



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



In the matter of:)
)
) ISCR Case No. 12-02926
)
Applicant for Security Clearance)

Appearances

For Government: Tovah Minster , Esq., Department Counsel
For Applicant: Donnell R. Fullerton, Esq.

01/31/2014

Decision

O'BRIEN, Rita C., Administrative Judge:

Based on a review of the pleadings, exhibits, and testimony, I conclude that Applicant has not mitigated the security concerns raised under the guideline for financial considerations. His request for a security clearance is denied.

Statement of the Case

On May 29, 2013, the Department of Defense (DOD) issued to Applicant a Statement of Reasons (SOR) that detailed security concerns under Guideline F (financial considerations). This action was taken 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; and the Adjudicative Guidelines (AG) implemented by the Department of Defense on September 1, 2006.

In his Answer to the SOR, Applicant admitted 9 of the 12 allegations under Guideline F. The case was assigned to me on September 19, 2013. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on October 30, 2013,

setting the hearing date for November 20, 2013. At the hearing, I admitted four Government exhibits into evidence (GE 1-4). Applicant testified, offered the testimony of one witness, and presented 32 exhibits, admitted into evidence as AE A-FF. DOHA received the transcript of the hearing (Tr.) on November 27, 2013.

Findings of Fact

Applicant's admissions are incorporated as findings of fact. After a thorough review of the pleadings and the evidence, I make the following additional findings of fact.

Applicant is 41 years old, married, and has a four-year-old child. He earned a law degree in 1997 and served as an assistant district attorney. From 2000 to 2003, he was vice president for human resources and legal affairs for a technology company. He was self-employed from 2003 to 2009 as a real estate broker, as well as a legal and human resources consultant. In 2009, he joined his current employer, a facilities management company, where he started as director of human resources. He is currently vice president and general counsel. He is applying for a top secret security clearance. (GE 1; AE A-C, E, M; Tr. 36-37, 74)

Applicant testified that, in the early 2000s, he and his wife had good credit. In 2003, he purchased a house for his parents for \$603,000. Applicant contributes significantly to the support of his parents, who are 79 and 81 years old. In 2004, a credit agency described Applicant's credit score of 723 as good because Applicant had no late payments. However, it also noted that it was slightly below the national average, and his score suffered because, "The amount owed on your credit accounts is too high." (AE D, E; Tr. 34-36, 42, 104-106, 116)

In 2003, Applicant and his wife decided to invest in the real estate market, and began a business involving buying, marketing, and selling real estate. They purchased properties in State A and State B. Applicant stated in his Answer, "I invested heavily in my business and in the Real Estate market. I put everything I earned into Real Estate." They withdrew funds from their 401(k) to invest in the business and used the credit lines available through their credit card accounts to repair and maintain their properties. By 2008, he owned 20 or 21 investment properties, and was making his credit account payments timely. One property, Applicant's first investment, was a three-story mixed-use property (Property A) in an urban area of State A, which comprises four apartments and four retail spaces (allegation 1.k). (GE 2; AE D, E; Tr. 34-36, 45, 114-116)

In 2008, the real estate crisis and economic downturn had a significant negative impact on Applicant's business. He found it difficult to sell properties and to collect rent from tenants who lost their employment. He could not maintain a positive cash flow to meet his mortgage and credit account payments. (GE 2)

Applicant sold any properties that would produce a profit and paid down credit card debt. He testified that he settled debts amounting to \$150,000, which do not appear in the SOR. He did not sell properties that required him to “bring money to the table,” as long as the property was paying for itself. He signed an agreement with a debt-counseling organization in November 2008, and testified that “it started during the beginning [of the financial crisis] and then throughout it continued.” However, the record contains no documentation showing that Applicant developed a debt management plan, made payments, or resolved debts with that company’s assistance. In 2009, he discussed payment arrangements with three creditors on credit card accounts, but testified that these plans were not completed. He also sought paid employment and was hired by his present employer in 2009. He stated in his security interview that his financial situation eased in about mid-2009. (GE 2; AE E, I, J, N, O, P; Tr. 35-37, 53, 113, 123-124)

