



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



In the matter of:)	
)	
[Redacted])	ISCR Case No. 14-06025
)	
Applicant for Security Clearance)	

Appearances

For Government: Andre M. Gregorian Esq., Department Counsel
For Applicant: Grover H. Baxley, Esq.

07/29/2016

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 December 31, 2013. On February 5, 2015, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines F and E. The DOD CAF 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 the DOD on September 1, 2006. The adjudicative guidelines are codified in 32 C.F.R. § 154, Appendix H (2006), and they replace the guidelines in Enclosure 2 to the Directive.

Applicant answered the SOR on July 16, 2015, and requested a hearing before an administrative judge.¹ Department Counsel was ready to proceed on August 30, 2015. After Applicant retained counsel, the case was reassigned to another Department Counsel and assigned to me on November 23, 2015. Applicant and his counsel were not available for a hearing in January, February or March 2016. On March 24, 2016, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for April 21, 2016. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 3 were admitted in evidence without objection. Applicant testified, presented the testimony of one witness, and submitted Applicant's Exhibit (AX) A, which was admitted without objection. I kept the record open until May 6, 2016, to enable him to submit additional documentary evidence. He did not submit any additional evidence. DOHA received the transcript (Tr.) on May 3, 2016, and the record closed on May 6, 2016.

Findings of Fact²

In his answer to the SOR, Applicant admitted SOR ¶¶ 1.a-1.f in part and denied them in part. He admitted that the delinquent debts were on his credit bureau reports (CBRs), asserted that his ex-wife was responsible for paying them at least in part, and stated that all the debts were resolved. He admitted SOR ¶ 2.a, alleging falsification of his SCA by intentionally failing to disclose his delinquent debts. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 56-year-old military analyst employed by a defense contractor. He served on active duty in the U.S. Army from October 1978 to October 1999, retiring as a sergeant first class (pay grade E-7). He had a distinguished military career which is set out in detail in his answer to the SOR. He received the Meritorious Service Medal, Joint Service Commendation Medal, Army Commendation Medal (3 awards), Army Achievement Medal, Good Conduct Medal (6 awards), and numerous service medals, ribbons, and qualification badges. (Answer to SOR at 2-4 and Attachments 1-28.)

Applicant has worked for defense contractors since his retirement from the Army in 1999. He has held a security clearance since 1983.

One of Applicant's co-workers, a retired Air Force master sergeant with a top secret clearance and access to sensitive compartmented information, has known Applicant since January 2015. They have daily contact and frequently travel together on official business. He is familiar with the allegations in the SOR, including the allegation that Applicant falsified his SCA. He regards Applicant as extremely trustworthy, strict about adherence to security procedures, and proactive in protecting classified information. He has no doubts about Applicant's trustworthiness, reliability, and good judgment. (Tr. 25-33.)

¹ Applicant's answer to the SOR included 51 attachments, which are included in the record.

² Applicant's personal information is extracted from his security clearance application (GX 1) unless otherwise indicated by a parenthetical citation to the record.

A former co-worker who had daily contact with Applicant for four years submitted a letter on his behalf. He stated that Applicant's integrity is beyond reproach. He described Applicant as honest, candid, trustworthy, and "the most reliable individual I have worked with in my entire life." (SOR Answer at Attachment 49.) Another former co-worker, who has known Applicant since 2009 and worked closely with him for about a year, described him as a caring and forgiving person, who will admit a mistake and not repeat it. (SOR Answer at Attachment 50.) A current co-worker, who has known Applicant for about two years and has daily contact with him, described him as honest, professional, knowledgeable, courteous, respectful, and very dependable. (SOR Answer at Attachment 51.)

Applicant married in September 1984. His wife left him in 2008, and they divorced in April 2013. His daughter, now age 23, was born during the marriage.

In 1999, shortly after Applicant submitted his request for retirement from the Army, he accepted an offer to work for a defense contractor. His initial annual salary was \$40,000, which was tax-exempt because it was earned overseas. His net retired pay was about \$17,000. In 2001, his salary was increased to \$60,000. His wife worked part time and earned about \$12,000 per year, resulting in a combined household income of about \$89,000 per year. (Answer to SOR at 3-4.)

In 2004, Applicant was offered another job as a lead analyst at another location. He accepted the job at an initial annual salary of \$85,000, which had increased to \$95,000 by January 2008. His wife was employed and earning about \$14,000. Their combined household income, including his retired pay, was about \$126,000 per year. His job was eliminated in January 2008, and he was unemployed for two months, but he was able to meet his financial obligations because he and his wife had about \$52,000 in savings.

