



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



In the matter of:)	
)	
)	ISCR Case No. 11-11232
)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Braden M. Murphy, Esquire, Department Counsel
For Applicant: *Pro se*

06/23/2014

Decision

WHITE, David M., Administrative Judge:

Applicant was suspended several times before termination of his previous Federal employment after his arrest for smuggling in 2005. He denied the arrest and omitted the resulting incarceration on his security clearance application. He admittedly owes about \$40,000 in delinquent debts and fines. The evidence is insufficient to mitigate resulting security concerns. Based upon a review of the pleadings, testimony, and exhibits, eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SF-86) on April 5, 2011. On May 2, 2013, the Department of Defense issued a Statement of Reasons (SOR) to Applicant, detailing security concerns under Guideline E (Personal Conduct), Guideline J (Criminal Conduct), and Guideline F (Financial Considerations). 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 for Determining Eligibility for Access to Classified Information*, effective within the Department of Defense after September 1, 2006.

Applicant answered the SOR in writing on May 22, 2013 (AR), and requested a hearing before an administrative judge. Department Counsel was prepared to proceed on September 27, 2013. The case was assigned to me on October 21, 2013. During initial scheduling discussions, I granted Applicant's request to delay his hearing from my intended date of December 9, 2013, until January 14, 2014, due to family medical issues. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Video Teleconference Hearing for that date on November 27, 2013. On January 3, 2014, I granted Applicant's second request for a continuance because he secured a 30-day engagement to sail onboard a Military Sealift Command ship. On January 9, 2014, DOHA issued an Amended Notice of Video Teleconference Hearing, and I convened the hearing, as rescheduled, on February 12, 2014. I granted Department Counsel's request to amend SOR ¶¶ 1.g and 1.i, in order to correctly reflect the year of Applicant's arrest by Canadian authorities, to which Applicant did not object. The Government offered Exhibits (GE) 1 through 11, which were admitted without objection.¹ Applicant offered Exhibits (AE) A through E, which were also admitted without objection, and testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on February 24, 2014.

Findings of Fact

Applicant is a 57-year-old potential employee of a defense contractor, and a former employee of U.S. Customs and Border Protection (CBP) in the Department of Homeland Security. He is married for the second time, and has no children. His wife is a Canadian citizen who was born in Southeast Asia. He has earned two bachelor's degrees, and taken some post-graduate courses. He has no military service, but has been eligible for a security clearance during his previous Government employment. He is a permanent resident of Canada, where he has lived since late 1997. (GE 1; GE 11 at 2; Tr. 7-10, 55, 107-108.)

In his response to the SOR, Applicant admitted the truth of SOR ¶¶ 1.c through 1.h, 2.a, and 3.a through 3.e. He denied SOR ¶¶ 1.a, 1.b, 1.i, and 2.b, with brief explanations. Applicant's admissions, including his November 8, 2012 affidavit to DOHA (GE 4), are incorporated in the following findings.

Applicant worked as a U.S. Customs and Border Protection Inspector from 1986 to 2005. From September 1997 to June 2005, he was stationed at an international airport and a border crossing in Canada. He was arrested by Canadian police for impaired driving at about 2:30 am on October 30, 1998. He had been driving erratically after leaving a bar, and his breathalyzer test results of .09 exceeded the .08 limit for intoxication under Canadian law. The arresting officer reported that Applicant was uncooperative, had to be restrained, and claimed that he had diplomatic immunity as a U.S. Customs Officer. Canadian authorities declined prosecution, and Applicant received only a 24-hour prohibition from driving. In June 1999, Applicant's agency received an anonymous letter stating that he had used his diplomatic passport to avoid

¹GE 6 was admitted for limited purposes, as discussed at Tr. 32-34, 36-37, 95-97.