However, Applicant had substantial delinquencies and his properties were worth less than his outstanding mortgage loans. His June 2011 credit report shows a rating in the lowest possible category (“bad”), with a credit score of 477, based on large outstanding debt and a history of not paying bills timely. It notes he had 24 accounts with a missed payment or derogatory description, and his ratio of credit balances to credit limits was too high. At the time of his December 2011 security interview, Applicant estimated he had 12 investment properties. At the hearing, he testified that he now owns a total of six properties. His wife, an attorney, holds a full-time position and also manages their properties. His November 2013 credit report shows the three credit reporting agencies currently assign him a credit score ranging from 575 to 632. (GE 2; AE E, J, O, M, BB; Tr. 44-45, 99, 112)

Applicant stated in his response to DOHA interrogatories in 2013 that he “. . . had an aggressive plan to pay off my debt in 2012, however it is going to take me some additional time.” Applicant considered bankruptcy, but his attorney advised that he first resolve the Property A case, with the goal of avoiding foreclosure and a possible substantial deficiency judgment. He also hopes to negotiate settlements on Applicant’s credit cards. (Tr. 46-47)

According to Applicant’s 2013 personal financial statement, he and his wife’s total net monthly income is \$18,764. The figure includes \$5,800 in rental income. His expenses total \$10,618. Applicant listed payments on the mortgages at SOR allegations 1.e and 1.f., as well as two mortgage loans not listed in the SOR. His monthly debt list did not include a payment on the loan listed at allegation 1.i. Expenses over the past several years have also included five foreign trips in 2008, 2010, 2011, and once since 2011 for tourism and to visit his wife’s family. Applicant confirmed at the hearing that the listed monthly net remainder (MNR) of \$144 after expenses and debt payments is accurate, though it may be a little more or less each month. It is based on all of his rental properties being occupied and all tenants consistently paying rent. (GE 1, 2; AE AA; Tr. 89, 119-120, 127)

The SOR alleges that Applicant has delinquent debts comprising four mortgage loans with delinquencies totaling \$123,000, and seven credit card accounts with delinquencies totaling \$97,744. They appear in credit reports dated June 2011, November 2011, March 2013, and a partial credit report dated April 2013. (GE 3, 4; AE J, M) The status of Applicant's SOR debts follows.

CREDIT ACCOUNTS (Allegations 1.a, 1.b, 1.c/1.l, 1.d, 1.g, 1.h, 1.j) TOTAL = \$97,744.

In the early 2000s, Applicant had credit accounts related to his business with two creditors: Creditor A (allegations 1.a, 1.b, 1.d, 1.g, and 1.h, totaling \$42,410) and Creditor B (1.c/1.l and 1.j, totaling \$55,334). He used his credit cards to repair and maintain his properties. The accounts were paid timely until 2008, but he stopped making payments when the market crash limited his income. He testified that some payment attempts were made, but not completed. He hopes to resolve his credit debt in the future, if he receives profits from resolution of the mortgage debt at allegation 1.k (Property A). He anticipates that resolution of the mortgage could take up to 18 months. (GE 2; Tr. 112-113, 124-125)

In 2008, Applicant requested that Creditor A combine all of his accounts into one debt. He did not make any further payments. During his December 2011 security interview, he stated he was negotiating with Creditor A to settle the debts, but had not received an offer. He estimated that he talked with the creditor about once per year. The five accounts with Creditor A, which total \$42,410, are unresolved. (GE 2; Tr. 113)

Applicant's two accounts with Creditor B (allegations 1.c and 1.j) currently total \$55,334. When they became delinquent, the creditor and its collection agency contacted him by telephone and mailed notices.

