



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



In the matter of:)
)
 [Redacted]) ISCR Case No. 11-14899
)
 Applicant for Security Clearance)

Appearances

For Government: Fahryn Hoffman, Esq., Department Counsel
For Applicant: *Pro se*

12/05/2014

Decision

FOREMAN, LeRoy F., Administrative Judge:

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

Statement of the Case

Applicant submitted a security clearance application (SCA) on August 18, 2011. On July 16, 2014, the Department of Defense (DOD) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline F. On October 31, 2014, the DOD sent him an amended SOR, adding allegations under Guideline E. The 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) implemented by DOD on September 1, 2006.

Applicant answered the original SOR on August 11, 2014, and the amended SOR on November 21, 2014. (Hearing Exhibit (HX) II.) (HX I is described below.) He requested a hearing before an administrative judge. Department Counsel was ready to

proceed on October 31, 2014, and the case was assigned to me on November 4, 2014. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on November 3, 2014, scheduling the hearing for November 21, 2014. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 10 were admitted in evidence without objection. Department Counsel's letter transmitting copies of GX 1 through 10 to Applicant is attached to the record as HX I. Applicant testified and submitted Applicant's Exhibits (AX) A through CC, which were admitted without objection. I kept the record open until December 8, 2014, to enable Applicant to submit additional documentary evidence. He timely submitted AX DD through NN, which were received without objection. Department Counsel's comments regarding AX DD through NN are attached to the record as HX III. DOHA received the transcript (Tr.) on December 4, 2014.

Findings of Fact

In his answer to the SOR, Applicant admitted SOR ¶¶ 1.a and 1.d and denied ¶¶ 1.b and 1.c. In his answer to the amended SOR, he admitted SOR ¶¶ 2.b-2.c, 2.f, 2.g, 2.i-2.l, 2.n-2.q, 2.s, and 2.v. He denied SOR ¶¶ 2.a, 2.d, 2.e, 2.h, 2.m, 2.r, 2.t, and 2.u. His admissions in his answers to the SOR, his answers to the amended SOR, and his testimony at the hearing are incorporated in my findings of fact.

Applicant is a 33-year-old machinist employed by a defense contractor. He has held a security clearance since August 2003.

Applicant served on active duty in the U.S. Navy from April 2000 to December 2002. He held a security clearance while in the Navy. He received nonjudicial punishment in April 2000 for failure to go to his appointed place of duty and dereliction of duty. In November 2000, he was punished for unauthorized absence. He was punished again in February 2001 for disobedience. In September 2002, he was punished for failure to go to his appointed place of duty and disobedience. In November 2002, he was accused of computer tampering and hacking. He denied the allegation and there is no evidence that it resulted in disciplinary action. (GX 9.)

Applicant appeared before an administrative separation board in December 2002. The board unanimously found that the allegation of committing a serious offense was not supported by the evidence, but the allegation of a pattern of misconduct was supported by the evidence. Two of the three board members recommended that Applicant's administrative discharge be suspended for six months, but Applicant's commander and the commander who convened the administrative separation board disagreed with the recommendation for suspension. In April 2003, Applicant was administratively discharged from the Navy, receiving a general discharge under honorable conditions for a "pattern of misconduct." (AX A; AX B; AX E.) The November 2002 hacking allegation was not considered by the administrative separation board. (Tr. 56.) Applicant's disciplinary record in the Navy is alleged in SOR ¶¶ 2.a-2.e.

When Applicant submitted his SCA in August 2011, he disclosed that he received a general discharge from the Navy. He answered "No" to the question asking if, during the last seven years, he had been subject to court-martial or other disciplinary proceedings. (GX 1 at 29.) During a personal subject interview (PSI) in October 2011, Applicant told the investigator that he was discharged from the Navy because he was "late for classes two or three days" and his record "showed other issues involving UCMJ [Uniform Code of Military Justice] violations" when he first entered the Navy. He told the investigator he was disciplined for a UCMJ violation in February or March 2000 for falling asleep while on watch, and disciplined in late 2000 for two instances of disobedience. He told the investigator that he did not have any other UCMJ violations. He did not mention the September 2002 disciplinary action. (GX 4 at 10.) In his April 2013 responses to DOHA interrogatories, Applicant certified that the summary of his PSI was true and correct. SOR ¶¶ 2.t and 2.u allege that applicant sought to conceal the circumstances of his discharge from the Navy.

Applicant worked for a city government in a temporary position as a heavy equipment maintenance supervisor from May to September 2003. He worked as a civilian machinist for the Navy from September 2003 to January 2007. He worked in an auto parts store from October 2005 to July 2008. He worked for defense contractors as a machinist from April 2008 to October 2009, was employed as a seasonal employee in a retail department store from October 2009 to January 2010, and was unemployed from February to June 2010. He began his current job in July 2010. (GX 1 at 14-27.)

