



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



In the matter of:

)  
)  
)  
)  
)

ISCR Case No. 15-00423

Applicant for Security Clearance

**Appearances**

For Government: Daniel F. Crowley, Esq., Department Counsel  
For Applicant: *Pro se*

01/23/2017

**Decision**

HARVEY, Mark, Administrative Judge:

Applicant is credited with resolution of all debts listed in his statement of reasons (SOR). In his August 6, 2014 Questionnaire for National Security Positions (SF 86) or security clearance application (SCA), Applicant intentionally and falsely denied he had debts he knew were over 120 days delinquent in the previous seven years. Financial considerations security concerns are mitigated; however, personal conduct security concerns are not mitigated. Eligibility for access to classified information is denied.

**Statement of the Case**

On August 6, 2014, Applicant signed his SCA. (Government Exhibit (GE) 1) On August 27, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued an SOR to Applicant pursuant to Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information Within Industry*; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive); and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (AG), which became effective on September 1, 2006.

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant, and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. (Hearing Exhibit (HE) 2)

Specifically, the SOR set forth security concerns arising under Guidelines F (financial considerations) and E (personal conduct).

On September 18, 2015, Applicant responded to the SOR and requested a hearing. On July 8, 2016, Department Counsel was ready to proceed. On August 1, 2016, the case was assigned to me. On August 29, 2016, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for September 12, 2016. (HE 1) Applicant waived his right to 15 days of notice of the date, time, and location of his hearing. (Tr. 14-15) The hearing was held as scheduled.

During the hearing, Department Counsel offered five exhibits; Applicant offered five exhibits; and all proffered exhibits were admitted without objection. (Tr. 17-21; GE 1-5; Applicant Exhibits (AE) A-E) On September 20, 2016, DOHA received a copy of the transcript of the hearing. Applicant provided 11 exhibits after the hearing, and all exhibits were admitted without objection. (AE F-AE P) On November 9, 2016, Applicant provided his final document, and the record closed that same day. (AE E)

### **Findings of Fact<sup>1</sup>**

In Applicant's SOR response, he discussed several debts, and he also provided extenuating and mitigating information. He said he would pay the debts in SOR ¶¶ 1.a and 1.b by the time of his hearing; SOR ¶¶ 1.h through 1.i are in the process of being paid; and SOR ¶¶ 1.d through 1.f do not apply to Applicant. Applicant's admissions are accepted as findings of fact. He said he did not intend to deceive when he provided financial answers in his SCA.

Applicant is a 61-year-old security specialist. (Tr. 5, 9; GE 1) In 1974, he graduated from high school. (Tr. 6) He attended college; however, he did not receive a degree. (Tr. 7) From 1974 to 1977, Applicant served on active duty in the Army. (Tr. 6) He served in the Army National Guard (ANG) from 1981 to 2001. (Tr. 6) His ANG branch was military police; his rank on retirement was staff sergeant (E-6); and he received an honorable discharge. (Tr. 6-7) In 1975, he married, and his three children are ages 22, 32, and 40. (Tr. 8, 32) In 2009, he separated from his spouse. (Tr. 33)

### **Financial Considerations**

Applicant worked for the Postal Service for 30 years until 2012. (Tr. 22-23) Since 2012, he has worked for a federal agency as a security specialist. (Tr. 23) His finances were damaged when his business was unsuccessful, and the housing market declined. (Tr. 24-27)

---

<sup>1</sup>Some details have been excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

Applicant's history of delinquent debt is documented in his credit reports, Office of Personnel Management (OPM) personal subject interview (PSI), and hearing record. The status of his SOR debts is as follows:

SOR ¶ 1.a alleges a judgment filed against Applicant in April 2014 for \$1,032. Applicant appeared in court to challenge the debt and the creditor's effort to seek a judgment. (GE 5 at 2) The judgment was entered on April 8, 2014; however, the court record does not indicate Applicant was present when the judgment was entered. (GE 5) Applicant said the debt was paid. (Tr. 30-31) Applicant disputed the entry on his credit report, and on August 10, 2016, the creditor closed his account. (AE A) The creditor promised to contact the credit reporting companies to have the negative entry deleted from Applicant's credit report. (AE A)