Allegation 1.j: in August 2009, Applicant agreed to an initial payment arrangement of \$373 for four months, on a balance of \$26,799. There is no evidence Applicant met the requirements. By December 2011, the balance was \$36,000, and Creditor B offered him a settlement of \$20,000. At his December 2011 security interview, Applicant stated he was considering the offer, and planned to pay the debt in 2012. The account remains unpaid. (GE 2; AE P)

Allegation 1.c: Applicant contacted Creditor B in fall 2010 to explain why he failed to pay the debt listed at SOR allegation 1.c. He was unable to negotiate a settlement. However, Applicant stated in his security interview that he planned to pay the debt in early 2012 because his wife had returned to work in November 2011. The debt remains unresolved. (GE 2)

Allegation 1.l: Applicant denies the allegation, stating that it is a duplicate of the debt at allegation 1.c. His 2011 and 2013 credit reports show that the debt stems from an account Applicant opened in December 1999. Both credit reports show the last activity on the accounts occurred in December 2008, and both show the accounts were

reported to credit agencies as delinquent in December 2009. The 2011 report shows that the account listed at allegation 1.l was sold to another lender. After comparing the credit account information for both debts, I conclude allegation 1.l is a duplicate of allegation 1.c. I find for Applicant on allegation 1.l.¹ (GE 3, 4; AE M; Tr. 112)

Applicant stated he has not used credit cards since the real estate crash five years ago. Because of the costs of resolving the mortgage debt at allegation 1.k (Property A), he is financially unable to resolve the seven delinquent credit debts. He plans to deal with them one account at a time, after the Property A mortgage debt is resolved. (GE 2; AE E; Tr. 53)

MORTGAGE LOANS: (Allegations 1.e, 1.f, 1.i) \$18,542 past due on three loans with balances totaling \$1,060,477.

Allegation 1.e: \$2,000 past due on a balance of \$463,000. In about 2008, Applicant became delinquent on this mortgage loan on the duplex property he bought for his parents. The tenants in the second apartment in the house became delinquent on their rent, and Applicant evicted them. In his May 2013 interrogatory response, and his Answer, Applicant denied he is past due on this loan. His documentation shows his June 2013 payment, with the loan in current status and a balance of \$459,003. (AE M; Tr. 104-107)

Allegation 1.f: \$7,000 past due on a balance of \$387,000. This loan is the primary mortgage on Applicant's residence. In his May 2013 response to interrogatories, Applicant stated that it was past due because of a September 2012 increase in the monthly payment from \$3,304 to \$3,705. The increase occurred because the property was financed with an adjustable rate loan. In his June 2013 Answer to the SOR, he admitted the SOR allegation that the loan was at least 120 days past due, and submitted documentation of his request to the lender for payment adjustment. However, he decided to withdraw his request for modification and meet the increased payment. He provided proof of a November 2013 mortgage payment of \$3,705. The unpaid balance at that time was \$379,322, indicating the balance has been reduced by \$7,678 since the SOR was issued in May 2013. Applicant testified he is responsible for late fees but that the lender considers the loan current. (GE 2; AE M, FF; Tr. 99-104)

Allegation 1.i: \$9,542 past due on a balance of \$210,477. Applicant's November 2011 credit report submitted by the Government shows that the lender initiated foreclosure proceedings on this property, but the November 2011 credit report Applicant submitted shows it as 90 days past due. When questioned at his security interview about this foreclosure, Applicant stated he was unaware that the property had been considered for foreclosure. Applicant's November 2013 credit report shows a loan of \$140,000, with a different lender, which Applicant states is the successor lender to

¹ When the same information is alleged twice in the SOR under the same guideline, one of the duplicate allegations is resolved in Applicant's favor. See ISCR Case No. 03-04704 (App. Bd. Sep. 21, 2005) at 3 (same debt alleged twice). Accordingly, I find for Applicant on SOR ¶ 1.i.

the one listed at allegation 1.i. The loan status is current as of November 2013. The monthly payment is \$730. Applicant did not include this monthly payment in his PFS.² He testified that the rent covers the monthly mortgage payment. (GE 2, 4; AE J, M, AA, BB; Tr. 110-111, 114)

MORTGAGE LOAN: (Allegation 1.k): \$104,749 past due on a balance of \$725,656.

