



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



In the matter of:)
)
) ISCR Case No. 12-02745
)
)
Applicant for Security Clearance)

Appearances

For Government: Alison O'Connell, Esq., Department Counsel
For Applicant: *Pro se*

01/28/2013

Decision

MASON, Paul J., Administrative Judge:

Applicant's intentional falsification of her academic credentials on three occasions between August 2001 and February 2005 has not been mitigated because she continues to deny she intentionally provided false information about a degree on her August 2003 Government security form. There is no independent evidence that she ever told her character references about falsifying her academic credentials. The first documented time her dishonest conduct was addressed occurred in July 2012, when she presented the Statement of Reasons to the medical professionals who prepared a psychological evaluation. Eligibility for access to classified information is denied.

Statement of the Case

Applicant completed and signed an Electronic Questionnaire for Investigations Processing (e-QIP), Government's Exhibit (GE 1), on November 19, 2010. She was interviewed by an investigator from the Office of Personnel Management (OPM) on September 5, 2006 and January 20, 2007. The interview summaries appear in GE 2, Applicant's interrogatory answers, dated November 14, 2007. Under question #3 of the exhibit, Applicant checked "yes" that the report of investigation (interview summaries) accurately reflected the information she provided to the DOD investigator on the days she was interviewed. Under question #4 asking Applicant to make corrections if the summaries were not correct, she indicated "not applicable." Under question #5 allowing Applicant an opportunity to add additional information discussed during the interviews, Applicant responded "not needed." (GE 2)

On March 23, 2012, Applicant was asked a second time to respond to the same interview summaries she had responded to on November 14, 2007. (GE 3) Under question #3, she checked "no" that the interview summaries on September 5, 2006, and January 20, 2007, did not accurately reflect the information she provided to the investigator. Under question #4, she noted the investigator's summary "is incomplete and not clearly written." Under question #5, Applicant attached a page of additional information regarding matters discussed during the interviews. Except for the sixth and seventh paragraphs of the attachment, the items Applicant discussed are not relevant to the SOR. In the sixth paragraph, which is relevant to SOR 1.b, Applicant indicated she was assigned by the new Government lead of her section to "request all staff working in his section complete a questionnaire on education and experience so that he could better align the staff with his objectives." (GE 3, attachment) She did not see any problem with the collection of information strictly related to labor categories. If she had to respond to the request in the future, she would refer the Government lead to the human relations office of her employer. Her employer's owner suspended her for a month with "no options to make amends." Other company representatives considered the suspension wrong and recommended that she sue the employer. She did not sue and accepted employment at her next employer (company B). (GE 3, attachment)

On May 11, 2012, the Department of Defense (DOD) issued a Statement of Reasons (SOR) detailing security concerns under personal conduct (Guideline E). The action was taken pursuant to 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) implemented by the Department of Defense on September 1, 2006.

Applicant's answer to the SOR was notarized on May 30, 2012. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on November 7, 2012, for a hearing on November 26, 2012. The hearing was held as scheduled. Ten Government exhibits were admitted in evidence (GE 1 through GE 10). Nine of those exhibits were admitted without objection. Applicant's objection to GE 8 will be discussed in Rulings on Procedure. Applicant's seven exhibits (AE A through AE G) were admitted into evidence without objection. The transcript was received on December 4, 2012. The record closed on December 4, 2012.

Rulings on Procedure

Applicant objected to the admission into evidence of GE 8 (three pages in length) that relates to SOR 1.b. (Tr. 23-24) On the first page of GE 8, the chief operating officer of company A advised Applicant by letter on November 6, 2002, that she was suspended for "an inappropriate dissemination of information," in violation of the company's Agreement Regarding Inventions, Intellectual Property and Confidential Information (Employment Agreement). Though Applicant admits she was suspended as the first page of the three-page exhibit indicates, she contends that she was never given a reason for her suspension. Even though the reason for the suspension is ambiguous, and the specific portion of the employment agreement that was supposedly violated is not identified, I overruled Applicant's objection and admitted the entire exhibit in evidence. I concluded that the basis of her objection addressed the weight to be given the exhibit, not its admissibility. (Tr. 23-27) After further review, I assign no weight to the first page of GE 8.

