



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



In the matter of:)	
)	
[Redacted])	ISCR Case No. 15-01076
)	
Applicant for Security Clearance)	

Appearances

For Government: Rhett E. Petcher, Esq., Department Counsel
For Applicant: *Pro se*

09/16/2016

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines F (Financial Considerations) and E (Personal Conduct). Applicant has refuted the allegations of falsifying his security clearance application and providing false information during a security interview. He has mitigated the security concerns raised by his drug-related personal conduct, but he has not mitigated the security concerns raised by his delinquent debts. Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on July 1, 2014. On December 11, 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 (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. 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 February 4, 2016, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on April 13, 2016, and the case was assigned to me on May 2, 2016. On May 12, 2016, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for June 7, 2016. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 6 were admitted in evidence without objection. Applicant testified but did not present the testimony of any other witnesses or submit any documentary evidence. I kept the record open until July 11, 2016, to enable him to present documentary evidence. He timely submitted Applicant's Exhibit (AX) A, which was admitted without objection. DOHA received the transcript (Tr.) on June 15, 2016.

Findings of Fact¹

In his answer to the SOR, Applicant admitted SOR ¶¶ 1.a,² 1.b, 1.d-1.f, 1.h, 2.a, 2.b, and 2.f. He denied SOR ¶¶ 1.c, 1.g, and 2.c-2.e. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 43-year-old insulator employed by a defense contractor since November 2013. He graduated from high school in June 1992. He served on active duty in the U.S. Army from September 1992 to May 1994 and received a general discharge. He was employed by a defense contractor from January 2000 to June 2010 and voluntarily resigned to accept employment in the private sector. He testified that he was underemployed and sometimes briefly unemployed from 2007 to 2010. (Tr. 42.) He was fired from his private-sector job in September 2013 for failing to follow instructions. He was unemployed until he began his current job. In his SCA, he stated that he has never held a security clearance. (GX 1 at 26.) However, at the hearing, he stated that he has a confidential clearance and is seeking to upgrade it to a top secret clearance. (Tr. 8, 77.)

When Applicant submitted his SCA in July 2014, he answered "no" to questions asking whether, in the last seven years, he had failed to file or pay federal, state, or other taxes as required; had a judgment entered against him; defaulted on any loan; had any bills or debts turned over to a collection agency; had any account or credit cards suspended, charged off, or cancelled for failing to pay as agreed, or had been more than 120 days delinquent on any debt. He also answered "no" to the question whether he was currently more than 120 days delinquent on any debt. He also

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

² The SOR alleges that Applicant "failed to file and/or pay" his state income taxes. Because of the ambiguity of "and/or," it is not clear whether he intended to admit failing to file, failing to pay, or both. See Bryan A. Garner, *The Redbook, a Manual on Legal Style*, 50 (2nd ed., West 2006) (describing "and/or" as a "grammatical abomination"). Based on his testimony at the hearing, I have treated his answer as admitting that he failed to pay the taxes due.

answered “no” to a question whether he had ever been charged with an offense involving alcohol or drugs.

When Applicant was questioned during a personal subject interview (PSI) in September 2014, he told the investigator that he did not disclose his failure to pay taxes in his SCA because he misread the question.³ He told the investigator that he was unaware of the judgment against him, the charged-off debts, and the debts referred for collection. He told the investigator that the repossession of his vehicle was in 2006 and he did not disclose it because it preceded his SCA by more than seven years. At the hearing, he testified that he did not disclose delinquent debts alleged in the SOR because they were incurred more than seven years before he submitted his SCA. (Tr. 29.)

Applicant told the investigator that his drug-related misconduct in 1993 and 1994, while he was on active duty in the Army, was the result of using prescription medications that caused him to test positive for cocaine in two urinalysis tests that occurred in September 1993 and January 1994. He did not have a prescription for the medications, but obtained them from a friend and used them to treat a neck injury. (GX 2.) In January 1994, he received nonjudicial punishment for wrongful possession and use of cocaine in September 1993. In March 1994, he received nonjudicial punishment for wrongful use of cocaine in January 1994. (GX 5; GX 6.) In May 1994, he was discharged from the Army with a general discharge. (GX 1 at 15.)