Applicant purchased an investment property in 2002 for \$450,000 (Property A). In his security interview, Applicant stated he obtained a loan against the building for \$750,000 in 2007. In 2008, half of the tenants stopped making rent payments for almost one year, and Applicant initiated several evictions. Crime and gang activity in the vicinity increased. A man was killed in front of the building. Other shootings occurred nearby in 2009 and 2010. Police presence stemming from the crimes decreased foot traffic for the retail tenants. (GE 2; AE F, K, L, U, V; Tr. 34-35, 45-52, 61-62)

Applicant was unable to maintain his mortgage payments. At his security interview, he stated he stopped making mortgage payments in July 2010, but his credit report shows his last payment was in December 2009. In 2010, the lender hired a company to manage the building, and Applicant no longer received the rental income. The lender initiated foreclosure proceedings in July 2010. (GE 2, 3)

Applicant has been challenging the foreclosure since 2010. He believes the lender breached their agreement, resulting in excessive fees. Although the loan is \$700,000, the lender claims Applicant owes \$975,000. Applicant believes the lender will seek a deficiency judgment of more than \$250,000. The lender moved for summary judgment in 2010, and Applicant retained an attorney to challenge the motion. The attorney failed to defend, and the motion was granted in July 2011.³ The lender then moved for final judgment for foreclosure and sale. (AE W, EE; Tr. 83-84)

Applicant retained his current attorney in January 2012. The attorney moved to vacate the summary judgment order and opposed the lender's motion for final judgment. In August 2012, the lender's motion was denied, and the 2011 order for summary judgment was vacated. The loan was subsequently transferred to another lender, who filed a second motion for summary judgment. At a second hearing, the court denied the lender's motion. (AE W, EE; Tr. 81)

Applicant attempted to resolve Property A loan with the lender. In May 2012, he proposed that the lender re-instate his loan on Property A if he made a down payment of \$20,000 and paid \$500 per month additional over his mortgage payment toward

² Applicant testified that he was uncertain if the loan at allegation 1.i is the same as one that he listed in his PFS (which is not alleged in the SOR). However, his November 2013 credit report shows that the loan at allegation 1.i was opened in 2006 and has a balance of \$140,399, while the one in the PFS was opened in 2004 and has a balance of \$62,683. They also have different lenders and different monthly payments. I conclude they are not the same loan. (AE BB)

³ The attorney was later disbarred for unrelated reasons. (AE W)

arrears. In October 2013, he offered to settle the case through a deed in lieu of foreclosure. Applicant obtained appraisals in 2012 and 2013 that valued Property A at between \$900,000 and \$1,250,000. He hopes to persuade the lender to accept a short sale. He received an offer from a buyer in fall 2013 for \$700,000. As of November 2013, the parties were engaged in discovery. The disposition of the case will determine Applicant's options regarding resolution of the credit debt. (AE E, G, J, W, X, EE; Tr. 85-87, 128)

Applicant provided several character references. His certified public accountant, who resides in State B, commented that he has worked with Applicant for 15 years and also provided financial advice at times. He stated that Applicant suffered financially during the real estate downturn, but it did not prevent him from filing timely federal and state taxes.⁴ The chief executive officer of his company noted that Applicant has exceeded company expectations, displayed insight, and excelled at developing opportunities for the company. The business development manager of another company, who worked with Applicant, described him as trustworthy and “of the highest integrity.” Another business associate who holds a top secret security clearance recommends him without reservation. A friend of 24 years commended Applicant's character, integrity, and high moral standards. (AE Q, R, S, T, Y, Z; Tr. 72-74, 88-89)

Applicant serves on the board of directors of a non-profit social service organization that assists vulnerable families and children. He bought a derelict property in another state and renovated it, which helped revitalize the neighborhood. During a recent earthquake in a country where he has family members, Applicant traveled there to volunteer assistance and transport medical supplies provided by his company. (AE H, CC, DD, Tr. 47-49, 90-96)

