is ongoing. They stopped making payments on the mortgage in March 2009, but continued to live in the property. The house has not been foreclosed. Applicant and his wife lived in the house until they moved to their present location in September 2010. The house is still in Applicant's name and his daughter still lives in the house. (Tr. 52-56; 57-62; App. Ex. P, Attorney's Letter, dated July 13, 2011)

Applicant denied the telephone debt at SOR 1.d. Applicant, his wife, and his daughter were on the same cell phone plan. Applicant's daughter used her phone extensively for texting and incurred a significant bill. Applicant's wife tried to pay the debt but could not afford to make all of the required payments. She attempted to make a payment plan with the phone company. When they could not make the payments, the phone company terminated their service. Applicant still has not paid the remaining debt. He does not feel the debt is legitimate or his responsibility because it was his daughter who incurred the phone debt. He also does not consider the debt legitimate because the company cut their service when they did not continue to make payments. (Tr. 62-65)

In response to a financial question on the May 19, 2010 e-QIP, Applicant answered "no" to questions pertaining to action in the last seven years of repossessions or foreclosures, failure to pay taxes, judgments entered, debts sent for collection, debts more than 180 days past due, and any debts presently more than 90 days past due. The foreclosure, the medical judgment, the mortgage debt, and the telephone collection account were all incurred within seven years of the May 2010 e-QIP. Even though the tax lien was filed in 2000, the action was ongoing and still current in May 2010. Applicant should have answered "yes" to the financial questions.

Applicant believed that there was no tax lien since the Tax Court had dismissed the action. He knew of the potential foreclosure but it was in litigation. He did note on another part of the e-QIP that there was litigation and mediation action concerning his mortgage. He was not aware of the judgment for the medical debt or the telephone collection debt. He was aware of both debts, but not that they were reduced to a judgment or a collection account. (Tr. 69-73)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the revised adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which 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(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion 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 as to potential, rather than actual, risk of compromise of classified information.

Analysis

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 overextended is at risk of having to engage in illegal acts to generate funds. (AG ¶ 18) Similarly, an individual who is financially irresponsible may also be irresponsible, unconcerned, or careless in his or her obligations to protect classified information. Behaving responsibly or irresponsibly in one aspect of life provides an indication of how a person may behave in other aspects of life.

A person's relationship with his creditors is a private matter until evidence is uncovered demonstrating an inability or unwillingness to repay debts under agreed terms. Absent evidence of strong extenuating or mitigating circumstances, an applicant with a history of serious or recurring financial difficulties is in a situation of risk inconsistent with the holding of a security clearance. An applicant is not required to be debt free, but is required to manage his finances in such a way as to meet his financial obligations. Applicant's four delinquent debts established by credit reports raise Financial Considerations Disqualifying Conditions AG ¶ 19(a) (inability or unwillingness to satisfy debts); and AG ¶ 19(c) (a history of not meeting financial obligations). The evidence indicates unwillingness and not inability to satisfy debt. Applicant has sufficient monthly income to meet his financial obligations.

I considered Financial Considerations Mitigating Conditions AG ¶ 20(a) (the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment) and FC MC AG ¶ 20(b) (the conditions that resulted in the financial problems 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). These mitigating conditions do not apply.

Applicant incurred a medical debt and a telephone debt through the actions of his family members. An appointment was made with a doctor by his wife for the treatment of his son. His son failed to keep the appointment. Applicant denied the debt because service was not given. He contacted the doctor once early in the process about the debt. It is reasonable for a doctor to charge for missed appointments. A doctor loses income when patients do not keep appointments. It is unreasonable for Applicant to assume he has no liability for the debt when it was his wife who made the appointment and his son who failed to keep it. Likewise it is unreasonable for Applicant to believe he has no liability for the telephone debt. Applicant is the account holder responsible for the bill. His daughter used the service but Applicant is still responsible. Also, it is not unreasonable for creditors to end service when a bill has not been paid.

These debts did not happen under unusual circumstances or by conditions beyond Applicant's control. The debts could recur. Applicant has not acted responsibly or reasonably under the circumstances. He is responsible for the debts, and he has taken an unreasonable approach to avoid paying the debts.

Applicant's house is in foreclosure because Applicant has not paid his mortgage for over two years. He still owns the house and his daughter still lives in it. She is basically living in the house without any housing expense. The underlying reason Applicant has not paid his mortgage is that his mortgage is more than the value of his house. This devaluation of the value of his house was caused by the economic times in the country which was beyond his control. His situation is not unlike many others. However, he has the means to make the payments. He just does not want to spend more of his resources in what he considers to be a poor investment. While Applicant has challenged the foreclosure process, he is using the poor economic times and the foreclosure process in an improper way to avoid a just mortgage debt. This approach is unreasonable and irresponsible. His situation is further exacerbated because a family member is still living payment free in the house. His mortgage problem under the circumstances is not caused by conditions beyond his control and could recur. He has not acted reasonably and responsibly toward his mortgage debt.