GE 2 contains two interview summaries dated September 5, 2006, and January 20, 2007. The page numbers are located in the lower right portion of each page. The summary of the September 5, 2006, interview appears on pages I-3, I-4, and I-5. The summary of the January 20, 2007 interview appears at page I-6. (GE 2)

GE 3, notarized by Applicant on March 23, 2012, contains the same summaries, but is missing page I-4 from GE 2. GE 3 is numbered incorrectly with two pages designated I-2. Using the accurately identified pages of GE 2 for clarification, Applicant's one-page attachment to GE 3 (I-7) addresses I-3, I-5, and I-6, but not I-4 of GE 2. The relevant portion of I-4 is the middle paragraph that relates to SOR 1.f. Because Applicant was not presented with a complete interview summary of her September 5, 2006, interview, the weight assigned to GE 3 is reduced, even though Applicant had no objections to the same interview summaries in her notarized answers to interrogatories submitted on November 14, 2007. See GE 2.

Findings of Fact

The SOR alleges that Applicant falsified material facts regarding her academic credentials: on her employment qualifications form in August 2001 (SOR 1.a); in her security clearance application (SF-86) dated August 22, 2003 (SOR 1.d); in emails to her employer in February 2005 (SOR 1.e); in an September 5, 2006 interview by intentionally denying she falsely claimed a degree in her August 2003 security form (SOR 1.f).

In SOR 1.b, Applicant was suspended in November 2002, allegedly for violating her employer's employment agreement. In SOR 1.c, Applicant was charged with violating the company employment agreement by accepting employment with another employer while still working for her then employer. Applicant denied all allegations in her answer to the SOR. At the hearing, she admitted SOR 1.a SOR 1.c, and SOR 1.e.

Applicant is 51 years old. She has been married since December 2003. She has two stepchildren, 35 and 31 years old. She has a 24-year-old daughter from a previous marriage. The daughter has completed college and is now a commissioned officer in the U.S. Army. (Tr. 42) She has been employed as an engineer with a defense contractor since July 2011. (Tr. 55; AE E) She seeks a security clearance.

SOR 1.a. In August 2001, Applicant submitted an employment qualifications form to company A shortly before she was hired in September 2001. The form requested information about academic degrees received, the date received, and the name of the institution for verification. The form advised Applicant that the information provided would be verified. The form instructed Applicant to use the same terms that the awarding institution used to describe the degree awarded. Applicant falsely indicated she received a Bachelor of Science (BS) degree in Mathematics (BS) in May 1986 and identified the verifying institution. Applicant falsely indicated she received a BS in Electrical Engineering (BSEE) in December 1996, and identified the verifying institution. (GE 6) She received neither degree. She admitted falsifying the form because she was fearful of losing her anticipated job and economic support for herself and her daughter. She also wanted to look better as a candidate for the position. At the time she submitted the form, she was under stress and three kinds of medication for a broken neck and back that she had sustained in 1992. (Tr. 42, 56-62) Company A hired Applicant in September 2001 without knowing she did not earn the two degrees claimed. Applicant never told company A she did not have the degrees she claimed. (Tr. 82)

SOR 1.b. As noted under Rulings on Procedure, on November 6, 2002, Applicant was suspended for 30 days from company A. (GE 8 at 1) Applicant admitted the suspension, but indicated she was not told why she was suspended. She was given no opportunity to answer the allegations. She was informed in the suspension letter that after her suspension expired, she would be reassigned anywhere at a new compensation level.

(Tr. 47, 66-68) SOR 1.b is resolved in Applicant's favor because her employer's reason for the suspension is vague and the employer did not identify the specific paragraph of the employment agreement that was supposedly violated.