Policies

Each security clearance decision must be a fair and commonsense determination based on examination of all available relevant and material information, and consideration of the pertinent criteria and adjudication policy in the AG.⁵ Decisions must also reflect consideration of the factors listed in ¶ 2(a) of the Guidelines, commonly referred to as the “whole-person” concept. The presence or absence of a disqualifying or mitigating condition does not determine a conclusion for or against an applicant. However, specific applicable guidelines are followed whenever a case can be measured against them as they represent policy guidance governing the grant or denial of access to classified information. In this case, the pleadings and the

⁴ As of November 2011, when Applicant completed his security clearance application, he had failed to file his State B income tax returns for tax years 2009 and 2010. At his December 2011 security interview, he stated he had received extensions and filed both tax returns. His wife and accountant were aware of the late filings. Failure to file tax returns is not alleged in the SOR. (GE 1, 2; Tr. 118-119)

⁵ Directive. 6.3.

information presented by the parties require consideration of the security concerns and adjudicative factors addressed under Guideline F (financial considerations).

A security clearance decision is intended only to resolve the question of whether it is clearly consistent with the national interest⁶ for an applicant to either receive or continue to have access to classified information. The Government bears the initial burden of producing admissible information on which it based the preliminary decision to deny or revoke a security clearance for an applicant. Additionally, the Government must be able to prove controverted facts alleged in the SOR. If the Government meets its burden, it then falls to the Applicant to refute, extenuate or mitigate the Government's case. Because no one has a "right" to a security clearance, an applicant bears a heavy burden of persuasion.⁷ A person who has access to classified information enters into a fiduciary relationship with the Government based on trust and confidence. Therefore, the Government has a compelling interest in ensuring each applicant possesses the requisite judgment, reliability, and trustworthiness of one who will protect the national interests as her or his own. The "clearly consistent with the national interest" standard compels resolution of any reasonable doubt about an applicant's suitability for access in favor of the Government.⁸

Analysis

Guideline F (Financial Considerations)

AG ¶18 expresses the security concern pertaining to financial considerations:

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

The debts listed in the SOR comprise delinquent mortgage loans and credit debt stemming from Applicant's real estate investment business. Between 2003 and 2008, he owned as many as 21 properties, when real estate values were rising. The debts became delinquent after the market crash in 2008. The SOR alleges delinquent mortgage payments totaling more than \$123,291, on total loan balances of \$1,786,133. The credit account delinquencies total an additional \$97,744. The following disqualifying conditions under AG ¶19 apply:

⁶ See *Department of the Navy v. Egan*, 484 U.S. 518 (1988).

⁷ See *Egan*, 484 U.S. at 528, 531.

⁸ See *Egan*; AG ¶ 2(b).

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

The Financial Considerations guideline also contains factors that can mitigate security concerns. I have considered the mitigating factors under AG ¶ 20, especially the following:

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

Applicant's debts are both numerous and recent, because his credit account debt of more than \$97,000 is currently delinquent. Financial problems may recur because Applicant retains several investment properties, and because his current financial status is not stable: not only is his MNR low, but it depends on full occupancy of his properties and reliable payment by his tenants. His inconsistent attempts to deal with his credit accounts, which remain unresolved, raise concerns about his judgment. AG 20(a) does not apply.

Several unexpected events affected Applicant's finances. Most significant was the real estate market crash and economic downturn that started in 2008. It affected his tenants' jobs and therefore their ability to pay their rent. In the case of Property A, Applicant could not predict the crime wave in the neighborhood, and the increased police presence which decreased customer traffic and affected his retail tenants' ability to pay. These events had a negative effect on his finances. For AG ¶ 20(b) to fully apply, an applicant must act responsibly in response to unforeseen circumstances. Applicant sold properties and used the profits to pay part of his credit card debt. He obtained paid employment. Partial mitigation is available to Applicant under AG ¶ 20(b).