At some time before January 2008, Applicant and his wife began having marital problems. Around January 2008, while Applicant was unemployed, he and his wife visited a marriage counselor. About a week after they began the counseling, his wife "lost emotional control," and Applicant told her that he no longer wanted to be married. In April 2008, he came home from work and found that she had left him, damaged some of his property, and taken her clothing and all their financial and legal records with her. (Answer to SOR at 4.) Applicant did not know where she was living until their daughter tracked her down about a month later. (Tr. 38-39.)

At this point, Applicant had not done anything to restrict his wife's access to their joint checking and savings accounts and or cancelled his credit cards. Throughout their marriage, Applicant had deposited his pay into a joint account and entrusted his wife with paying any bills that were not being paid by automatic debit from the account. She monitored the accounts and paid the bills online, with no bills or receipts being mailed to them in hard copy. (Tr. 97.)

In March 2008, Applicant found a temporary job, but the annual salary was about \$11,000 less than he had been earning. He found a permanent job in October 2009, but the annual salary was only \$75,000. After a year, his salary increased to \$85,000; and in 2012, it increased again to \$96,000. In April 2013, his employer lost the contract to a lower bidder, and Applicant was laid off. When he checked the status of his savings, he found that there was less than \$1,000 in the account. He was unemployed from May to July 2013, with virtually no savings. (Answer to SOR at 5.) He opened a new bank account with another bank and cancelled his credit cards. (Tr. 111-12.)

Applicant's wife filed a divorce petition at a date not reflected in the record. The divorce was granted in July 2013.³ Applicant did not hire an attorney or attend the hearing. The decree gave Applicant's wife half of his disposable retired pay (about \$800 per month) and one of the jointly-owned automobiles. Neither party was awarded alimony or spousal support. The decree recited that there were no joint debts, but that any joint debts discovered after the date of decree would be the responsibility of the party who incurred them. The divorce decree also provided that each party would return every credit card that would create indebtedness on the part of the other party. (Attachment 32 to SOR Answer.)

In August 2013, Applicant was hired by the company who was awarded the contract in April 2013, but at a reduced salary of \$45,000. In December 2013, he accepted an offer from his current employer, at an annual salary of \$90,000. (SOR Answer at 5-6.) He submitted his SCA during the same month, seeking to renew his clearance.

In March 2014, Applicant was interviewed by a security investigator and confronted with the evidence of his delinquent debts. (Tr. 120.) In March 2015, Applicant made an early withdrawal from his 401(k) account, deposited it in a new bank account, and paid all the delinquent debts alleged in the SOR. (Tr. 55; SOR Answer at Attachments 34 and 35.)

The delinquent debts alleged in the SOR are reflected in his January 2014 and August 2015 credit bureau reports (CBRs). The evidence concerning those debts is summarized below.

SOR ¶ 1.a, student loan referred for collection of \$16,706 in December 2013. Applicant incurred this debt to partially finance his daughter's college education. He made regular payments by automatic debits from his bank account beginning in 2004. His August 2015 CBR reflects that the debt first became delinquent in October 2012. (GX 2 at 3; GX 3 at 3.) He paid this debt in full in April 2015. (SOR Answer at Attachments 36-38.)

SOR ¶ 1.b, moving company debt referred for collection of \$1,587 in December 2008. Applicant testified that he paid a moving company \$1,500 in cash

³ The record reflects that Applicant's wife reviewed, approved, and signed the proposed divorce decree in June 2013. The signature block for Applicant contains what appear to be the judge's initials.

when he moved to another location in March 2008. He received a bill for the remainder of the moving expense and paid it by check. He testified that he was unaware of the debt until he was interviewed by the security investigator in March 2014. After he received the SOR, he settled the debt for \$476 in March 2015. (Tr. 57-58; SOR Answer at Enclosures 39, 40.)

SOR ¶ 1.c, credit-card account charged off for \$9,065 in November 2008. This account was an individual account in Applicant's name, but his ex-wife was the primary user of this credit card.⁴ Applicant cancelled the credit card and stopped making payments on this account in 2013, after he discovered that his wife had withdrawn most of his savings. Applicant testified that he was unaware of the debt until the security investigator told him about it. (Tr. 59-60.) However, he admitted that he had made no payments on the debt for five or six months when he submitted his SCA. (Tr. 98.) He settled this debt for \$4,532 in March 2015. (SOR Answer at Enclosures 41-43.)

