



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



In the matter of:

)	
)	ISCR Case No. 11-00290
)	
Applicant for Security Clearance)	

Appearances

For Government: Chris Morin, Esq., Department Counsel
For Applicant: *Pro se*

03/20/2013

Decision

ANTHONY, Joan Caton, Administrative Judge:

After a thorough review of the pleadings, testimony, and exhibits in this case, I conclude that Applicant failed to mitigate the Government's security concerns under Guideline H, Drug Involvement, Guideline J, Criminal Conduct, and Guideline F, Financial Considerations. His eligibility for a security clearance is denied.

Statement of Case

Applicant completed and signed an Electronic Questionnaire for Investigations Processing (e-QIP) on July 27, 2010. On October 10, 2012, the Department of Defense (DOD) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline H, Drug Involvement, Guideline J, Criminal Conduct, and Guideline F, Financial Considerations. DOD acted under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within DOD for SORs issued after September 1, 2006.

Applicant's answer to the SOR was undated and unnotarized. He elected to have a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). The case was assigned to me on January 4, 2013. A Notice of Hearing, setting Applicant's hearing for January 30, 2013, was issued January 8, 2013. I convened the hearing as scheduled to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant.

The Government called no witnesses and introduced eight exhibits, which were marked Ex. 1 through Ex. 8. Ex. 1 through Ex. 7 were marked and entered in the record without objection. Applicant objected to the admission of Ex. 8. After inviting and hearing colloquy between Applicant and Department Counsel on the issue, I admitted Ex. 8 over Applicant's objection. Applicant testified and introduced three exhibits, which were marked as Ex. A, Ex. B, and Ex. C and entered in the record without objection.

At the conclusion of the hearing, I left the record open until close of business on February 6, 2013, so that Applicant could, if he wished, provide additional information for the record. Applicant timely filed two additional documents, which I marked as Ex. D and Ex. E and entered in the record without objection. DOHA received the transcript (Tr.) of the hearing on February 7, 2013.

Findings of Fact

The SOR contains three allegations of disqualifying conduct under Guideline H, Drug Involvement (SOR ¶¶ 1.a., 1.b., and 1.c.); three allegations of disqualifying conduct under Guideline J, Criminal Conduct (SOR ¶¶ 2.a., 2.b., and 2.c.); and four allegations of disqualifying conduct under Guideline F, Financial Considerations (SOR ¶¶ 4.a., 4.b., 4.c., and 4.d.). In his Answer to the SOR, Applicant admitted one Guideline H allegation, with explanation (SOR ¶ 1.a.), and he denied the other two allegations (SOR ¶¶ 1.b. and 1.c.). He neither admitted nor denied the Guideline J allegation at SOR ¶ 2.a., and I interpret his response as a denial. He denied the SOR allegations at ¶¶ 2.b. and 2.c. Applicant answered the four allegations under Guideline F with the statement: "issue addressed." In a supplementary written response, Applicant stated that he had established a payment plan to address the debts alleged at SOR ¶¶ 3.a., 3.b., and 3.c. He neither admitted nor denied the allegation at SOR ¶ 3.d., and I interpret his response as a denial. Applicant's admissions are entered as findings of fact.

Applicant is 43 years old, never married, and employed as a graphic designer and mechanical engineering assistant by a government contractor. He seeks a security clearance for the first time. (Ex. 1.)

From 1997 until 1999, Applicant attended an art institute, where he earned an associate's degree. After graduating in 1999, Applicant was unemployed for four months. He then obtained employment with a graphic arts firm, and he was steadily employed there until April 2008. Applicant was then unemployed for 10 months. In

February 2009, he accepted a job with his current employer. (Ex. 1; Ex. 2; Tr. 99, 102-103.)

Applicant has a history of involvement with illegal drugs. In December 2009, he was arrested and charged with possession of marijuana,¹ possession of drug paraphernalia, and driving on a suspended out-of-state license. Applicant pleaded guilty to the marijuana possession charge, and he received probation before judgment. The other charges were *nolle prosequi*. Applicant was fined \$150; sentenced to 60 days in jail, with 60 days suspended; and placed on probation for 18 months. Applicant's arrest, fine, and sentence are alleged at SOR ¶ 1.a. (Answer to SOR; Ex. 6; Tr. 61-66.)