Applicant married in December 2002 and divorced in December 2005. He and his wife had an 11-year-old son during this marriage. He remarried in 2013 and has a five-year-old son by his current wife. He has another 11-year-old son from another relationship, for whom he is obligated to pay child support. (GX 4 at 11-12; Tr. 69-71.)

The evidence concerning the four delinquent debts alleged in the SOR is as follows:

SOR ¶ 1.a, collection account for cell phone (\$227). Applicant admitted this debt, which is reflected in his June 2014 credit bureau report (CBR). (GX 7 at 1.) In his April 2013 response to DOHA financial interrogatories, he stated that he had an agreement to pay it by April 2014. (GX 6 at 2.) At the hearing, he testified that he had an agreement to settle the debt for \$145, but it has not been settled because he was waiting for a written confirmation of the agreement. (Tr. 46-47, 82-83.)

SOR ¶¶ 1.b and 1.c, collection accounts for child support (\$1,256 and \$6,636). Applicant denied these debts in his answer to the SOR. The evidence pertaining to these two collection accounts is conflicting. Applicant's September 2011 CBR reflected two child support accounts: one (account number ending in 7895) reflects past-due payments of \$1,622 and a balance of \$2,074, and the other (account number ending in 7894) is listed as an inactive account with no balance or past-due payments reflected. The two collection accounts alleged in the SOR are reflected in his February 2013 and June 2014 CBRs, with no account numbers listed. (GX 5 at 2; GX 7 at 2.)

Applicant has been paying child support in varying amounts since April 2012. (GX 6 at 11-13.) The payments have been collected by garnishment for \$208 per pay period since at least March 2013. At the hearing, Applicant submitted a statement from the state child-support office reflecting that his balance due for child support was only \$441. However, the account number for this balance is the same as the account reflected as inactive in the September 2011 CBR. (GX 6 at 13; AX CC; AX FF through AX HH.)

SOR ¶ 1.d, charged-off car loan (\$29,226). Applicant admitted this debt in his answer to the SOR. It is reflected in his September 2011 CBR (GX 2 at 8), but not reflected in his February 2013 and June 2014 CBRs. (GX 5; GX 7.) During a personal subject interview in October 2011, he told the investigator that the creditor offered to settle the account for \$18,000, but he did not have the funds to accept the offer. (GX 4 at 4.) In his April 2013 response to DOHA interrogatories, he stated that he intended to settle the debt with a lump-sum payment by the end of the year. (GX 6 at 3.) The debt is not resolved.

Applicant submitted a personal financial statement in April 2013. It reflected net monthly income of \$2,853, expenses of \$2,250 (including \$600 for child support), and debt payments of \$330, leaving a net monthly remainder of \$273. The debt payments do not include the debts alleged in SOR ¶¶ 1.a and 1.d. (GX 6 at 6.) After the hearing, he submitted a family monthly budget reflecting monthly income of \$4,013 and a net monthly remainder of \$145. The budget includes child-support payments of \$417 per month. (AX II.) Applicant has considered debt consolidation, but he has not sought or received financial counseling.

Between May 2004 and December 2013, Applicant has been arrested or cited for the offenses listed in the table below.

SOR	Date	Offenses	SOR Answer	Disposition	Evidence
2.f	May 2004	Driving under the influence	Admit	Convicted, fined; license restricted	GX 1 at 39; GX 4 at 5
2.g	June 2004	HOV violation; no seatbelt; illegal exhaust; tinted windows	Admit	Convicted; illegal exhaust dismissed	GX 8 at 1; AX H at 8; AX K
2.h	June 2004	Tinted windows	Deny	Dismissed	AX J
2.i	July 2004	Loud music	Admit	Fined	GX 8 at 2
2.j	Sep 2004	Violate restricted license; noise	Admit	Restricted license charge dismissed; fined for noise violation	GX 8 at 2; AX P;
2.k	Sep 2004	Speeding; Improper lane change	Admit	Convicted; fined	GX 8 at 2; AX H at 7; AX N