At the hearing, Applicant testified that he answered “no” to the question about drug-related charges because his military lawyer told him his record would not reflect criminal charges. (Tr. 23.) He admitted that he was taken to the military police station, fingerprinted, questioned, and entered into the criminal information system. He was not handcuffed or detained beyond the time involved in fingerprinting and questioning him. (Tr. 23.) A police report reflects that Applicant was questioned after the September 1993 urinalysis, and he admitted wrongful possession and use of cocaine. (GX 5 at 9.) Another police report reflects that Applicant was questioned after the January 1994 urinalysis, and he declined to answer questions. (GX 5 at 19.)

The evidence concerning the financial concerns alleged in the SOR is summarized below.

SOR ¶ 1.a, failure to “file and/or pay” state taxes. During the September 2014 PSI, Applicant told the investigator that he failed to pay his state taxes in 2010 because he was unable to pay the taxes due in full. (GX 2 at 6.) He told the investigator that he made an installment payment agreement with the state, providing for monthly \$300 payments, and the tax debt was paid in full in April 2013. At the hearing, he did not submit any documentary evidence regarding his state tax debt, but his explanation is corroborated by his CBRs, which do not reflect any state tax debts or tax liens.

³ After the hearing, Applicant submitted evidence that he paid a state tax bill for \$38 in May or June 2016. (AX A.) This debt appears to be unrelated to the debt alleged in SOR ¶ 1.a.

SOR ¶ 1.b, judgment for \$950, filed in 2008. Applicant's July 2014 CBR reflects three judgments filed against Applicant by the creditor alleged in SOR ¶ 1.b for unpaid rent. (Tr. 48.) Two judgments, filed in August 2008 for \$27 and in November 2008 for \$459, are satisfied. A judgment filed in December 2008 is unsatisfied. (GX 3 at 4.) Applicant testified that he thought he paid all the rent due after he was evicted, and he was unaware of the unsatisfied judgment until he received the SOR. He took no action to resolve the unsatisfied judgment after he received the SOR. (Tr. 51.)

SOR ¶ 1.c, collection account for \$1,950. The date of last activity on this account was in February 2008. (GX 3 at 4.) Applicant testified that he did not recognize the debt and had made no effort to investigate or resolve it. (Tr. 52.)

SOR ¶ 1.d, collection account for \$760. The date of last activity on this account was in April 2008. (GX 3 at 5, 6) Applicant testified that he believed the debt was a credit-card account. He testified that the creditor contacted him about a year ago and offered to settle the account, but he did not respond because he is financially unable to resolve it. (Tr. 52-53.)

SOR ¶ 1.e, collection account for telephone service for \$506. This account was referred for collection in April 2008. (GX 3 at 6.) Applicant has taken no action to resolve it. (Tr. 53.)

SOR ¶¶ 1.f and 1.g, collection accounts for cable service for \$170 and \$137. These accounts were referred for collection in June 2009. (GX 3 at 7; GX 4 at 1.) Applicant testified that he thought he paid one of the accounts, but he did not submit any documentation of payment. (Tr. 54-55.) The debts are unresolved.

SOR ¶ 1.h, deficiency of \$15,050 after vehicle repossession. This debt was charged off in January 2009. (GX 3 at 6) Applicant testified that the creditor contacted him three or four years ago, but he disputed the debt because he did not understand how the amount due was computed. He has not disputed the debt with the credit bureau. (Tr. 56-57.) It is unresolved.

Applicant testified that his delinquent debts arose when his fiancée became pregnant and then died during childbirth in 2006. His fiancée had been working as a medical assistant and earning about \$15,000-\$17,000 per year. They shared living expenses. He had cosigned for her motor vehicle and was obligated to pay the rent for the house where they lived. He incurred about \$17,000 in costs for the funerals of his fiancée and their child. (Tr. 38-39, 73.) About a year after his fiancée's death, he had periods of unemployment and underemployment due to the downturn of the economy. In May 2009, he moved in with his parents and was still living with his parents at the time of the hearing. (GX 1 at 7, 18-19; Tr. 24-26.)