There is a rebuttable presumption that an income tax deficiency assessed by the IRS is valid. The taxpayer has the burden to show the deficiency is erroneous. Applicant has not paid his IRS tax lien and contends that the lien has been dismissed by the Tax Court. He presented Tax Court documents to show that he sought a review of the IRS tax lien but his action was dismissed by the Tax Court. Applicant construed the Tax Court action as an indication that he does not have a tax liability. A careful reading of the documents shows that the Applicant took the initial steps to appeal the tax deficiency but the result was not in his favor. Applicant requested judicial review by the Tax Court but the request did not meet the requirements of the statute. The Tax Court requested a proper amended action. The Tax Court dismissed Applicant's request for judicial review believing that Applicant had not filed the requested amended action. There is evidence that Applicant filed an amended action as requested by the Tax Court. It is also clear that Applicant knew he had a tax deficiency and that a lien was filed. The Tax Court action was ambiguous and it may have acted improperly. However even with this confusion, Applicant chose not to pursue the action further and just considered it dismissed. Again, he acted unreasonably and not responsibly under the circumstances.

I considered FC MC ¶ 20(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). Applicant did not present any information to show he received financial counseling. There is not a clear indication that his financial problems have been resolved. He has not met the requirements of this mitigating condition.

I considered FC MC AG ¶ 20(d) (the individual has initiated a good-faith effort to repay the overdue creditors or otherwise resolve debts). For FC MC AG ¶ 20(d) to

apply, there must be an “ability” to repay the debts, the “desire” to repay, and “evidence” of a good-faith effort to repay. Good faith means acting in a way that shows reasonableness, prudence, honesty, and adherence to duty and obligation. Applicant must establish a "meaningful track record" of debt payment. A "meaningful track record" of debt payment can be established by evidence of actual debt payments or reduction of debt through payment of debts.

Applicant has not paid any of his SOR debts. In fact the evidence shows that he is avoiding paying the debts. He has the ability and the means to repay his debts but he has shown no desire or made a good-faith effort to pay them. He has not acted reasonably or prudently based on an adherence to duty or obligation in regard to his debts. His unreasonable and irresponsible actions on his debts indicates that his past delinquent debts still reflect adversely on his trustworthiness, honesty, and good judgment. He has not mitigated security concerns based on financial considerations.

Guideline E, Personal Conduct

A security concern is raised because conduct involving questionable judgment, untrustworthiness, unreliability, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified information. (AG ¶ 15) Personal conduct is always a security concern because it asks the central question does the person’s past conduct justify confidence the person can be entrusted to properly safeguard sensitive information.

Applicant did not indicate on his security clearance application that in the last seven years his house was being foreclosed, there was a judgment on a medical debt, a telephone collection account, and a tax lien. He also did not indicate he had debts in the last seven years more than 180 days past due, or at present had any debts more than 90 days past due. These facts raise Personal Conduct Disqualifying Condition (PC DC) AG ¶ 16(a) (deliberate 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).

The Government produced sufficient evidence to establish the disqualifying conditions as required in AG ¶ 16(a). The burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the security concerns under financial considerations. An applicant has the burden to refute an established allegation or prove a mitigating condition, and the burden to prove or disprove it never shifts to the Government. Applicant raised conditions that may mitigate the concern

Applicant denied intentional falsification. While there is a security concern for an omission, concealment, or falsification of a material fact in any written document or oral statement to the government when applying for a security clearance, every omission, concealment, or inaccurate statement is not a falsification. A falsification must be

deliberate and material. It is deliberate if it is done knowingly and willfully with intent to deceive. At the time he completed the security clearance application, Applicant did not know the medical debt had been reduced to a judgment or that the telephone debt was sent for collection. He believed the tax lien had been dismissed. His mortgage foreclosure was in litigation and he noted that fact in response to another question on the application. While there is a security concern about Applicant's lack of action in regard to his finances, there is not a security concern about how he portrayed his finances on his security clearance application. He did not deliberately provide false or misleading information regarding his finances. He either did not know the status of some of his debts or did not consider the circumstances of the debts as meeting the requirements of the question. His inaccurate answers were not provided with an intent deceive the Government concerning the status of his finances. Applicant mitigated security concerns for his personal conduct.

Whole-Person Analysis

Under the whole-person concept, the administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all 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 a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Applicant has not presented sufficient information to show he took reasonable and responsible action to resolve his financial issues. He has not paid any of his delinquent SOR debts. In fact, he has taken positive and deliberate steps to avoid paying his just debts. Applicant's management of his finances and debt resolution show an unreasonable, irresponsible, and self-serving disregard for rules and regulations. Applicant is gainfully employed and has sufficient funds to pay his debts. He has chosen not to do so. Instead of resolving his debts, he has sought ways to avoid paying them. He chose to stop paying his mortgage because it was no longer a good deal. He made his own rules and determinations instead of following the applicable normal process.

A decision on access to classified information takes into account a person's reliability, trustworthiness, and ability to protect classified information. A person's self-discipline and integrity is the most effective means of protecting classified information. Evidence from a person's life history of unreliability, untrustworthiness, and failure to follow rules and regulations is an indication that the person will not properly protect classified information. Applicant's management of his finances as shown by his action on these four debts shows that he is unreliable, untrustworthy, and has no intention of following rules and regulations. His unwillingness to resolve his just and legitimate debts indicates he may not show sufficient concern, responsibility, and care protecting classified information. However, Applicant has established that his inaccurate and wrong answers on his security clearance application were not provided deliberately with the intent to deceive. Applicant failed to mitigate security concerns based on his finances but did mitigate the personal conduct security concerns. Overall, the record evidence leaves me with questions and doubts as to Applicant's suitability for a security clearance. I conclude Applicant has not mitigated security concerns arising from financial considerations, but did mitigate personal conduct security concerns. He should not be granted access to classified information.

Formal Findings

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a – 1.o:	Against Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraphs 2.a – 2.f:	For Applicant

Conclusion

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

THOMAS M. CREAN
Administrative Judge