2.l	Sep 2006	No front tag, registration, or inspection; driving on suspended license	Admit	Convicted of driving on suspended license; lack of registration, lack of front tag, and lack of inspection dismissed	GX 8 at 1; AX H at 5; AX R; AX S; AX T; AX U
2.m	Feb 2007	Speeding; concealed weapon	Deny	Convicted of speeding; weapon charge dismissed (Applicant had concealed-weapon permit)	GX 8 at 2; AX BB; AX DD
2.n	Dec 2007	Operating radar device	Admit	Convicted; fined	GX 8 at 2; AX W
2.o	Sep 2008	Failure to obey traffic signal; driving on suspended license	Admit	Nolle prosequi for both offenses	GX 8 at 2; AX X; AX Y
2.p	Jun 09	Uninspected vehicle	Admit	Guilty in absentia; fined	GX 8 at 2; AX Z
2.q	Mar 2010	Contempt of court	Admit	Dismissed after Applicant rescheduled appearance	GX 3; GX 4 at 6
2.r	May 2010	Contempt of court	Deny	Unknown	None
2.s	Nov 2010	Contempt of court	Admit	Dismissed after Applicant rescheduled appearance	GX 3; GX 4 at 6
2.v	Dec 2013	Failure to obey highway sign	Admit	Fined; unsupervised probation for two years	GX 4 at 6

The contempt of court charges alleged in SOR ¶¶ 2.q, 2.r, and 2.s arose when Applicant missed court hearings pertaining to his child-support obligation. In his PSI, he told the investigator that he missed the March 2010 court hearing because he erroneously thought his attorney would appear for him. He had no specific recollection of a May 2010 court appearance, but he assumed that it pertained to his child-support obligation. (GX 4 at 6.) At the hearing, he testified that he missed the November 2010 court hearing because he was working in another state and did not receive the hearing notice. He turned himself in when he returned from his out-of-state work assignment, and the charge was dismissed. (Tr. 61-63.)

In August 2014, Applicant was charged with failing to come to a complete stop at a stop sign. He was convicted in September 2014. (AX H at 3; Tr. 113-14.) This offense is not alleged in the SOR.¹

¹ Conduct not alleged in the SOR may be considered to assess an applicant's credibility; to decide whether a particular adjudicative guideline is applicable; to evaluate evidence of extenuation, mitigation, or changed circumstances; to consider whether an applicant has demonstrated successful rehabilitation; or as part of a whole-person analysis. ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006). I have considered the evidence of unalleged conduct for these limited purposes.

Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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

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

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

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

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition,

and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

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

Analysis

Guideline F, Financial Considerations

The SOR alleges four delinquent debts (SOR ¶ 1.a-1.d). The concern under this guideline is set out in AG ¶ 18:

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

This concern is broader than the possibility that an individual might knowingly compromise classified information in order to raise money. It encompasses concerns about an individual’s self-control, judgment, and other qualities essential to protecting classified information. An individual who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information. See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

Applicant’s admissions in his answer to the SOR, his CBRs, and his testimony at the hearing establish SOR ¶¶ 1.a-1.d and two disqualifying conditions under this guideline: AG ¶ 19(a) (“inability or unwillingness to satisfy debts”) and AG ¶ 19(c) (“a history of not meeting financial obligations”). The following mitigating conditions are potentially applicable.

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;

AG ¶ 20(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;

AG ¶ 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;

AG ¶ 20(d): the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts; and

AG ¶ 20(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.

AG ¶ 20(a) is not established. Applicant's delinquent debts are numerous, recent, and were not incurred under circumstances making them unlikely to recur.

AG ¶ 20(b) is not established. Applicant encountered two conditions largely beyond his control: his marital breakup in December 2005 and his unemployment from February 2009 to June 2010, when his seasonal employment ended. However, he has not acted reasonably. He has been employed continuously since July 2010, but he has made little effort to resolve the cell-phone debt and the charged-off auto loan. His child-support obligation is being collected by garnishment.

AG ¶ 20(d) is not established. Applicant received a settlement offer for the cell phone debt, but he has not acted on it. He promised to settle the delinquent auto loan in his April 2013 responses to DOHA interrogatories, but it is not settled. He is making child-support payments, but the payments are being collected by garnishment of his pay. Payment by involuntary garnishment, "is not the same as, or similar to, a good-faith initiation of repayment by the debtor." ISCR Case No. 09-5700 (App. Bd. Feb. 24, 2011), citing ISCR Case No. 08-06058 (App. Bd. Sep. 21, 2009).

AG ¶¶ 20(c) and 20(e) are not established. Applicant has not sought or received financial counseling, and he has not disputed any of the debts alleged in the SOR.