In January 2012, Applicant was arrested and charged with possession of drug paraphernalia; driving or attempting to drive without a license; and negligent driving. In September 2012, pursuant to an Alford plea, he was found guilty of possession of drug paraphernalia and driving or attempting to drive without a license.² The negligent driving charge was *nolle prosequi*. Applicant was fined \$495, which included fines and court costs; sentenced to serve two consecutive weekends in jail; and placed on unsupervised probation for 12 months. Applicant's probation will end in November 2013.³ Applicant's arrest, pleas, and sentencing are alleged at SOR ¶ 1.b. (Ex. 7; Tr. 73-83.)

The SOR allegation at ¶ 1.c. alleges that Applicant used marijuana on multiple occasions. In additional information provided with his answer to the SOR, Applicant stated: "I acknowledged using Marijuana 5 years before my first clearance interview. This does not indict me on any other issues. I can and will submit to testing to prove this." (SOR; Answer to SOR.)

Applicant completed his e-QIP on July 27, 2010. Section 23a on the e-QIP asks the following:

In the last 7 years, have you illegally used any controlled substance, for example, cocaine, crack cocaine, THC (marijuana, hashish, etc.), narcotics (opium, morphine, codeine, heroin, etc.), stimulants (amphetamines, speed, crystal methamphetamine, Ecstasy, ketamine,

¹ In his statement of probable cause for arresting Applicant, the arresting officer stated: "I told [Applicant] I detected the odor of burnt marijuana emitting from his vehicle and asked [Applicant] if he had been smoking marijuana. [Applicant] advised me that he had smoked a little bit." At his hearing, Applicant denied telling the officer that he had smoked marijuana. He stated that he told the officer that others in the car had smoked marijuana. (Ex. 6; Tr. 64.)

² Applicant was represented by counsel at his plea hearing in September 2012 and at his sentencing hearing in November 2012. (Ex. 7.)

³ Applicant asserted that his unsupervised probation would end when he paid the \$495 assessed in fines and court costs. In a post-hearing submission, he provided a copy of the bill specifying the fines and court costs, which demanded payment by November 15, 2013. He provided no documentation to corroborate payment. (Ex. D; Tr. 82-83.)

etc.), depressants (barbiturates, methaqualone, tranquilizers, etc.), hallucinogenics (LSD, PCP, etc.), steroids, inhalants (toluene, amyl nitrate, etc.) or prescription drugs (including painkillers)?

Applicant answered “Yes” to Section 23a. (Ex. 1.)

Section 23c on the e-QIP asks the following question: “In the last 7 years, have you been involved in the illegal possession, purchase, manufacture, trafficking, production, transfer, shipping, receiving, handling, or sale of any controlled substance (see question a above) including prescription drugs?” Applicant answered “Yes” to Section 23c. The e-QIP then stated: “If you answered ‘Yes’ to a-d above, provide the date(s) of use or activity, identify the controlled substance(s), and explain the use or activity.” (Ex. 1.)

Applicant then identified illegal use or activity from October 2009 to December 2009. He identified the type of controlled substance involved as marijuana. He was then asked: “Explain (nature of use/activity, frequency of activity and number of times used).” Applicant wrote: “Used 2 times.” (Ex. 1.)

At his hearing, Applicant asserted that his explanation pertained to possession of marijuana only. He further opined that if he had admitted to smoking marijuana “I would not have been hired.” Under further questioning, Applicant stated that his most recent use of marijuana occurred 15 years ago. (Tr. 86-87.)

In his closing argument, Department Counsel conceded that there was insufficient evidence in the record to establish that Applicant used marijuana on multiple occasions, as alleged at ¶ 1.c. of the SOR.⁴ (Tr. 122.)

