



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



In the matter of: )  
 )  
 ) ISCR Case No. 14-06880  
 )  
Applicant for Security Clearance )

**Appearances**

For Government: Chris Morin, Esq., Department Counsel  
For Applicant: Alan V. Edmunds, Esq.

09/28/2017

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**Decision**

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LYNCH, Noreen A., Administrative Judge:

Applicant failed to mitigate the financial considerations, criminal conduct, and personal conduct security concerns. Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) in 2009, requesting Department of Defense (DOD) security clearance. On June 26, 2015, the DOD issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines F (financial considerations), J (criminal conduct), and E (personal conduct). Applicant responded to the SOR on September 28, 2015, and requested a hearing before an administrative judge.<sup>1</sup>

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<sup>1</sup> The DOD CAF acted under Executive Order (Exec. Or.) 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. These guidelines were revised on June 8, 2017, and are applicable to all decisions issued thereafter.

The case was assigned to me on April 11, 2016. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on April 6, 2017, scheduling the hearing for May 2, 2017.<sup>2</sup> The hearing was convened as scheduled. Government Exhibits (GE) 1 through 9 were admitted in evidence without objection. Applicant testified and submitted Applicant's Exhibit (AE) A through C, which were admitted without objection. The record was held open for Applicant to submit additional information. He submitted AE D through G, which were admitted without objection. DOHA received the hearing transcript (Tr.) on May 10, 2017.

### **Findings of Fact**

Applicant is a 39-year-old guard for a cleared overseas facility. Since 2015, he has been working abroad. He worked for one company from 2001 until 2009. From 2009 until 2011, he worked for a defense contractor full time. He graduated from high school in 1996, and attended a technical institute. He is single and has one child. Applicant has held a security clearance since 2003. (GX 1)

The SOR alleges 33 delinquent debts totaling about \$89,000, a 2006 judgment, six student loans, and 12 parking tickets or violations. In addition, the SOR alleges under Guideline J that Applicant has various incidents since 1995 that involve criminal activity. The SOR alleges under Guideline E that Applicant falsified his 2009 SCA and 2012 subject interview by not reporting any arrests, any financial issues, or work reprimands, termination, and not paying traffic fines. He testified at the hearing and he provided detailed answers to the SOR. However, the answers to the SOR did not always agree with his testimony at the hearing.

### **Financial**

As to SOR 1.a, 1.b, and 1.c, Applicant stated in his answer to the SOR that he denied these accounts because no record was found on his credit report. These medical accounts, according to Applicant at the hearing were paid, but he had no documentation to prove his claim because they were from 2009. (Tr. 18) He elaborated that they were from a worker's compensation case. (Tr. 19)

Applicant admitted his student loan debt in SOR 1.d. and 1.e, and stated that the loans were consolidated and current. The 2017 credit report (AX B) submitted by Applicant shows three education loans as current. It is not clear from the record evidence if they include the other three student loans alleged.

SOR 1.f alleges a debt for a Department of Veterans Affairs charged-off account in the amount of \$8,757. In his answer to the SOR, Applicant denied because he found no balance on his credit report. At the hearing, he stated that it was paid. It was a car repossession, and he does not owe any money. (Tr. 21)

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<sup>2</sup> Since June 9, 2016, Applicant and DC attempted to arrange a time for a hearing. Applicant was *pro se* and overseas at the time, and it was decided that it was best to have an in-person hearing.

SOR 1.g alleges a charged-off account in the amount of \$447. Applicant denied this account because it was not on his credit report. At the hearing, he stated that it was paid years ago, but he has no documentation. (Tr. 22)

As to SOR 1.h, a collection account in the amount of \$3,882, Applicant denied the account in his answer and stated that he had no recollection of any such account at the hearing. He also stated that it is not on his credit report. (Tr. 22)

As to SOR 1.i, for another student loan in the amount of \$29,134, Applicant answered that the account was being disputed and a payment plan arranged. At the hearing, he stated that the loan is current and is reflected on his 2017 credit report. (Tr. 23)

Applicant denied SOR allegations 1.j,k,m,n,o,p,q,r,s,t,u,v because they were not on his credit report. At the hearing, he stated that allegation 1.j through 1.o, were researched, but he could not find any such accounts. (Tr. 23) The 2013 credit report shows that these were parking tickets that went to collection. (GX 6) However, as a post-hearing submission, he submitted a packet of 18 traffic system citation reports, dated from 2007 through 2015, for various violations, which could not be aligned with the above SOR allegations. (AX E)

SOR 1.l in the amount of \$239, a collection account, was denied because he could not find it on a credit report. At the hearing, he also denied the account. (Tr. 24)

As to SOR allegations 1.m to 1.v, Applicant denied owing the accounts. His answer stated that he researched them, and he has no knowledge of them. (Tr. 25)

As to the SOR allegation 1.w, Applicant admitted the 2006 judgment of \$139, and stated that it was paid.

