



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 15-02678

**Appearances**

For Government: Benjamin Dorsey, Esquire  
For Applicant: *Pro se*

03/22/2017

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**Decision**

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MARSHALL, Jr., Arthur E., Administrative Judge:

**Statement of the Case**

On November 9, 2015, the Department of Defense (DOD) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline H (Drug Involvement), Guideline J (Criminal Conduct), Guideline F (Financial Considerations), and Guideline E (Personal Conduct).<sup>1</sup> He answered the SOR on November 20, 2015. He admitted all allegations under Guidelines H, J, and E, and admitted most allegations under Guideline F. He requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA), and I was assigned the case on June 6, 2016. DOHA issued a notice of hearing on September 2, 2016, setting the hearing for October 13, 2016. The hearing was convened as scheduled.

The Government offered five documents, accepted without objection as exhibits (Exs.) 1-5. Applicant offered testimony. On October 18, 2016, he submitted five packets of materials. They were accepted into the record as Exs. A-E without objection. The transcript (Tr.) was received on October 21, 2016, and the record was closed.

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<sup>1</sup> The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the DOD on September 1, 2006.

## Findings of Fact

Applicant is a 28-year-old lead systems technician who has worked for the same defense contractor for nearly four years. He has completed some college. Married in 2007, he has two children, born in late 2007 and 2015, respectively. He has continuously maintained a security clearance since 2006, when he was 18 years old. As well, he has maintained steady employment since 2007, "missing no more than a month or two" from work (Tr. 16-17) His hobbies include computer games and sports.

Applicant first used marijuana, an illegal drug, in around 2009, when he was about 21 years old. He had recently separated from his wife and relocated. (Ex. 1 at 28-29; Tr. 17) He used marijuana to seek stimulation and fight both "depression" and "home sickness" while living in his brother's basement far from his wife and new child. He did not use the drug with his brother. Applicant had a security clearance at the time and knew that marijuana was an illegal drug that he should not use while maintaining a security clearance. (Tr. 18) He explained: "I just – count my mistakes as being inexperience and not having the knowledge of being an adult." (Tr. 18)

Applicant was given the drug by an older relative with whom he no longer has contact.<sup>2</sup> He has never bought or sold the drug. Applicant's marijuana use was infrequent and he did not share it with others. He was arrested for possession of marijuana in about January 2011 during a traffic stop and driving on a suspended license, which had been suspended for nonpayment of traffic fines. (Tr. 25) During probation, he tested positive for the drug's use. He never reported these issues to his security officer.<sup>3</sup> (Tr. 22) Later that year, he ceased his marijuana use. He estimates that he used it about five times between 2009 and 2011, mostly while in the basement home. He has not used any other illegal drugs. He does not associate with individuals who use illegal drugs. (Tr. 23) He generally avoids drugs and does not imbibe alcohol.

In addition to his 2009-2011 marijuana use, Applicant had multiple arrests and charges of a criminal nature. In December 2008, Applicant was charged with reckless driving, a misdemeanor. He pled guilty, fined \$326, and had his license suspended for 60 days. In around July 2008, he was again cited for reckless driving. This time, he was fined \$186. In the interim, in November 2009, He was arrested and charged for marijuana possession, a misdemeanor, and sentenced to 12 months of supervised probation. The case was dismissed when he finished probation. In December 2009, he was charged in court for failure to appear, a misdemeanor. In February 2010, he was charged with driving on a suspended license, a misdemeanor.

As previously noted, in or around January 2011, Applicant was arrested by county police and charged for marijuana possession while driving on a suspended

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<sup>2</sup> Applicant once used the drug with a co-worker. The two no longer have contact. (Tr. 20-21)

<sup>3</sup> Applicant testified that he did not know he was required to report such incidents to his Security Officer (SO). (Tr. 22) He never received training regarding the requirements related to maintaining a security clearance. (Tr. 23) Later in 2013, he reported this incident and a recent incarceration to his SO.

license with multiple prior offenses. He was eventually found guilty, sentenced to 30 days imprisonment with 30 days suspended. In February 2011, he was charged with failure to appear, a misdemeanor. He pled guilty and was sentenced to 10 days in jail with 10 days imprisonment suspended. In December 2011, he was arrested and charged in county court for possession of marijuana, a misdemeanor. In or around January 2012, he was charged with reckless driving, a misdemeanor. He was found guilty and fined \$524. He paid all fines ordered.