The SOR alleges that Applicant’s drug involvement, as alleged in ¶¶ 1.a. and 1.b., constitutes criminal conduct under Guideline J. The cross-allegation of criminal conduct is alleged at SOR ¶ 2.a. The SOR also alleges at ¶ 2.b. under the criminal conduct adjudicative guideline that in July 2010 Applicant was arrested and charged with speeding and driving without a valid driver’s license. Applicant denied the allegation. Court records introduced at the hearing established that Applicant pleaded guilty to speeding and driving without a valid license. He paid fines for both charges, was released, and was expected to return for a court date. Applicant did not return for

⁴ When SOR allegations are controverted, the Government bears the burden of producing evidence sufficient to prove controverted allegations. Directive, ¶ E3.1.14. “That burden has two components. First, the Government must establish by substantial evidence that the facts and events alleged in the SOR indeed took place. Second, the Government must establish a nexus between the existence of the established facts and events and a legitimate security concern.” See ISCR Case No. 07-18525 at 4 (App. Bd. Feb. 18, 2009), (concurring and dissenting, in part) (citations omitted). 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. 08-06605 at 3 (App. Bd. Feb. 4, 2010); ISCR Case No. 08-07290 at 2 (App. Bd. Nov. 17, 2009).

his hearing in court, and the court issued a warrant for his arrest as a fugitive from another state. (Ex. 8; Tr. 67-73.)

The SOR alleges at ¶ 2.c. that Applicant knowingly drove on a suspended license or without a valid license on several occasions. Applicant stated in his answer to the SOR that he would resolve the issues raised in SOR ¶¶ 2.b. and 2.c. However, the issues remained unresolved when the record in Applicant's case closed. (Answer to SOR.)

To finance his education from 1997 until 1999, Applicant acquired student loans. His credit bureau report of February 2011 reports that the student loan lender was unable to locate him and assigned a delinquent student loan of \$18,234 and a delinquent student loan of \$22,947 to the federal government. Applicant's credit report of August 2012 reported that he was also responsible for a delinquent student loan of \$16,599, also assigned to the federal government. These three loans are alleged as financial delinquencies at SOR ¶¶ 3.a., 3.b., and 3.c. (Ex. 1; Ex. 2; Ex. 4; Ex. 5; Tr. 90-92.)

In an August 2010 interview with an authorized investigator from the U.S. Office of Personnel Management (OPM), Applicant acknowledged his delinquent student loans. He stated that he had made some payments on the loans in 2000 and several years following, but fell behind when he had employment problems. He told the investigator that he would take action to set up payment plans and resolve the debts. (Ex. 2.)

In his answer to the SOR, Applicant stated that he had addressed his delinquent student loans. He provided documentation showing that his total student loan indebtedness was \$47,874.27. At his hearing, he asserted that he had negotiated a settlement of the loans for a total of \$38,783.57, effective January 28, 2013. He provided documentation that, on January 29, 2013, the creditor acknowledged an initial payment from him of \$36 on his student loan debt. (Ex. A; Ex. B; Tr. 90-96.)

Applicant acknowledged that he had not resolved the delinquent debt alleged at SOR ¶ 3.d. The debt, owed to a credit card company, totals \$891. Applicant stated that he had not contacted the creditor, but intended to satisfy the debt at some time in the future. (Tr. 96-97.)

Applicant testified that his net monthly income is \$2,200. His rent is \$925 a month. For the past year, he has been providing his mother with \$200 to \$300 a month to help with her expenses. He estimated that he has \$100 to \$200 each pay period to use as discretionary income. He has not had financial credit counseling. (Ex. 2; Tr. 97-98.)