As to SOR allegation 1.x., a collection account in the amount of \$142, Applicant denied the account because it was not on his credit report. (Tr. 26)

SOR allegation 1.y, a collection account in the amount of \$1,533, he denied the account because it was not on his credit report.

SOR 1.z is a collection account in the amount of \$510. Applicant denied because he could not find it on his credit report.

SOR 1.aa is a charged-off account in the amount of \$21,988, Applicant stated that it was a student loan and is a duplicate of 1.i. He stated that it is current. (Tr. 26)

SOR 1.bb, a charged-off account in the amount of \$8,757, Applicant stated he denied the debt, and it is a duplicate of 1.f.

SOR 1.cc and 1.dd are collection accounts totaling about \$10,000 for student loans and Applicant states that his 2017 credit report shows them as current. (Tr. 27, AX B)

SOR 1.ee is a charged-off account in the amount of \$340. Applicant admitted the debt and stated that it was paid. He referred to his credit report. SOR 1.gg is the same company but a different amount (\$111), he stated that this account is paid. (Tr. 29)

Applicant denied SOR 1.ff, an account past due in the amount of \$150, because it was not on the credit report.

At the hearing, GX 9 was introduced for identification to show that Applicant has an additional \$12,000 in state tax liens from the years 2015, 2016, and 2017. (Tr. 7) Applicant did not object to the documents. The SOR was not amended, but the information is considered in light of the whole person. (Tr. 7) As a post-hearing submission, Applicant submitted an installment agreement request to the IRS stating that he owed \$18,352, and signed on February 3, 2017. This is not related to the state tax liens, nor is there any record that it was sent or approved. (AX F)

Applicant's explanation for not having documentation for the items that he paid was that he had been working abroad for a few years and did not get mail. However, he lived in state A, at least since 2000, but he moved frequently. (GX 1) The debts precede the time of his working abroad. The submissions that were presented at the hearing reflected that not until July 2015 did he enroll in a credit restoration service. (AX A) That was approximately one month after receiving the SOR. In addition, the Applicant presented as AX B, a 2015 letter of dispute to credit bureau that he was now disputing almost all of the SOR allegations and asking the company to remove them because of length of time. He noted that he is not working with the restoration company now. (Tr. 79) He did not produce documentation that he paid any debts. He simply relied on the fact that the accounts are not on his 2017 credit bureau report. He does show on his 2017 credit report that he is current on some student loans. (AX B)

When he was interviewed in 2009, he was confronted with the fact that he listed no financial issues on his 2009 SCA. He told the investigator that he had not paid one student loan since 2008 because he had difficulty with the system and that he had insufficient funds. He was also confronted with various financial accounts, but he stated that he knew nothing about them. (GX 2)

In Applicant's 2012 interview, he noted that he was on unpaid leave from May 2011 to July 2011. He also explained that he stopped his child support payments in 2009 due to no income. His pay at one point was garnished for child support payments. He also spoke about a vehicle repossession in 2009 and other debts. He intended to resolve the matters as soon as possible. (GX2)

In 2013, Applicant's answers to DOHA interrogatories reflected that the only payments he was making was to the Sallie Mae student loan (\$29,134) but he provided no proof. He was aware of the other SOR accounts that were not paid or resolved at that time. He spoke about debts turned over to a collection agency. He stated that he had not made payments on one account since 2006. A 2013 credit bureau report was attached and showed the delinquent accounts. He did nothing to resolve any financial matter until

2015 after receiving the SOR. (GX 2) He admitted not being financial stable and not having had financial counseling.

As to the student loans, Applicant had no idea what the total amount of the student loans were. He stated that they had all been consolidated and are current. However in his 2015 letter (AX A) he denied some of them. The student loans are from 2005 when Applicant attended the technical institute. (Tr. 70) The SOR lists six different student loans in amounts ranging from \$3,000 to 29,000. It is not clear from the record which loans were consolidated and for what amount.

At the end of the hearing, when questioned about his knowledge of many of the accounts, Applicant responded that he believes some of the items are fraudulent. (Tr. 75) At the time of the hearing, Applicant earned about \$90,000 a year and received a living expense. He did not list a net remainder on his personal financial statement and did not produce a current one for the record. Applicant has not provided documentary evidence of financial counseling.