SOR ¶ 1.b alleges a collection account for a \$1,395 apartment-related debt. On March 15, 2016, Applicant paid \$1,378, and the creditor said the debt had a zero balance. (Tr. 34; AE B)

SOR ¶ 1.c alleges a charged-off debt owed to a bank for \$34,314. In 2008, Applicant took out a home equity line of credit for \$50,000 to start a security business. (Tr. 23-25; GE 3) He was unsuccessful at obtaining a government security contract after purchasing a truck for his business. (Tr. 26) He made some payments on the debt, and then he attempted to negotiate a settlement. (Tr. 28-30) His August 20, 2014 credit report indicated his last act on this account was in September 2012, and the account was charged off in April 2013. (GE 2) Applicant's OPM PSI stated that he told the OPM investigator that, "Since November 2013 subject has been paying \$100 a month. He is current with the payments." (GE 3) On December 21, 2015, the creditor wrote Applicant and advised him that the debt was forgiven, and notified him that the creditor may be required to issue an Internal Revenue Service Form 1099-C. (Tr. 24, 30; AE C)

SOR ¶ 1.d alleges a charged-off debt owed to a bank for \$3,864. Applicant believed this debt related to a time-share vacation home. (Tr. 36-37)<sup>2</sup> Applicant's August 20, 2014 credit report states an account for a time-share property had high-credit of \$4,880, a balance of \$3,864, and a past-due amount of zero. (Tr. 37; GE 2) The balance was reported in April 2011, the debt resulted in a foreclosure, and the account was closed. (GE 2) His August 24, 2016 credit report indicates the account was opened in 2006; last payment was made in November 2010; and the current balance is zero. (AE E)

SOR ¶ 1.e alleges a past-due debt for \$1,764. On November 7, 2016, the creditor wrote that the final payment of \$47 on a \$3,188 debt was received on November 6, 2014. (AE F) The debt was paid through automatic deductions from Applicant's Postal Service retirement pay. (Tr. 41) The balance owed on the debt is zero. (Tr. 38-40; AE F)

---

<sup>2</sup>Applicant provided a letter from a different creditor for a time-share account stating that Applicant's time-share debt for \$10,800 was paid in full on May 11, 2005. (AE M) This resolution is for a non-SOR debt.

SOR ¶ 1.f alleges a collection account owed to a bank for \$1,020. This is the same debt as in SOR ¶ 1.a. (Tr. 42)

SOR ¶ 1.g alleges a collection account owed to a telecommunication company for \$262. The creditor wrote that the debt was settled in full on September 18, 2015. (Tr. 42; AE N)

SOR ¶ 1.h alleges a collection account owed for a medical debt for \$75. Applicant telephoned the creditor, and he was advised the creditor did not have any information on the debt. (Tr. 43)

SOR ¶¶ 1.i through 1.l allege four collection debts owed for parking tickets for \$65, \$65, \$55, and \$50. (Tr. 43-44) On September 18, 2015, he paid one ticket for \$65 and one ticket for \$55. (AE O) His online receipt did not indicate any other tickets were owed. (AE O) Applicant's two August 24, 2016 credit reports do not show delinquent debts owed to this creditor. (AE D; AE E)

### **Personal Conduct**

Section 26, Financial Record, of Applicant's August 6, 2014 SCA asks in the past seven (7) years: have "you had any bills or debts turned over to a collection agency?"; have "you had any account or credit card suspended, charged off, or cancelled for failing to pay as agreed?"; have "you been over 120 days delinquent on any debt(s)?"; have "you had a judgment entered against you?"; and are "you currently over 120 days delinquent on any debt(s)?" (GE 1; SOR ¶¶ 2.a and 2.b)

Applicant answered "no" to these five questions. On September 23, 2014, an OPM investigator interviewed Applicant. (GE 3) Applicant was confronted with several delinquent debts and the judgment in SOR ¶ 1.a. (GE 3)