Applicant's net pay is about \$2,000 per month, but he is laid off for two or three months during a typical year. (Tr. 35.) He pays his parents \$600 per month in rent, and he pays the utilities of about \$400 per month. He spends about \$240 a month for

groceries. His car is paid for, but he pays \$60 per month for insurance and about \$200 per month for gas. (Tr. 57-60.) He testified that he has a monthly remainder of about \$400 when he is working, which he saves for months when he is laid off. (Tr. 61)

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 § 2.

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.” 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 SOR alleges a failure to “file and/or pay” state taxes for tax year 2010 (SOR ¶ 1.a), an unsatisfied judgment for \$950 filed in 2008 (SOR ¶ 1.b), five delinquent consumer accounts (SOR ¶¶ 1.c-1.g), and a deficiency after a vehicle repossession (SOR ¶ 1.h). 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 a person might knowingly compromise classified information to raise money. It encompasses concerns about a person’s self-control, judgment, and other qualities essential to protecting classified information. A person 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 PSI, his testimony at the hearing, and the CBRs submitted by Department Counsel 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”). AG ¶ 19(g) (“failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same”) is not established. The SOR appears to have been based on Applicant’s September 2014 PSI, in which he admitted only that he failed to timely pay his state taxes. There is no substantial evidence that he failed to timely file his return.

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 are numerous and recent. However, he fell behind in his payments in large part due to an unusual and unforeseen event, *i.e.*, the untimely death of his fiancée, on whom he counted to share their rent, living expenses, credit-card balances, and car payments.

AG ¶ 20(b) is not fully established. In addition to the untimely death of his fiancée, Applicant also experienced periods of unemployment and underemployment. He acted responsibly regarding his state tax debt, but he has not acted responsibly regarding the remaining debts alleged in the SOR. He has taken no action to resolve the debts in SOR ¶ 1.b-1.f. He has not contacted his creditors, and he did not respond to a settlement offer from the creditor alleged in SOR ¶ 1.d. He claimed to have paid either SOR ¶ 1.f or 1.g, but he produced no evidence of payment. He disputed the repossession deficiency with the original creditor, but not with the credit bureau. He has not attempted to negotiate a settlement with the original creditor.

AG ¶ 20(c) is not established. Applicant has not received credit counseling, and his financial situation is not under control.

AG ¶ 20(d) is established for the tax debt in SOR ¶ 1.a. It is not established for the remaining debts.

AG ¶ 20(e) is not established. Although Applicant claimed to have disputed the repossession deficiency in SOR ¶ 1.h, he has not documented a basis for the dispute or submitted it to the credit bureau.

Guideline E, Personal Conduct

The SOR alleges that Applicant was arrested and charged with use and possession of cocaine in 1993 and again in 1994 (SOR ¶ 2.a and 2.b). It alleges that he falsified his SCA by answering “no” to the question whether he was ever charged with an offense involving alcohol or drugs (SOR ¶ 2.c). It alleges that he made a false statement during his September 2014 PSI by stating that his two positive urinalyses for cocaine in 1993 and 1994 were caused by his use of prescription medications rather than cocaine (SOR ¶¶ 2.d and 2.e). Finally, it alleges that he falsified his SCA by answering “no” to financial questions in Section 26 of his SCA. The SOR sets out all the financial questions in Section 26 directed toward the last seven years, but it does not allege that he falsely answered “no” to the last question in Section 26, asking if he was “currently over 120 days delinquent on any debt.”

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 disqualifying conditions relevant to the allegations that Applicant falsified his SCA and gave the investigator false information during his PSA are:

AG ¶ 16(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; and

AG ¶ 16(b): deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative.

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 experience and level of education 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).

The relevant disqualifying conditions for Applicant's drug involvement in 1993 and 1994 are:

AG ¶ 16(c): credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information;

AG ¶ 16(d): credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of . . . a pattern of dishonesty or rule violations; and

AG ¶ 16(e): personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as . . . engaging in activities which, if known, may affect the person's personal, professional, or community standing.