## **Criminal Conduct**

The SOR 2.a -2.n listed 14 allegations that ranged in time from 1995 through 2012. Some were traffic violations, one was theft over \$500, two counts of false imprisonment and assault, false statement to police, disorderly in public, driving without tags, expired registration plates, malicious destruction of property, solicitation, theft less than \$300, and failure to appear. (GX 4)

Applicant pled guilty to 2.a to 2.d., which were traffic violations. In some cases the cases were dismissed. As to 2.e, a charge of theft over \$500 in 2008, the case was nol prossed. As to 2.f through 2.h, these were traffic violations from 2007 and 2008. In 2.i, a 2004 false imprisonment and assault was alleged. Applicant denied the offense and the case was nol prossed. In 2004, Applicant received probation and community service for malicious destruction of property and failure to appear. (2.j) As to 2.k, in 2002, he was charged with solicitation for lewd purposes. Applicant stated that it was a joke. (Tr. 36) As to 2.l, theft less than \$300, he denied. The case was nol prossed. In 1996 (2.m) he was charged with false statement to a police officer. He pled guilty and received a PBJ. In 1995, he was charged with disorderly conduct and received probation before judgment and paid a fine. He paid the traffic tickets and submitted as a post-hearing submission documentation. (AX E)

In his 2003 interview statement, Applicant discussed the 1995, 1996, 1998, and 2003 incidents. (GX 3) He acknowledged the incidents. The Government introduced evidence to support the criminal allegations. (GX 4)

## **Personal Conduct**

The SOR alleges in 3.a-3.e, that in 2009, Applicant was issued memos for corrective action, a security violation for leaving sensitive mail in a truck over a weekend

and failure to turn in certain reports. He discussed these events in his interviews in 2009 and admitted that he had received reprimands. He denied these allegations in his answer to the SOR. At the hearing, he denied the 2000 termination from employment, but the record reflects that he was terminated on November 24, 2000, after receiving numerous warnings and disciplinary actions. (3.f) At the hearing, he denied the allegation. (Tr. 40) He stated he resigned. As to allegation 3.g, during his 2012 interview, he denied because he maintained he had not received any corrective actions. (Tr. 40, GX2)

In his answer to the SOR, he denied 3.a-3.f, but admitted 3.g. because he was not aware of the written warnings. He related this during his 2012 interview.

SOR 3.f alleges that Applicant was terminated from employment in 2000 for unsatisfactory performance after warnings. Applicant denied these allegations. Denied the various warnings and failure to deliver packages. However the evidence in the record supports the allegations. (GX 2, 3, 4, and 5)

SOR allegations 3.h to 3.n concern falsifications on his 2009 security clearance application with respect to Section 22 (Police Record) and Section 26 (Financial Record). Applicant neither admitted nor denied these allegation but stated that he was rushed in the process. At the hearing, he stated that he takes full responsibility for the action. (Tr. 41) He added that he had no intention of withholding information. (Tr.41)

### **Law and Policies**

The Director of National Intelligence (DNI) issued revised adjudicative guidelines (AG) in a Security Executive Agent Directive, on June 8, 2017. The revised guidelines are applicable to this decision.

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

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 the applicant or proven by Department Counsel.” The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## **Analysis**

### **Guideline J: Criminal Conduct**

AG ¶ 30 expresses the security concern under criminal conduct:

Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

AG ¶ 31 describes conditions that could raise a security concern and may be disqualifying. The following is potentially applicable:

(a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; and

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

Applicant's criminal conduct with regard to allegations from 1995 until 2012 sufficiently invokes the above disqualifying conditions.

AG ¶ 32 provides conditions that could mitigate security concerns. I reviewed the facts against each mitigating condition. The following may be relevant:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(c) no reliable evidence to support that the individual committed the offense; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Applicant's last violation was in 2012. He has nothing else on his record, but since 2015, he was working abroad. He has a pattern of criminal and rule violations stemming from 1995 to 2012. In some instances the cases were dismissed. He had an excuse for some of the criminal charges and did not seem to recognize that he needed to take some responsibility. There was insufficient evidence presented to show that Applicant's overall criminal behavior is unlikely to recur or that he sought counseling to address it. Although not cited as a criminal offense, the traffic behavior denotes a significant lack of judgment, and calls into question Applicant's willingness to comply with laws, rules and regulations. Of note, Applicant did not submit independent character statements, or statements from family members attesting to inaccuracies in the allegations, his innocence, or rehabilitation. No mitigation is appropriate.

## **Guideline F, Financial Considerations**

The security concern for financial considerations is set out in AG ¶ 18:

Failure 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 or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. The following are potentially applicable in this case:

(a) inability to satisfy debts;



- (b) unwillingness to satisfy debts regardless of the ability to do so; and
- (c) a history of not meeting financial obligations.