Burden of Proof

The Government has the initial burden of proving controverted facts alleged in the SOR. The responsibility then shifts to the applicant to refute, extenuate, or mitigate the Government's case. Because no one has a right to a security clearance, the applicant then bears the burden of persuasion. The "clearly consistent with the national interest" standard compels resolution of any reasonable doubt about an applicant's suitability for access to classified information in favor of protecting national security.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security, and it has emphasized that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information. *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant an applicant's eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

When evaluating an applicant's suitability for a security clearance, an administrative judge must consider the adjudicative guidelines (AG). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, the administrative judge applies these guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

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

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion in obtaining a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline H, Drug Involvement

Use of an illegal drug or misuse of a prescription drug can raise questions about an individual’s reliability and trustworthiness because it may impair judgment and because it raises questions about a person’s ability or willingness to comply with laws, rules, and regulations. AG ¶ 24(a) defines drugs as “mood and behavior altering substances.” The definition of drugs includes “(1) drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and (2) inhalants and other similar substances.” AG ¶ 24(b) defines drug abuse as “the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.”

The record establishes that Applicant possessed marijuana. He was arrested twice and pleaded guilty to marijuana possession. The SOR also alleges that Applicant used marijuana on multiple occasions. Applicant denied using marijuana. Department Counsel conceded there was insufficient evidence to find that Applicant used marijuana on multiple occasions. Applicant’s illegal marijuana possession raises security concerns under AG ¶ 25(c). AG ¶ 25(c) reads: “illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.”

One Guideline H mitigating condition might apply to the facts of Applicant’s case. If Applicant’s drug involvement behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on his current reliability, trustworthiness, or good judgment, then AG ¶ 26(a) might be applicable in mitigation.

Applicant’s illegal drug possession occurred when he was a mature adult in his forties, suggesting a lifestyle choice that went beyond youthful curiosity and

experimentation. Insufficient time has elapsed to demonstrate whether he will abstain from involvement with illegal drugs in the future. I conclude that AG ¶ 26(a) does not apply in mitigation to the facts of Applicant's case.

Guideline J, Criminal Conduct

Under the Criminal Conduct guideline “[c]riminal activity 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.” AG ¶ 30.

Applicant was arrested for marijuana possession and driving on a suspended license or without a license in 2009 and 2012. He pleaded guilty to those charges. He remains on probation for the 2012 charges until November 2013.

In 2010, Applicant was arrested and charged with speeding and driving without a valid driver’s license. Court records established that Applicant pleaded guilty to speeding and driving without a valid license. He paid fines for both charges, was released, and was expected to return for a court date. Applicant did not return for his hearing in court, and the court issued a warrant for his arrest as a fugitive from another state. The record establishes that Applicant knowingly drove on a suspended license or without a valid license on several occasions. Applicant’s speeding and driving citations are traffic offenses; they are not criminal conduct *per se*. However, they are evidence of a disregard for rules and regulations.

Applicant’s criminal conduct raises concerns under AG ¶¶ 31(a), 31(c), and 31(d). AG ¶ 31(a) identifies a potential security concern when an individual has committed “a single serious crime or multiple lesser offenses.” AG ¶ 31(c) provides: “allegation or admission or criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted.” AG ¶ 31(d) states: “individual is currently on parole or probation.”

Two mitigating conditions might apply to Applicant’s case. If “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,” AG ¶ 32(a) might apply. If “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 involvement,” then AG ¶ 32(d) might apply.

Applicant’s traffic violations, as alleged at SOR ¶¶ 2.b. and 2.c., are not criminal behavior. Accordingly, I conclude those allegations for Applicant.

The record demonstrates that Applicant’s criminal behavior, as alleged in the SOR ¶ 2.a., occurred between 2009 and 2012. As a result of his criminal behavior in

2012, he was sentenced to a year of unsupervised probation, which will conclude in November 2013. Applicant is responsible for criminal acts which he committed as a mature adult. He provided no evidence of successful rehabilitation. It is not clear from the record that Applicant's criminal behavior and rule violations are unlikely to recur. I conclude that neither AG ¶ 32(a) nor AG ¶ 32(d) applies in mitigation to the criminal conduct alleged under Guideline J.

Guideline F, Financial Considerations

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds.