being charged for driving while intoxicated. After an investigation, his agency's Disciplinary Review Board proposed a 30-day suspension for charges of Misuse of Position, Failure to Report Arrest, and Consuming Alcohol While in Uniform. On September 30, 2003, after a hearing during which Applicant denied the charges, the deciding agency official sustained only the Misuse of Position and Failure to Report Arrest charges and mitigated the penalty to a five-day suspension. Applicant appealed under union arbitration provisions. Following a hearing on December 1, 2004, the arbitrator found that the agency proved the Failure to Report Arrest charge, but failed to prove Misuse of Position by preponderant evidence. He further found that the imposed discipline was not "timely" and "prompt," thereby violating the union bargaining agreement. He accordingly determined that the five-day suspension was not reasonable, entitling Applicant to back pay, but that a letter of reprimand was appropriate. Despite being invited to do so, Applicant offered no authority in support of his assertion that the arbitration results required that his disciplinary action and the underlying incident be removed from his personnel records, and could not be subsequently considered in connection with his eligibility for a security clearance. (AR; GE 4 at 3; GE 9 at 1-5; AE A; Tr. 39-40, 43-45, 59-64.)

Although Applicant denied the SOR allegation and did not recall it during his hearing testimony, the Government proved that he was suspended for 14 days by a letter dated September 27, 2004, for Unprofessional Conduct. These charges involved two separate incidents in May 2004, during which Applicant was on inspector duty at the border and made inappropriate advances toward a teenage student and comments of a sexual nature to a mother in the presence of her seven-year-old daughter. (AR; GE 9 at 6-12; Tr. 64-67.) Applicant also admitted his five-day suspension from duty in October 2004 for Unprofessional Conduct after insulting and falsely accusing two travelers of lying about their reason for crossing the border during July 2004; and his two-day suspension in February 2005 for Reporting for Duty Under the Influence of Alcohol. (AR; GE 9 at 13-23; Tr. 67.)

On March 11, 2005, Applicant was arrested by Canadian customs agents for entering Canada with a large number of undeclared cigarettes that he claims were intended as gifts for his wife's family in a third country. After an extensive investigation, he was charged with a number of criminal, customs, and excise offenses. Eventually, he was convicted on February 9, 2009, of eight counts alleging offenses under the Canadian Customs Act and the Canadian Excise Act, 2001. The offenses of which he was convicted covered a total of 54 border crossings during which he illegally smuggled 1,349 cartons² of cigarettes, related false or deceptive statements by failing to declare them, and subsequent illegal possession of unstamped tobacco. The time periods involved ran from July 2003 to March 2005. On June 23, 2009, Applicant was sentenced to 12 months incarceration and fined \$16,993 (Canadian). The judge found Applicant's offenses to be aggravated by the "extended period over which they occurred, the ongoing planning and deliberation required, the amounts involved, the

²With 200 cigarettes per carton the total involved 269,800 cigarettes. The total federal and provincial taxes evaded was \$73,941 (Canadian). (GE 7 Group 5 pages 10-11 of 15.)

absence of any expression of responsibility by [Applicant], and [the judge's] conclusion that the offences are aggravated by reason of his position as a U.S. Customs official with a responsibility to uphold the integrity of the Canada/U.S. Customs regime." (GE 7 Group 5 page 14 of 15.) Applicant did not appeal this conviction or sentence. He was released from incarceration on February 22, 2010, after serving eight months and receiving four months of credit for good time. He has not paid any portion of the fine. He testified that he is financially unable and has made no effort to do so. (AR; GE 4; GE 7; AE E; Tr. 67-78.)

After Applicant's March 11, 2005 arrest, Canadian government officials complained to his U.S. Customs and Border Protection supervisors about his conduct. Applicant's employment with that agency was terminated "for conduct unbecoming," effective June 30, 2005. Applicant appealed this removal action to the Merit Systems Protection Board, but his appeal was dismissed on January 19, 2006, as untimely filed. (AR; GE 1 at 15; GE 4; GE 10; Tr. 67.)

Applicant admitted that he falsified material facts in response to several questions on his April 5, 2011 SF-86 by deliberately denying having been arrested during the preceding seven years, and failing to disclose his March 2005 arrest or his 2009 conviction and subsequent eight months of incarceration in Canada. His claims of confusion over whether to report these matters in another country after his employer reported that his finger prints "came back clean" were unpersuasive given his law enforcement experience and extensive education. I conclude that these falsifications and omissions were deliberate and intended to conceal what he knew to be significant adverse information in connection with his security clearance eligibility. (AR; Tr. 79-90.)