SOR ¶ 1.d, clothing-store account charged off for \$1,964 in April 2009. This was another individual account in Applicant's name, for which Applicant's ex-wife was the primary user. He testified that he had been making payments on this account by automatic debit and was unaware that it was delinquent until the security investigator told him about it. (Tr. 61-62.) In his answer to the SOR, Applicant stated that he contacted the creditor in March 2015, was informed that the account had been settled in full, and that a receipt would be sent to him. (SOR Answer at Attachment 44.) Applicant did not produce a receipt, but the debt is not reflected in his April 2016 CBR. (AX A.)

SOR ¶ 1.e, delinquent dental bill placed for collection of \$3,327 in June 2008. Applicant testified that this debt was for dental services in 2012 or 2013. However his testimony was inconsistent with the January 2014 CBR reflecting a date of last activity in June 2008. (GX 2 at 10.) He disputed the debt with the dentist, because he believed the dentures she provided were defective. (Tr. 63.) He testified that he was still negotiating with the dentist when he submitted his SCA, hoping that she would agree to accept a lesser amount. He knew that the debt was unpaid, but he did not know that she had placed the debt for collection. (Tr. 65) He paid the debt in full in April 2015. (SOR Answer at Attachments 37, 45-47.)

SOR ¶ 1.f, compact disc (CD) purchase placed for collection for \$31 in October 2007. Applicant testified that he ordered a CD and then returned it when it was not what he ordered. He believed that he was entitled to return it within 30 days of purchase. He was unaware that the debt had been placed for collection. (Tr. 65-66.) He paid the debt in March 2015. (SOR Answer at Attachment 48.)

When Applicant submitted his SCA in December 2013, he answered "No" to all the financial questions, including the questions whether, during the past seven years, he had any bills or debts turned over to a collection agency, had been more than 120 days delinquent on any debt, or was currently more than 120 days delinquent on any debt.

⁴ Applicant referred to the balance on this account and the account alleged in SOR ¶ 1.d as joint debts, but his January 2014 CBR reflects that they were individual accounts in Applicant's name. (GX 2 at 3.)

(GX 1 at 30.) He testified that he was aware of the delinquent student loan when he submitted his SCA, because he had not made any payments for five or six months, and he had notified the lender that he had lost his job and needed a period of forbearance until he could find employment and resume his payments. (Tr. 51-52, 55.) He testified, “I stopped at the question and I said, okay, I have to put something here. And my thinking was, okay, you know I have to write down my student loan.” He was not sure whether he needed to attach anything to his SCA, and so he set it aside. After about five or seven days, he received a notification that he needed to submit his SCA by the next day. (Tr. 104.) He answered “No” to the financial questions and submitted the SCA.

At the hearing, Applicant also admitted that he knew the debt in SOR ¶ 1.c was delinquent, because he had not made any payments on it for five or six months. He testified that he thought he could resolve the dilemma posed by the financial questions in the SCA by quickly paying off the delinquent debts. At one point in his testimony, he testified that he thought that he could correct an incorrect negative answer later. (Tr. 74.) However, he later testified that he did not know it was possible to correct incorrect information in the SCA. (Tr. 76-77.) He admitted all the debts in a follow-up interview with a security investigator in March 2014. He testified that he did not fully understand the implications of his false answer until the hearing. (Tr. 71-76.)

Applicant’s current CBR reflects no collection accounts. (AX A.) He admitted at the hearing that he had been lax in not monitoring the household finances. He no longer uses credit cards. All his financial obligations are current.

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 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 testimony at the hearing, and his CBRs establish 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 under this guideline 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 fully established. Applicant's delinquent debts were numerous and recent. Although his ex-wife's depletion of his savings account is unlikely to recur, the major contributing causes of his delinquent debts were periods of unemployment and reductions in pay, which may well recur.

AG ¶ 20(b) is established for the debt alleged in SOR ¶ 1.a, but not for the debts in SOR ¶¶ 1.b-1.f. Applicant's marital breakup and his ex-wife's withdrawal of most of his savings were circumstances beyond his control. He acted responsibly regarding the student loans in SOR ¶ 1.a. He was negotiating with the lender before he submitted his SCA, and he eventually resolved the debt. However, this mitigating condition is not established for the remaining debts alleged in the SOR. He was negligent by failing to

monitor the accounts in SOR ¶¶ 1.b-1.d. He learned about the debts in SOR ¶¶ 1.b-1.d in March 2014. Although he had been hired for his current job in December 2013, he took no action to resolve them until March 2015, after he had received the SOR. The debts in SOR ¶¶ 1.e and 1.f were not incurred due to circumstances beyond his control.

AG ¶ 20(c) is established. Applicant has not sought or received financial counseling, but he has resolved all the delinquent debts in the SOR, providing “clear indications” that his financial problems are under control.