The guideline notes several conditions that could raise security concerns. Under AG ¶ 19(a), an "inability or unwillingness to satisfy debts" is potentially disqualifying. Similarly, under AG ¶ 19(c), "a history of not meeting financial obligations" may raise security concerns. Applicant acquired student loans debts in 1997 to 1999. While he stated that he made payments on his student loans in about 2000, he said employment problems interrupted his payments. Nevertheless, the debts grew to nearly \$48,000 and are not paid. Applicant has been steadily employed by his current employer since 2009. In addition to his student loan debt, Applicant acknowledged that he had not yet addressed an \$891 debt to a credit card company. This evidence is sufficient to raise these potentially disqualifying conditions.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. Several Guideline F mitigating conditions could apply to the security concerns raised by Applicant's financial delinquencies. Unresolved financial delinquency might be mitigated if it "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)) Additionally, unresolved financial delinquency might be mitigated if "the conditions that resulted in the financial problem were largely beyond the person's control, (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce, or separation), and the individual acted responsibly under the circumstances." (AG ¶ 20(b)) Still other mitigating circumstances that might be applicable include evidence that "the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control" (AG ¶ 20(c)) or "the individual has initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." (AG ¶ 20(d)) Finally, if "the individual has

a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of options to resolve the issue,” then AG ¶ 20(e) might apply.

Applicant told an authorized investigator in 2010 that he planned to address his student loans debts. However, he did not make arrangements to do so until December 2012, two months after the SOR was issued. At his hearing, he provided documentation showing his first payment of \$36 on his student loan debt was due in January 2013.

Applicant reported that his net monthly income is \$2,200. After paying his expenses, he has approximately \$100 to \$200 each pay period for discretionary spending. He has not received financial counseling.

The evidence establishes that Applicant did not address his student loan debts for many years. In 2010, Applicant acknowledged these financial delinquencies, and, in December 2012, he took initial steps to pay his delinquent student loans. While employment difficulties may have impacted his ability to repay his student loans at some time in the past, he has been steadily employed since 2009. Additionally, Applicant also owes a delinquent debt of \$891 to a credit card company. He has stated that he will pay this debt at some time in the future.

Applicant has yet to establish a track record of timely and consistent payment of his creditors. His failure to pay debts he has owed for many years indicates that he has not acted responsibly. It is not clear at this time that he will follow through and pay his creditors. I conclude that none of the Guideline F mitigating conditions fully applies to the facts of Applicant’s case.

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 an applicant’s conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual’s age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress;
- and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances raised by the record in this case.

I observed Applicant carefully at his hearing, and I reviewed the record thoroughly. The record establishes that Applicant admitted marijuana use twice in 2009 on the e-QIP he signed and certified in July 2010. He also stated in his answer to the SOR that he used marijuana once five years before his security clearance interview, which occurred in August 2010. In testimony at his hearing, he denied marijuana use, opining that if he admitted such use, he would not have been hired. He also stated in testimony that he had last used marijuana 15 years ago. Recognizing these discrepancies and contradictions, I conclude that Applicant was not credible when testifying about his marijuana use. I also conclude that the record contains substantial evidence to support a conclusion that Applicant used marijuana in the last seven years.

Applicant's lack of candor about his drug use and his disregard for traffic rules and regulations raise serious concerns about his judgment, reliability, and trustworthiness. As a mature adult in his forties, Applicant possessed marijuana and failed to follow basic rules for the safe and responsible use of an automobile when he drove without a license. Additionally, Applicant has a history of financial problems. He has not had financial counseling. He has only recently begun to address his 16-year-old student loan debts, and it is not clear that he will follow through with his debt repayments.

Applicant failed to meet his burden of persuasion in mitigating the Government's allegations under the drug involvement, criminal conduct, and financial considerations adjudicative guidelines. I have assessed Applicant's credibility and all the evidence in light of the whole-person concept. Overall, the record evidence in this case leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance.

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 H:	AGAINST APPLICANT
Subparagraphs 1.a. - 1.b.:	Against Applicant
Subparagraph 1.c.:	For Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a.:	Against Applicant
Subparagraphs 2.b. - 2.c.:	For Applicant

Paragraph 3, Guideline F: AGAINST APPLICANT
Subparagraphs 3.a. - 3.d.: Against Applicant

Conclusion

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

Joan Caton Anthony
Administrative Judge