SOR 1.c. On November 19, 2002, Applicant was advised by letter that she violated company A's employment agreement by accepting employment with another company while still employed with company A. She admitted the violation. (SOR 1.c; GE 7 at 3, ¶ 3a, GE 8 at 2; Tr. 69-71)

SOR 1.d. On August 22, 2003, Applicant executed a security clearance application. (SF-86) Under Section 5, Where You Went to School, Applicant answered "yes," that she had attended school beyond high school. She entered the dates September 5, 1992 to December 7, 1996. She indicated the university she attended and the location. Underneath the words "Degree/Diploma/Other," Applicant entered the letters "BSEE." Next to the words "Award Date," Applicant entered no date information. (GE 9) Applicant did not consider her entry of the letters "BSEE" on the form to mean that she had a degree. Rather, she interpreted "Degree/Diploma/Other" as asking what she studied or her course of study at the university, ascribing a different meaning to "BSEE" than she had applied in August 2001 when she falsely claimed she had a "BSEE" degree. She indicated that when she was completing the August 2003 security application, she was told to provide as much information as possible and not leave blanks on the security form. (Tr. 72-73) She contended that if she had been trying to mislead the Government, she would have provided award date information on the form. (Tr. 73) In two recent security forms and job applications in 2006 and 2010, she has entered no information regarding an award date. (Tr. 46-47, 72; GE 1, GE 4, GE 10) Applicant's explanation for applying a different meaning to the "BSEE" designation on her August 2003 security clearance questionnaire is not credible.

SOR 1.e. In February 2005, Applicant falsely stated during email exchanges with company B that she had a BS degree in mathematics from a university and BSEE from another university. (SOR 1.e; GE 5) Specifically, responding to an email from company B's program manager dated February 25, 2005, requesting academic credentials in advance of a resume she was still preparing for submission,¹ Applicant sent an email on February 28, 2005, with the following information: "BS, Major: Mathematics, Minor: Computer Science and Statistics," and the university she falsely claimed she received the BS. Underneath the BS degree information, she entered in italics "*BSEE University of [name of university]*" (GE 5 at 22) She admitted she falsified the February 28, 2005 email because she was under the stress of potentially losing her job. (Tr. 79-81)

¹ The email requested Applicant provide the degree, the school, the discipline, and the position.

Applicant indicated that GE 5 is incomplete because it does not contain a resume she furnished to company B when the emails were exchanged requesting her academic credentials. She recalled leaving the diploma area of the resume blank. (Tr. 75-78) Based on investigations conducted in September 2004 and March 2005, company B was advised that Applicant did not receive the degrees she claimed. (GE 5 at 24, 26) I have carefully examined the exhibit and have noticed consistent references to a resume that is not part of the exhibit. I find the exhibit pages are not in chronological order. However, the missing resume does not change the plain meaning of Applicant's February 28, 2005 email in which she falsely claimed she had received two degrees that she had not earned. As far as the resume is concerned, a March 2005 email reveals that company B did not receive Applicant's resume until March 10, 2005. (GE 5 at 17)

Applicant indicated that following her back surgery in January 2005, she no longer needed pain medication. She testified that some time in March 2005, she voluntarily told her supervisor at company B that she had lied about the two degrees she claimed she had received. The September 2006 interview summary does not identify a date when she talked to her supervisor about her nonexistent degrees. After disclosing her lies to the supervisor, Applicant stated she felt greatly relieved. (Tr. 42-45; GE 2 at I-4)

SOR 1.f. During an interview with a DOD investigator on September 5, 2006, it is alleged in SOR 1.f. that Applicant deliberately provided false information by stating she did not remember claiming to have a degree on a security clearance questionnaire, when she knew she had deliberately falsified her 2003 security questionnaire about her degree.