Guideline E, Personal Conduct

The SOR alleges multiple military offenses (SOR ¶¶ 2.a-2.d); an administrative discharge from the Navy for a "pattern of misconduct" (SOR ¶ 2.e); an arrest and conviction of DUI (SOR ¶ 2.f); ten traffic-related infractions (SOR ¶¶ 2.f-2.p and 2.v); three contempt of court citations for failure to appear in court (SOR ¶¶ 2.q-2.s); and falsifications during a PSI (SOR ¶ 2.t) and in response to DOHA interrogatories (SOR ¶ 2.u). The concern under this guideline is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful

and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

The disqualifying condition relevant to Applicant's statements during the PSI and in response to DOHA interrogatories is AG ¶ 16(b): "deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative." When a falsification allegation is controverted, as in this case, the Government has the burden of proving it. An omission, standing alone, does not prove falsification. An administrative judge must consider the record evidence as a whole to determine an applicant's state of mind at the time of the omission. See ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004). An applicant's level of education and business experience are relevant to determining whether a failure to disclose relevant information during a security clearance investigation was deliberate. ISCR Case No. 08-05637 (App. Bd. Sep. 9, 2010).

The evidence shows that Applicant disclosed his discharge from the Navy on his SCA. He correctly answered "No" to the question about military disciplinary proceedings, because his various punishments preceded his SCA by more than seven years. During the PSI, he disclosed and described several disciplinary actions that were the basis for his administrative separation, but he did not mention the disciplinary action in September 2002. Based on his extensive disclosure of his Navy disciplinary record during the PSI, I am satisfied that his failure to mention one of several disciplinary actions was not an intentional concealment. Thus, I conclude that AG ¶ 16(b) is not established for his statements during the PSI, alleged in SOR ¶ 2.t.

The second alleged falsification is based on the first falsification. If Applicant did not deliberately conceal the September 2002 disciplinary action in the PSI, then his subsequent certification that the summary of his PSI was true and correct was not deliberately false. Thus, I conclude that AG ¶ 16(b) is not established for Applicant's response to the DOHA interrogatories alleged in SOR ¶ 2.u.

Applicant denied the tinted-window infraction alleged in SOR ¶ 2.h and the concealed-weapon charge alleged in SOR ¶ 2.m, and those charges were dismissed. He denied the contempt of court alleged in SOR ¶ 2.r, and there is no documentary evidence in the record establishing it. Thus, I find for Applicant on these three allegations. The remaining allegations, alleging Applicant's disciplinary actions while in the Navy, DUI conviction, multiple traffic infractions, and two contempt of court citations, are established by Applicant's admissions and the documentary evidence. The following disqualifying conditions are established:

AG ¶ 16(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;

AG ¶ 16(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 . . . a pattern of dishonesty or rule violations; and

AG ¶ 16(e): personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as . . . engaging in activities which, if known, may affect the person's personal, professional, or community standing.

The following mitigating conditions are potentially relevant:

AG ¶ 17(c): the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

AG ¶ 17(e): the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

AG ¶ 17(c) is not established for SOR ¶¶ 2.a-2.p and 2.v. Most of Applicant's infractions were minor, but they are numerous and frequent. The incidents did not occur under unique circumstances making them unlikely to recur. While some infractions are more than ten years old, they are part of a long chain of incidents reflecting Applicant's unwillingness to follow rules. However, the contempt of court citations alleged in SOR ¶¶ 2.q-2.s were minor and infrequent. Applicant gave plausible and credible explanations for his failures to appear in court. When he learned that he had missed a court date, he turned himself in and rescheduled the hearings, after which the contempt citations were dismissed.

AG ¶ 17(e) is established. Applicant has openly disclosed his record during the security clearance process and at the hearing.

Whole-Person Concept

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. In applying the whole-

person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all 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.

I have incorporated my comments under Guidelines F and E in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

Applicant's financial problems, disciplinary record in the Navy, DUI conviction, and multiple traffic infractions constitute a long record of irresponsible conduct and unwillingness to comply with rules and regulations. He is still on probation for the December 2013 traffic infraction. He apparently did not take his probationary status seriously, committing another infraction in August 2014.

After weighing the disqualifying and mitigating conditions under Guideline F and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns based on his finances and personal conduct. Accordingly, I conclude he has not carried his burden of showing that it is clearly consistent with the national interest to continue his eligibility for access to classified information.

Formal Findings

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

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

Subparagraph 1.a-1.d:	Against Applicant
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Paragraph 2, Guideline E (Personal Conduct): **AGAINST APPLICANT**

Subparagraphs 2.a-2.g:	Against Applicant
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Subparagraph 2.h:	For Applicant
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Subparagraphs 2.i-2.l:	Against Applicant
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Subparagraph 2.m (speeding):	Against Applicant
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Subparagraph 2.m (concealed weapon):	For Applicant
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Subparagraphs 2.n-2.p:
Subparagraph 2.q-2.u:
Subparagraph 2.v:

Against Applicant
For Applicant
Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

LeRoy F. Foreman
Administrative Judge