Applicant was interviewed by an Office of Personnel Management (OPM) investigator on May 10, 2011. The interviewer prepared only an unsworn summary of the interview, and did not obtain a statement sworn to or adopted by Applicant. Applicant subsequently declined to adopt the statement when requested to do so in a DOHA Interrogatory, and declined to adopt it during the hearing. Accordingly, GE 6 was not admitted as substantive evidence of the truth of the interviewer's summary. Applicant admitted that the interview was contentious, although he could not recall details, and testified that the OPM investigator terminated the interview for the stated reason that Applicant was being uncooperative. (AR; GE 6; GE 7; Tr. 32-35, 39-42, 90-101.)

Applicant admitted that he has made no payments toward, or other arrangements to resolve, the four delinquent credit card debts totaling \$22,186 as alleged in SOR ¶¶ 3.a through 3.d. As noted above, his \$16,993 (Canadian) fine that was imposed in June 2009 also remains unpaid. Except for a couple brief periods working aboard ships, Applicant has been unemployed since June 2005 and has been living off the proceeds of a house he sold in 2005. His wife worked as an early childhood educator until December 2013, but is no longer employed either. They have about \$19,000 in checking and savings, but Applicant testified that he has no intention of trying to pay or otherwise resolve these delinquent debts. (AR; GE 1; AE B; AE C; Tr. 45-46 101-107.)

The second mate on the Military Sealift Command ship in which Applicant recently served for about 30 days wrote a letter describing him as a sober and reliable watchstander who is always safety minded and conscientious of his surroundings. The second mate believes that, in time, Applicant will make a fine deck officer. (AE B.)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions (DCs) and mitigating conditions (MCs), which are to be used 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 AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶¶ 2(a) and 2(c), the entire process is a conscientious scrutiny of applicable guidelines in the context 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 the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, "[t]he applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision." Section 7 of Executive Order 10865 provides: "[a]ny determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned."

A person applying for access to classified information seeks to enter 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 or 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

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern pertaining to 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 following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:

- (a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, and cooperation with medical or psychological evaluation;
- (b) refusal to provide full, frank and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

AG ¶ 16 describes four conditions that could raise a security concern and may be disqualifying with relation to the allegations in this case:

- (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;
- (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;

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information 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. This includes but is not limited to consideration of:

(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information:

(2) disruptive, violent, or other inappropriate behavior in the workplace;

(3) a pattern of dishonesty or rule violations; and,

(4) evidence of significant misuse of Government or other employer's time or resources; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group.

Applicant's multiple incidents of unprofessional conduct while on duty as a CBP inspector, alcohol-related misconduct, failures to report arrests to his CBP supervisors and on his SF-86, and violations of Canadian Customs and Excise Acts while smuggling cigarettes on at least 54 different occasions clearly establish significant security concerns under each of these disqualifying conditions. He also deliberately concealed his eight months of incarceration when completing his SF-86. He jeopardized his community and professional standing as a CBP inspector through his extensive smuggling activities, subjecting him to coercion and duress by those with whom he dealt in the smuggled goods. His pattern of dishonest and untrustworthy behavior also raises substantial concerns under the provisions of AG ¶ 15 cited above. Applicant's conduct supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, and unwillingness to comply with rules and regulations.

AG ¶ 17 provides conditions that could mitigate security concerns. Four have potential applicability to the security concerns raised by the facts in this case:

(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;

(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; and

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Applicant did not attempt to correct his SF-86 falsifications until confronted with the facts, so mitigation under MC 17(a) was not shown. His pattern of disruptive, deceptive, and irresponsible behavior in violation or defiance of expected norms occurred during his most recent employment in a security-sensitive position, and he demonstrated no intervening basis to conclude that it does not reflect his current reliability, trustworthiness, and judgment. Nor did he demonstrate steps to reduce vulnerability to manipulation or duress by his wife's foreign family or others with whom he was involved in smuggling. Thus, mitigation was not established under MC 17(c), 17(d), or 17(e).

Guideline J, Criminal Conduct

AG ¶ 30 expresses the security concern pertaining to criminal conduct:

Criminal 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 ¶ 31 describes conditions that could raise a security concern and may be disqualifying. The Criminal Conduct DCs raised by the facts of this case are:

(a) a single serious crime or multiple lesser offenses; and

(c) allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted.