The September 2006 interview summary reflects that Applicant stated that she did not remember claiming she had a degree on a previous security questionnaire. She stated that if she had made the claim, she should not have. She stated that if she rushed in filling out the previous questionnaire, "that was the only way she would have indicated having a degree." She stated to the investigator that she was faced with a dilemma and informed her supervisor that even though he thought she had a degree, she did not. (GE 2 at I-4) Based on her responses to the investigator's questions, I am unable to determine whether the investigator had a copy of the August 2003 questionnaire when he interviewed Applicant.

The September 2006 interview summary does not include Applicant's testimonial claim of advising the investigator that she had lied about her degree. Later in her testimony, she indicated she really was not sure whether she told the investigator she had lied about her degree. The interview summary reflects that Applicant only stated she told her supervisor that she did not have a degree. (Tr. 45-46, 83; GE 2 at I-4) Though Applicant provided vacillating responses to whether she recalled claiming a degree on the 2003 questionnaire, the discussion in the paragraph shifts to her responses to her supervisor at company B about not having a degree and why she was unable to obtain academic degrees. (GE 2 at I-4) Having weighed and balanced all the evidence concerning SOR 1.f,

there is insufficient evidence to find that Applicant deliberately provided false information in the interview about not remembering she had falsely claimed a degree in her August 2003 security clearance application.

Character Evidence

AE A is a psychological report of an assessment conducted of Applicant on July 2, 2012. The evaluation shows that she was interviewed for initial impressions, behavioral observations, and social history. She then took 13 psychological tests. The test results were interpreted to determine cognitive, personality, and executive functioning. In the summary section of the report, the two examining medical professionals noted the SOR identifies issues of questionable judgment, dishonesty and unwillingness to comply with rules. Applicant told them that “when [Applicant] originally underwent the security clearance process, she stated that she had completed her college degrees, when in fact she had not.” (AE A at 6) According to the medical professionals, individuals who exhibit a pattern of questionable judgement and dishonesty generally have a history of antisocial behavior or substance abuse. They concluded that Applicant’s “underlying fears of inadequacy and inability to support her daughter contributed to her initial misrepresentation of her education.” (AE A at 6) Because Applicant has no history or characteristics of antisocial or delinquent behavior, the medical professionals opined that she does not share any of the characteristics of people who lack the ability to be honest or to utilize good judgment. Rather, Applicant has lived her life making responsible decisions for herself and her child. Their diagnosis, according to the Diagnostic and Statistical Manual of Mental Disorders (DSM) was that Applicant is normal with work-related stressors. (AE A at 6, 7)

Applicant considers the psychological evaluation shows she is not a habitual liar. In her opinion, her lies occurred because she was under pressure and fearful at the time. Those pressures have been removed. (Tr. 43) The psychological evaluation sheds no insight on Applicant’s ongoing belief she did not lie on the August 2003 security application.

Three coworkers or supervisors provided character statements. Character reference 1, a systems engineer, who supervised Applicant from 2002 until he retired in December 2005, found Applicant to be honest, sensible, and dedicated to the program. Reference 2 has known Applicant since 2001. Based on their work on several programs, reference 2 believes Applicant is honest and will do what is best for the program and the Government. Reference 3, a retired military person, worked with Applicant from 2002 to 2005 and has remained in contact with her after reference 3 was discharged from the service in December 2005. Reference 3 could not comment on Applicant’s educational background, but believed the incident at company A was an unjust accusation. Reference 3 was apparently referring to SOR 1.b or SOR 1.c when Applicant was employed by company A. During a large hurricane in September 2005, when reference 3’s husband was being

treated for a serious medical condition, Applicant ensured that reference 3's daughter was safely evacuated to a location away from the storm. (AE D)

Reference 4, Applicant's current program manager, informally interviewed Applicant by phone on June 23, 2011. Applicant was formally interviewed on June 27, 2011. Applicant provided her federal tax returns due to a question arising about late payment of federal taxes in 2005. Applicant also advised her of filing a Freedom of Information Act request. After Applicant received her temporary clearance, she was hired and began employment in an engineering position in August 2011. In October 2011, she received an award for her performance and commitment to her program objectives, an accomplishment that reference 4 considered unusual after only three months in the program. Although the temporary clearance was suspended in January 2012, the prime contractor and reference 4 retained Applicant in her position, but in an off-site status, permitting her to participate in program activities outside the office. Reference 4 indicated that Applicant has shared every piece of communication with the security office of reference 4's employer. (AE E, AE F)