When Applicant started to have financial difficulties in 2008 stemming from his investments, he signed an agreement with a debt-counseling company. However, other than Applicant's statement that the relationship continued, the record contains no documentation to show he used this company to resolve his debts. He received some financial counseling four years later from the attorney he retained in 2012 to represent him during the court case challenging the Property A foreclosure. Applicant receives credit for his efforts since 2010 to resolve the Property A loan. In addition, three of Applicant's four mortgage loans are now current. However, with almost \$100,000 in delinquent credit accounts, his debts cannot be considered under control. Applicant receives partial mitigation under AG ¶ 20(c).

Applicant brought three mortgage accounts current in 2013. However, he remains more than \$97,000 in debt on the credit accounts. He stated in his 2011 security interview that he was negotiating with Creditor A to settle the five delinquencies, but admitted that he only spoke with the creditor about once per year. The debts have not been resolved. He also stated he planned to pay both of the credit debts owed to Creditor B in 2012. He did not do so. It appears that his contacts with these creditors were sporadic and inconsistent, and payment plans were initiated but not maintained, which does not demonstrate a good-faith effort to resolve these debts. Applicant has been seriously delinquent on his credit accounts for five years. AG ¶ 20(d) does not apply.

Whole-Person Analysis

Under the whole-person concept, an administrative judge must evaluate the applicant's security eligibility by considering the totality of an applicant's conduct and all the 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.

AG ¶ 2(c) requires that the ultimate determination of whether to grant a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. Under the cited guideline, I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case.

In assessing Applicant's request for security clearance eligibility, I considered the positive evidence under the whole-person evaluation. He earned a law degree and worked as an assistant district attorney. He held substantial positions in the private sector. He has displayed strong character by supporting his elderly parents, and by volunteering during a natural disaster. He had solid credit for a number of years while he and his wife operated their real estate business, until the housing market crash initiated his financial problems in 2008. Applicant's financial difficulties were compounded by a period of increased crime and gang activity in the vicinity of Property A. In 2008, he sought credit counseling, and sold properties to pay debts. He has brought three mortgage loans current, and has been attempting to resolve the Property A debt for several years.

However, the evidence against approval of Applicant's clearance is more substantial. Although his financial problems started to decrease in 2009, it appears he did not continue his efforts at debt reduction, made only sporadic and incomplete attempts to establish payment plans, and did not meet his obligations regarding several mortgage loans and numerous credit accounts. By 2011, he had the lowest possible credit score. Though he stated at his security interview that he would RESOLVE several debts in 2012, he did not. His credit debt has continued to increase over the past five years, so that he now owes more than \$97,000. The prospect for resolving it is poor, given his low monthly remainder, which IS LIKELY even lower, because it does not include one of his monthly mortgage payments. Although an applicant is not required to have resolved every SOR debt, he must have a plan in place to deal with his debts, and show significant steps to implement that plan.⁹ Applicant has no concrete plan in place to resolve the credit debts. He will not know if he can resolve them until disposition of the Property A case, which has been in litigation for three years, and could take up to one-and-one-half years more.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance.¹⁰ The evidence at this time fails to satisfy the doubts raised about Applicant's suitability for a security clearance. For all these reasons, I conclude HE has not mitigated the security concerns raised by the cited adjudicative guideline.

Formal Findings

Paragraph 1, Guideline F	AGAINST APPLICANT
Subparagraphs 1.a – 1.d	Against Applicant
Subparagraphs 1.e – 1.f	For Applicant
Subparagraphs 1.g – 1.h	Against Applicant
Subparagraph 1.i	For Applicant

⁹ ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008).

¹⁰ See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990)

Subparagraph 1.j
Subparagraphs 1.k – 1.l

Against Applicant
For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the interests of national security to allow Applicant access to classified information. Applicant's request for a security clearance is denied.

RITA C. O'BRIEN
Administrative Judge