AG ¶ 20(d) is established for the debts alleged in SOR ¶ 1.a, 1.b and 1.e, but not for the debts alleged in SOR ¶¶ 1.c, 1.d, and 1.f. This mitigating condition is premised on good faith. Good faith means acting in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation. ISCR Case No. 99-0201, 1999 WL 1442346 at *4 (App. Bd. Oct. 12, 1999). Evidence of past irresponsibility is not mitigated by payment of debts only under pressure of qualifying for a security clearance. Furthermore, payment of a debt does not end the inquiry, because a security clearance adjudication is an evaluation of an individual’s judgment, reliability, and trustworthiness. It is not a debt-collection procedure. ISCR Case No. 09-02160 (App. Bd. Jun. 21, 2010.)

Applicant contacted the creditor in SOR ¶ 1.a before he submitted his SCA, seeking to obtain a period of forbearance while he was unemployed, and he has since resolved the debt. His delay in resolving the debts in SOR ¶¶ 1.b and 1.e was reasonable and responsible, because he was actively involved in attempting to resolve legitimate disagreements about amounts of the debts. On the other hand, he had been hired for his current job in December 2013 and was earning a substantial salary. He was questioned about the delinquent debts in SOR ¶¶ 1.c, 1.d, and 1.f by a security investigator in March 2014. However, he took no significant action to resolve the debts in SOR ¶¶ 1.c, 1.d, and 1.f until March 2015, after he received the SOR and realized that his security clearance was in jeopardy.

AG ¶ 20(e) is not established. Applicant disagreed with the amounts due for the debts in SOR ¶¶ 1.b and 1.e, but chose to pay the debts rather than dispute them.

Guideline E, Personal Conduct

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 relevant disqualifying condition in this case is AG ¶ 16(a): “deliberate omission, concealment, or falsification of relevant facts from any personnel security

questionnaire” 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 experience are relevant to determining whether a failure to disclose relevant information on a security clearance application was deliberate. ISCR Case No. 08-05637 (App. Bd. Sep. 9, 2010). An act of falsification has security significance independent of the underlying conduct. See ISCR Case No. 01-19278 at 7-8 (App. Bd. Apr. 22, 2003).

Applicant admitted that he knew the student loan in SOR ¶ 1.a was five or six months delinquent when he submitted his SCA. He also knew that he had made no payments on the debts in SOR ¶¶ 1.c and 1.d for five or six months, but there is no evidence that he knew there was an outstanding balance on those accounts. He knew that he had not paid the dentist alleged in SOR ¶ 1.e. He hoped to persuade the dentist to accept a lesser amount, but he did not expect her to forgive the debt. He deliberated for several days before answering “No” to the relevant financial questions, but he did not seek advice from anyone about the financial questions. He is not a neophyte in matters involving security clearances. He has held a security clearance for many years, renewed it several times, and was familiar with the application process. AG 16(a) is established.

The following mitigating conditions are potentially relevant:

AG ¶ 17(a): the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

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(a) is not established. Applicant acknowledged the omission during a follow-up interview less than three months after submitting his SCA. However, he did not disclose the omission to his supervisors, security manager, or anyone else before the interview, and he admitted the false answer to the security investigator only after being confronted with the evidence.

AG ¶ 17(c) is not fully established. Applicant’s omission was arguably “infrequent.” However, it was not a “minor” offense because it undermined the integrity of the security-clearance process. After deliberating for at least five days, he intentionally misrepresented his financial situation, submitting an SCA reflecting no

financial problems even though he knew he had significant delinquent debts. His falsification did not occur under unusual circumstances making it unlikely to recur, and it casts doubt on his current trustworthiness, reliability, and good judgment.

AG ¶ 17(e) is established. Applicant admitted his falsification in his answer to the SOR 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 has held a security clearance for many years, apparently without incident. He had a distinguished military career, followed by a highly successful civilian career. He is respected by his peers and his supervisors for his dedication, expertise, and devotion to duty. His financial problems and his falsification of his SCA occurred during a tumultuous time in his personal and professional life. On the other hand, his falsification of his SCA was a calculated and serious breach of trust, raising doubt about his ability to act with complete candor under stressful conditions.

After weighing the disqualifying and mitigating conditions under Guidelines F and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by his financial problems 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

Subparagraphs 1.a-1.b: For Applicant

Subparagraphs 1.c-1.d: Against Applicant

Subparagraph 1.e: For Applicant

Subparagraph 1.f: Against Applicant

Paragraph 1, Guideline E (Personal Conduct): AGAINST APPLICANT

Subparagraph 2.a: Against Applicant

Conclusion

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

LeRoy F. Foreman
Administrative Judge