Applicant believes the character references from the three coworkers and her program manager show that she has been a trustworthy person even though she told the lies. (Tr. 45) There is no indication that any of the four references were aware of Applicant's deliberate falsification of her degrees. Reference 3 commented on the unjust accusation relating to SOR 1.b or SOR 1.c. Reference 4 referred to a delinquent federal tax issue that is not alleged in the SOR.

Applicant testified that her adverse conduct occurred more than seven years ago. In that time, she has held a top secret clearance in a secure compartmented information facility from May 2006 to February 2010. In job and security clearance applications since 2006, she has not indicated she had a degree. She has learned her lesson. (Tr. 50-52, 85-86; AE G, GE 1, GE 4, GE 10)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the AG. Each guideline lists potentially disqualifying conditions and mitigating conditions, which are useful in evaluating an applicant's eligibility for access to classified information.

The disqualifying and mitigating conditions should also be evaluated in the context of nine general factors known as the whole-person concept to bring together all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision for security clearance eligibility. 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 the potential, rather than actual, risk of compromise of classified information.

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 of establishing that it is clearly consistent with the national interest to grant him a security clearance.

Analysis

Personal Conduct

The security concern for personal conduct is set forth 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.

AG ¶ 16 contains two disqualifying conditions that are potentially pertinent:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personnel security statement, or similar form to conduct investigations, determine employment qualifications, award benefits and status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

(b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative; and

(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 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 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.

Intentionally providing false information during the security clearance process raises doubts about a person's trustworthiness, judgment, and the person's ability to safeguard classified information. On three occasions since 2001, Applicant deliberately provided false information about her academic credentials. In August 2001, Applicant was asked to complete an employment qualifications form requesting her to furnish her degrees, the date received, and the awarding institution. She intentionally falsified the form by claiming: (1) a BS degree and a BSEE degree, (2) the dates she received the degrees, and (3) the awarding universities. The only truthful information in response to what was requested was that she attended the two universities. Fearing the loss of future employment and support for herself and her daughter while enhancing her credentials does not extenuate the false information she furnished on the employment qualification form. AG ¶ 16(a) applies.

Applicant's two violations of the employment agreement in November 2002 potentially represent rule violations under AG ¶ 16(d). However, since no paragraph in the employment agreement was identified to cover the violation, I am unable to conclude there was a violation. SOR 1.b is resolved in Applicant's favor.

On November 19, 2002, Applicant was cited under Section 3.a. of the employment agreement for accepting other employment while still employed at company A. AG ¶ 16(d) applies because of Applicant's rule violations. However, the conduct is mitigated by Applicant's credible recognition that her conduct was wrong, coupled with the ten-year passage of time.

In August 2003, Applicant intentionally falsified a security clearance application (SF-86) by indicating that she received a BSEE, even though she entered no award date information. Her claim that the BSEE was her course of study and not a degree that she falsely claimed on her employment form in August 2001, simply defies credulity. Further, Applicant's primary claim is rendered less believable by her secondary contention that when completing the form, she was told to fill in as much information as possible and not leave any blanks. AG ¶ 16(a) applies.

In response to an email request, dated February 25, 2005, from the program manager of company B, to submit her academic credentials, Applicant intentionally falsified her email response on February 28, 2005, by indicating that she had a BS degree from one university and a BSEE degree from another university. AG ¶ 16(b) applies.

On September 5, 2006, Applicant provided an interview containing vague statements about the 2003 questionnaire. However, I conclude the primary focus of the discussion with the investigator was her March 2005 conversation with her supervisor of company B about disclosing that she had lied about her degrees. SOR 1.f is resolved in Applicant's favor.