Applicant went to court with the creditor in SOR ¶ 1.a, and he believed he reached a settlement agreement for \$300; however, the creditor wanted \$932. (GE 3) The debt in SOR ¶ 1.a was not resolved according to court records. (GE 3) The OPM investigator confronted Applicant with the charged-off debt in SOR ¶ 1.c for \$34,314; Applicant admitted borrowing the funds; the debt was charged-off; however, he said he was paying \$100 a month and the account was current. (GE 3) The OPM investigator confronted Applicant with the charged-off debt in SOR ¶ 1.d for \$3,864; Applicant said the debt was for his time-share vacation home; he said he stopped making payments when the maintenance fee was increased; and the property was foreclosed. (GE 3) Applicant told the OPM investigator that he answered "no" to all of the financial questions on his SCA "because he misunderstood what was being asked." (GE 3 at 4)

When Applicant was asked at his hearing why he did not disclose debts he knew were delinquent on his SCA, he admitted that he had debts that he should have disclosed, and he explained that he was trying to take care of his delinquent debts. (Tr. 45-49) He

said he did not know that the judgment in SOR ¶ 1.a was entered against him. (Tr. 48) He said he was not trying to deceive anyone about his finances. (Tr. 45; SOR response)

## **Policies**

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no 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 applicant’s 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 adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied 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, 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 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 “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, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It 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. 95-0611 at 2 (App. Bd. May 2, 1996).

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 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). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[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**

### **Financial Considerations**

AG ¶ 18 articulates the security concern for financial problems:

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.

The Appeal Board explained the scope and rationale for the financial considerations security concern as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant’s financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant’s self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant’s security eligibility.

ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted).

AG ¶ 19 provides two disqualifying conditions that could raise a security concern and may be disqualifying in this case: “(a) inability or unwillingness to satisfy debts;” and “(c) a history of not meeting financial obligations.” Applicant’s history of delinquent debt is documented in his credit reports, OPM PSI, and hearing record. The Government established the disqualifying conditions in AG ¶¶ 19(a) and 19(c) requiring additional inquiry about the possible applicability of mitigating conditions.

Five mitigating conditions under AG ¶ 20 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, 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;
- (d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;<sup>3</sup> 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.

The Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in

---

<sup>3</sup>The Appeal Board has previously explained what constitutes a "good faith" effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the "good faith" mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant's debts. The Directive does not define the term "good-faith." However, the Board has indicated that the concept of good-faith "requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation." Accordingly, an applicant must do more than merely show that he or she relied on a legally available option (such as bankruptcy) in order to claim the benefit of [the "good faith" mitigating condition].

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. June 4, 2001)).

*Egan, supra.* “Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.” Directive, Enclosure 2 ¶ 2(b).

ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

AG ¶¶ 20(a), 20(b), 20(c), and 20(d) apply. Applicant’s delinquent debts were caused by his inability to secure a government contract for his business, the decline in the real estate market, and separation from his spouse. These are circumstances beyond his control, and he acted responsibly by resolving all of his SOR debts.

Based on Applicant’s credible and sincere promise to pay his debts and his track record of paying his debts, future delinquent debt “is unlikely to recur and does not cast doubt on [Applicant’s] current reliability, trustworthiness, or good judgment,” and “there are clear indications that the problem is being resolved or is under control.” His payments of his debts showed good faith. He has sufficient income to keep his debts in current status and to continue making progress paying his remaining debts. I am confident that Applicant will conscientiously endeavor to maintain his financial responsibility. His efforts are sufficient to mitigate financial considerations security concerns.

### **Personal Conduct**

AG ¶ 15 expresses the security concern pertaining to personal conduct:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes one condition that could raise a security concern and may be disqualifying in this case:

(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 security clearance eligibility or trustworthiness, or award fiduciary responsibilities.<sup>4</sup>

---

<sup>4</sup>The Appeal Board has cogently explained the process for analyzing falsification cases, stating:

(a) when a falsification allegation is controverted, Department Counsel has the burden of proving falsification; (b) proof of an omission, standing alone, does not establish or prove an applicant’s intent or state of mind when the omission occurred; and (c) a Judge must consider the record evidence as a whole to determine whether there is direct or circumstantial evidence concerning the applicant’s intent or state of mind at the time the



Section 26, Financial Record, of Applicant's August 6, 2014 SCA asks in the past seven (7) years have you "been over 120 days delinquent on any debt(s)?" and are "you currently over 120 days delinquent on any debt(s)?" On August 6, 2014, Applicant had several debts that were currently over 120 days delinquent or that had been delinquent over 120 days. Applicant failed to disclose his debts that met these criteria. AG ¶ 16(a) is established.