The allegations in SOR ¶¶ 2.a and 2.b are not fully established by the evidence. The evidence shows that Applicant tested positive for cocaine in two urinalyses in 1993 and 1994. There is no evidence that he was arrested in either case. Furthermore, the accusations in each case were resolved by nonjudicial punishment under Article 15, Uniform Code of Military Justice, 10 U.S.C. 815. There are no formal charges in nonjudicial punishment proceedings, and in this case Applicant's commander imposed punishment based on a police report, which falls short of formal charges. The evidence is sufficient, however, to establish that he possessed and used a substance containing cocaine or a similar prohibited substance that caused a positive urinalysis.

The evidence is insufficient to establish that Applicant deliberately falsified his SCA, as alleged in SOR ¶ 2.c, by answering "no" to the question whether he was ever charged with an offense involving alcohol or drugs. He was never "charged" with an offense. Furthermore, he plausibly and credibly testified that his military lawyer advised him that his criminal record would not reflect that he had been "charged."

The evidence also is insufficient to establish that Applicant deliberately falsified material facts during his PSI, alleged in SOR ¶¶ 2.d and 2.e. The summary of the PSI recites the following facts regarding the 1993 positive urinalysis:

A friend in the barracks, [name redacted] offered the subject some pain medication It was codeine or a Tylenol 3 (the subject does not recall exactly). The subject could not recall if the medication was prescribed to [name redacted]. The subject did not pay for the pills. Neither the subject nor [name redacted] was aware that it would test positive for cocaine. The subject took the medication 5-6 times. He took a random drug test and tested positive for cocaine.

Applicant gave a similar explanation for the 1994 positive urinalysis, except that Applicant took 4-5 of the same pills, knowing what the outcome would be if he was subjected to another urinalysis. (GX 2 at 5.) There is no evidence in the record showing that Applicant's explanations for the two positive urinalyses were false.

Applicant admitted that he answered "no" to the financial questions in Section 26 of his SCA, and he testified that he thought the question applied only to debts that were incurred during the seven years preceding his SCA. Given his limited education and limited experience with the security clearance process, I found his explanation plausible and credible.

The SOR did not allege that he falsified the last question in Section 26, asking if he was currently over 120 days delinquent on any debt. Thus, his false answer to this question may not be an independent basis for denying his application for a clearance. However, conduct not alleged in the SOR may be considered to assess an applicant's credibility; to decide whether a particular adjudicative guideline is applicable; to evaluate evidence of extenuation, mitigation, or changed circumstances; to consider whether an applicant has demonstrated successful rehabilitation; or as part of a whole-person analysis. ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006). I have considered his false answer to the last question in Section 26 for these limited purposes.

Based on the foregoing analysis, I conclude that SOR ¶¶ 2.a and 2.b are partially established to the extent that they alleged drug-related misconduct in 1993 and 1994. The allegations in SOR ¶¶ 2.c-2.f are not established by substantial evidence. I conclude that the disqualifying conditions in AG ¶¶ 16(a) and 16(b) are not established, but AG ¶¶ 16(c), 16(d), and 16(e) are established by the evidence of Applicant's drug-related personal conduct in 1993 and 1994. The following mitigating condition is applicable:

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.

Applicant's misconduct was not minor, and he apparently used the pills provided by his friend frequently in 1993 and 1994. However, his misconduct is mitigated by the passage of time. More than 22 years have passed since his positive urinalysis in January 1994, and there is no evidence of subsequent drug-related misconduct.

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, and I have considered the factors in AG ¶ 2(a). After weighing the disqualifying and mitigating conditions under Guideline F and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has refuted the allegations of falsification and mitigated the security concerns raised by his drug-related personal conduct, but he has not mitigated the security concerns raised by his delinquent debts. Accordingly, I conclude he has not carried his burden of showing that it is clearly consistent with the national interest to grant him 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

Subparagraph 1.a: For Applicant

Subparagraphs 1.b-1.f: Against Applicant

Paragraph 2, Guideline E (Personal Conduct):

FOR APPLICANT

Subparagraphs 2.a-2.f:

For Applicant

Conclusion

I conclude that 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.

LeRoy F. Foreman
Administrative Judge