There are three mitigating conditions under AG ¶ 17 that are potentially pertinent to the circumstances in this case. Those conditions are:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment or falsification before being confronted with the facts;

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

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate stressors, circumstances, or factors that caused untrustworthy, unreliable or other inappropriate behavior, and such behavior is unlikely to recur.

Although Applicant claims in the September 2006 interview that in March 2005, she voluntarily informed her supervisor of company B that she had lied about her degrees, there is no independent verification of her claim. The record strongly suggests that her disclosure was motivated by having to explain a substantial discrepancy between her February 28, 2005 email showing two degrees and her resume (not furnished until March 10, 2005) showing no degrees. Applicant receives no credit under AG ¶ 17(a) for her March 2005 disclosure because her responses on page I-4 of GE 2, together with her equivocal testimony, supply insufficient evidence to conclude that she made a prompt, good-faith effort to correct the falsification before being confronted with the facts. Applicant's only documented disclosure of her dishonest conduct came in July 2012 when she provided the SOR to the medical professionals who ultimately prepared a psychological evaluation of her. AE ¶ 17(a) is partially applicable.

Applicant's intentional falsification of her academic credentials on three occasions between 2001 and early 2005 was serious. Although seven years have passed since her last falsification, her ongoing denial that she falsified her August 2003 security application continues to cast doubt on her judgment and reliability. AE ¶ 17(c) is inapplicable.

Though Applicant acknowledged her intentional falsifications in August 2001 and February 2005, the removal of certain stressors in her life has not altered her position that she did not falsify the security clearance application in August 2003. The failure to fully

recognize the falsehood raises continuing security concerns about whether behavior could recur. AG ¶ 17(d) is inapplicable.

Whole-Person Concept

I have examined the evidence under the disqualifying and mitigating conditions of the personal conduct guideline. I have also weighed the circumstances within the context of nine variables known as the whole-person concept. In evaluating the relevance of an individual's conduct, the administrative judge should consider the following factors:

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 the participation was 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 a commonsense judgment based on careful consideration of the guidelines and the whole-person concept.

Applicant is 51 years old and has been married since December 2003. Her daughter is a commissioned officer in the U.S. Army. Two former coworkers and two supervisors have commented favorably on Applicant's honesty, dedication, and trustworthiness since 2001. In October 2011, Applicant was recognized for her excellent job performance and dedication to her program responsibilities.

On the other hand, Applicant's reputation for honesty and trustworthiness is difficult to reconcile with the pattern of dishonest conduct she engaged in between August 2001 and February 2005. Secondly, none of the character references provided any insight into Applicant's falsifications and whether that information would affect their ultimate opinions of her. Although reference 3 opined that either SOR 1.b or SOR 1.c was an unjust accusation, she did not know about Applicant's educational background. Applicant told reference 4 about past tax problems and a Freedom of Information request, but there is no indication Applicant discussed her intentional falsifications claiming she had two degrees she had not earned. The first documented time Applicant disclosed her dishonesty occurred when she presented the SOR to the medical professionals in July 2012.

A security clearance holder has an obligation to be truthful with the Government at all stages of the security clearance process. Since 2006, Applicant has demonstrated a

growing understanding of the importance of telling the truth by furnishing correct information that indicates she has no academic degrees. Yet, she still denies she provided false information on her August 2003 security form. Having weighed the disqualifying and mitigating conditions in the context of the whole-person concept, given Applicant's pattern of dishonest conduct between 2001 and February 2005, coupled with her continuing denial that she falsified her 2003 security form, Applicant's evidence in mitigation falls short of overcoming the security concerns arising under the guideline for personal conduct.

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 E):	AGAINST APPLICANT
Subparagraph 1.a, 1.d, 1.e:	Against Applicant
Subparagraph 1.b, 1.c, 1.f:	For Applicant

Conclusion

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

Paul J. Mason
Administrative Judge