Applicant has had financial problems extending over many years, and incurred multiple delinquent debts that are unresolved. The evidence is sufficient to raise the above disqualifying conditions.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable:

- (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, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;
- (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and
- (e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

Applicant attributed lack of documentation that he paid for some accounts because he was working abroad is not plausible. He lived in the states when the debts occurred. In addition he has had a long history of financial issues. He has had steady employment except for a period of a few months. He also relied on having no knowledge of the accounts or that they did not appear on his credit report. He revealed his late child support in interviews with investigators. As post-hearing submission, he presented a one page sheet showing payments he made in late 2016 and 2017. (AX G) He noted that some accounts had defaulted. It does appear that recently he is paying some student loans that stem from 2005-2006. He waited until 2015 to ask a company to help him resolve the financial issues. He has been on notice since his 2013 DOHA interrogatories. He failed to show good-faith efforts to adequately address his financial issues while he was employed. He wrote to a credit bureau to attempt to have the debts removed due to age

of the debts. He acknowledge that he would resolve his debts when he was interviewed in 2012.

The majority of Applicant's financial delinquencies have not been resolved and there is insufficient evidence to determine that they will be resolved within a reasonable period. For the unresolved debts, I am unable to find that he acted responsibly under the circumstances or that he made good-faith efforts to pay his debts or negotiate good-faith solutions. His financial issues are recent and ongoing. They continue to cast doubt on his current reliability, trustworthiness, and good judgment. None of the mitigating conditions apply.

### **Guideline E, Personal Conduct**

The security concern for personal conduct is set out in AG ¶ 15, as follows:

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 or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying condition is potentially applicable:

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

When falsification allegations are controverted, as in this case, the Government has the burden of proving the allegations. 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.<sup>3</sup> An applicant's level of education and business experience are relevant to determining whether a failure to disclose relevant information on a security clearance application was deliberate.<sup>4</sup>

Applicant did not report his delinquent financial accounts or 2009 traffic violations and the theft charge on his 2009 SCA. He denied intentionally falsifying the SCA, and attributed the omissions as being rushed or unaware of the issues. He has a long history of holding a security clearance. I find Applicant's failure to report delinquent debts and theft charge intentional. I did not find him credible in his testimony regarding the fact that

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<sup>3</sup> See ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004).

<sup>4</sup> ISCR Case No. 08-05637 (App. Bd. Sep. 9, 2010).

he had no intention of withholding information from the Government. I find that he intentionally falsified his 2009 SCA. AG ¶ 16 applies to SOR 3.h through 3.n. As to 3a. through 3.g, he was not credible in his denials.

Conditions that could mitigate personal conduct security concerns are provided under AG ¶ 17. The following are potentially applicable:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (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
- (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

I find no mitigating condition applicable to Applicant's failure to report his financial delinquencies and the theft charge in 2009. Applicant was well aware of the reporting requirements since he has had a long history of completing similar applications. He was aware of his delinquent debts and failed to report them. His knowing lack of candor in general raises questions about his trustworthiness and willingness to comply with rules and regulations. No mitigating condition fully applies to alleviate the personal conduct concerns raised by the allegations.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to

which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines F, J, and E in my whole-person analysis.

I considered Applicant's testimony and documents provided before and after the hearing. I understand that Applicant was working abroad for the past two years, but his debts precede that time. He did not appear credible in his testimony at the hearing. He either relied on the absence of the accounts on a credit report, disputed them to a credit bureau, or waited until July 2015 to contact a company to restore his credit. He has not shown past financial responsibility. He also has state and federal tax liens. He has had a history from 1995 to 2012 of either civil violations or criminal ones. He did not appear to take any of them seriously. He was terminated from a position, but denied that termination, despite concrete evidence to the contrary. He also stated that maybe the financial items were fraudulent. I am convinced that he knowingly failed to submit truthful answers on his SCAs as noted above. His personal conduct

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant has not mitigated the financial considerations and personal conduct security concerns.

### **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:

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|---------------------------|-------------------|
| Paragraph 1, Guideline F: | Against Applicant |
| Subparagraphs 1.a-1.gg    | Against Applicant |
| Paragraph 2, Guideline J: | Against Applicant |
| Subparagraphs 2.a-2.n:    | Against Applicant |
| Paragraph 3, Guideline E: | Against Applicant |
| Subparagraphs 3.a-3.n     | Against Applicant |

### **Conclusion**

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

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Noreen A. Lynch  
Administrative Judge