Applicant was convicted of eight counts of Canadian Customs Act and Excise Act violations involving 54 smuggling incidents between July 2003 and March 2005. Although not technically violations of the Canadian criminal code, these were illegal acts punishable by substantial incarceration and fines, and constituted “multiple lesser offenses.” These occurred while he was employed in a position of trust as a U.S. CBP inspector. He also admitted to false denials and omissions in response to two questions on his SF-86, in violation of 18 U.S.C. § 1001. These offenses support security concerns under the foregoing DCs.

AG ¶ 32 provides conditions that could mitigate security concerns:

(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;

(b) the person was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) evidence that the person did not commit the offense; 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.

Applicant's offenses are numerous, recent, and involve intentional dishonesty on issues related to positions of trust with the Government. Applicant's trustworthiness, judgment, and willingness to comply with laws, rules, and regulations remain in doubt. He produced no evidence of successful rehabilitation, or that reason now exists to believe that recurrence of misconduct is unlikely. He accordingly failed to meet his burden to establish mitigation under any of these MCs.

Guideline F, Financial Considerations

The security concerns under the guideline for financial considerations are set out in AG ¶ 18, which reads in pertinent part:

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 record evidence raises security concerns under two Guideline F DCs, as set forth in AG ¶ 19:

- (a) inability or unwillingness to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant admittedly owes four delinquent credit card debts, totaling over \$22,000, and almost \$17,000 (Canadian) in overdue fines. He testified that he cannot afford to repay these debts, and does not intend to resolve them. These facts raise substantial security concerns under DCs 19(a) and (c), and shift the burden to Applicant to rebut, extenuate, or mitigate those concerns.

The guideline includes five conditions in AG ¶ 20 that could mitigate security concerns arising from Applicant's financial difficulties:

- (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's substantial delinquent debts arose as a consequence of his voluntary choices, and are ongoing. He offered insufficient evidence from which to conclude that such disregard of his financial obligations is unlikely to recur, or does not cast doubt on his current reliability or judgment. He failed to demonstrate substantial mitigation under MC 20(a).

Applicant also offered insufficient evidence to support mitigation under MC 20(b). He neither showed that his serious indebtedness was caused by circumstances beyond his control, nor demonstrated responsible action under the circumstances.

Applicant provided no evidence of financial counseling, and established no clear indication that his delinquent debts are being resolved or that his financial situation is under control for the future. He made no effort to establish a good-faith track record of repayment. Mitigation under MC 20(c) or 20(d) was therefore not shown. He admitted owing all SOR-alleged debts, so no mitigation exists under MC 20(e).

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all 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 pertinent facts and circumstances surrounding this case. Applicant earned multiple suspensions from his prior Federal employment for misconduct on and off duty, and was eventually fired after being arrested by Canadian authorities for smuggling while employed as a U.S. CBP inspector. His substantial delinquent debt resulted from voluntary choices he made, and he demonstrated no effort to resolve any of it. This establishes a long and recurring pattern of misconduct, abuse of trust, avoiding voluntarily incurred commitments, and failure to meet his lawful obligations.

Applicant is an educated and mature individual. His conduct of security concern was voluntary, and he offered no reason that he should not be considered accountable for his decisions and actions. He did not demonstrate a change in personal attitude or financial circumstances that would support a finding of permanent behavioral change, or a finding that recurrence of untrustworthiness and questionable judgment is unlikely. His track record of living beyond his means and willingness to engage in illegal conduct reveals an ongoing susceptibility to coercion or duress. Overall, the record evidence

creates substantial doubt as to Applicant's present 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 ¶ E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline E:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	Against Applicant
Subparagraph 1.e:	Against Applicant
Subparagraph 1.f:	Against Applicant
Subparagraph 1.g:	Against Applicant
Subparagraph 1.h:	Against Applicant
Subparagraph 1.i:	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Subparagraph 2.b:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Subparagraph 3.b:	Against Applicant
Subparagraph 3.c:	Against Applicant
Subparagraph 3.d:	Against Applicant
Subparagraph 3.e:	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.

DAVID M. WHITE
Administrative Judge