AG ¶ 17 provides five conditions that could mitigate security concerns in this case:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (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;
- (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;
- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress; and
- (f) the information was unsubstantiated or from a source of questionable reliability.

Applicant knowingly, deliberately, and falsely denied that he had debts over 120 days delinquent in the previous seven years on his August 6, 2014 SCA. Applicant worked for the Postal Service for 30 years until 2012. He retired after over 20 years of service from the Army National Guard. Since 2012, he has worked for a federal agency as a security specialist. He had the knowledge, experience, and maturity to understand and accurately answer the financial questions on his SCA. Applicant had four debts of sufficient magnitude that he would have been aware they had been over 120 days delinquent in the previous seven years: SOR ¶ 1.a for \$1,032; SOR ¶ 1.b for \$1,395; SOR ¶ 1.c for \$34,314; and SOR ¶ 1.d for \$3,864. He failed to meet his burden of establishing mitigation. Guideline E concerns are not mitigated.

---

omission occurred. [Moreover], it was legally permissible for the Judge to conclude Department Counsel had established a prima facie case under Guideline E and the burden of persuasion had shifted to the applicant to present evidence to explain the omission.

ISCR Case No. 03-10380 at 5 (App. Bd. Jan. 6, 2006) (citing ISCR Case No. 02-23133 (App. Bd. June 9, 2004)).

## 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 the 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 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 is a 61-year-old security specialist. From 1974 to 1977, Applicant served on active duty in the Army. He served in the ANG from 1981 to 2001. His branch was military police; his rank on discharge was staff sergeant; and he received an honorable discharge. In 2009, he separated from his spouse. Applicant worked for the Postal Service for 30 years until 2012. Since 2012, he has worked for a federal agency as a security specialist. His finances were damaged when his business was unsuccessful; he became separated from his spouse; and the housing market declined.

Applicant acted responsibly by resolving all of his delinquent SOR debts. He assures he intends to pay his debts, and he understands the conduct required to retain his security clearance. The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:

. . . the concept of meaningful track record necessarily includes evidence of actual debt reduction through payment of debts. However, an applicant is not required, as a matter of law, to establish that he has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he has . . . established a plan to resolve his financial problems and taken significant actions to implement that plan. The Judge can reasonably consider the entirety of an applicant's financial situation and his actions in evaluating the extent to which that applicant's plan for the reduction of his outstanding indebtedness is credible and realistic. See Directive ¶ E2.2(a) (Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching

a determination.) There is no requirement that a plan provide for payments on all outstanding debts simultaneously. Rather, a reasonable plan (and concomitant conduct) may provide for the payment of such debts one at a time. Likewise, there is no requirement that the first debts actually paid in furtherance of a reasonable debt plan be the ones listed in the SOR.

ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations and quotation marks omitted). Applicant has established a “meaningful track record” of debt re-payment, and I am confident he will maintain his financial responsibility.

The adverse information is more significant. Applicant knowingly, deliberately, and falsely denied that he had debts over 120 days delinquent in the previous seven years on his August 6, 2014 SCA. He worked for the Postal Service for 30 years, and he honorably retired from the ANG after 20 years of service. Since 2012, he has worked for a federal agency as a security specialist. He had the knowledge, experience, and maturity to be able to understand the questions and his financial situation. His falsification of his August 6, 2014 SCA raised a serious security concern. The protection of national security relies on applicants to self-report conduct that jeopardizes security, even when that disclosure might damage the applicant’s career. Applicant cannot be trusted to disclose potentially derogatory information, and his reliability, trustworthiness and ability to protect classified information is not established.

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. Financial considerations security concerns are mitigated; however, personal conduct security concerns are not mitigated.

### **Formal Findings**

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	FOR APPLICANT
Subparagraphs 1.a through 1.l:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	Against Applicant

### **Conclusion**

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

---

MARK HARVEY  
Administrative Judge