In around August 2012, Applicant's car was repossessed. As he had to go to work the following morning, and as he was already under advisement to not again be tardy, he tried to contact the towing company. Unsuccessful, he took a cab 40 miles to the impound lot, broke in, got in his car, and rammed the gate, but was unsuccessful in exiting with the vehicle. He then left the lot. He was subsequently arrested and charged with Grand Larceny, a felony, Destruction of Property Greater than \$1,000 with intent, a felony, and Unauthorized Entry, a misdemeanor. In March 2013, he pled guilty to amended charges of Petit Larceny, a misdemeanor, Destruction of Property, a misdemeanor, and Unauthorized Entry, a misdemeanor. He was sentenced to a year in jail for each amended charge, with all but two months of the sentence suspended. He paid \$628 in court charges. In the end, he served only 30 days in jail during the latter part of 2013. (Tr. 22, 32-33) He is unsure of the length of his post-release probation. (Tr. 33) He has not had further contact with the county.

Not including the above-cited driving charges and incidents, Applicant was cited at least 31 times for moving and other vehicle-related infractions between May 2007 and November 9, 2015. Many of these were for seatbelt violations, HOV-lane citations, and speeding. His last infraction was for speeding in 2015 and for displaying an expired car inspection sticker in 2016. He has not been arrested since 2012.

Since his 2009 separation, Applicant has reconciled with his wife and sired a second child who is one year old. As a consequence, Applicant has become more conscientious. With maturation, he has become a more law-compliant individual. (Tr. 38) With his wife as a stay-at-home mother, he now knows the importance of behaving responsibly and supporting his family. (see, e.g., Tr. 39)

At present, Applicant earns about \$63,500 a year. After taxes, he has a net monthly salary of about \$1,700. He maintains a savings account. He maintains that it has a nominal balance because he has been devoting spare funds toward debts. His retirement account has a balance of about \$2,000. He pays \$1,554 each month for rent. He has a monthly car payment of \$265. He is in repayment on a \$1,000 Federal tax obligation on which he is paying \$50 a month toward the balance owed.

At issue are 34 delinquent debts. Applicant has not produced any documentary evidence showing he has disputed any of these accounts. The debts noted amount to over \$50,000. Specifically, the delinquent debts reflected in the SOR are as follows:

3.a, 3.o-3.r – Adverse judgments - \$478, \$800, \$1,755, \$819, \$754 - Paid. The debts at 1.q and 1.r were combined and paid in one payment. All judgments were satisfied in 2014. (Ex. B at 4)

3.f - Telecommunications collection - \$207 – Unclear status. Applicant showed what appears to be an excerpt from a credit report. The date of delinquency is shown as January 2011 and the date of assignment to the collection entity was July 2015. The excerpt reflects this account, notes this balance, and notes it is unpaid as of September 2015. Applicant wrote by the entry: “7 years Deleted from report.” (Ex. B at 3) It is unclear from what year Applicant has calculated that seven years have passed.

3.k – Telecommunications collection - \$1,120 – Unclear status. Applicant provided an Equifax excerpt reflecting this account and showing its information for this account was reported in February 2015. It shows that the account was opened in December 2014 and had a balance of \$1,121. Applicant wrote: “7 years since opened Current credit report reflects account has been removed.” (Ex. B at 4) Given that the earliest date noted on this document is from 2014 and the document was offered in 2016, it is unclear what Applicant means in noting that seven years have passed.

3.x – Collection account for public utility - \$466. Applicant provided a 2009 statement indicating that the sum of \$465.60 was paid in September 2015. (Ex. B at 5)

3.bb – Collection account for \$670. Unclear status. Applicant provided a copy of a page from his Equifax report reflecting this account, as last reported in July 2016, and showing this medical account was opened on December 31, 2012. Applicant wrote: “7 years since account was opened. Current report reflect account has been removed.” (Ex. B at 6) It is unclear from what year he has calculated that seven years have passed.

3.dd - Charged-off account - \$7,148. In repayment. Applicant recently initiated repayment on this debt in September 2016 with a payment of \$595.72. (Ex. E)

3.ee-3.ff – Charged-off student loans - \$2,973, \$12,021. In repayment. These student loans became delinquent in about 2007. Applicant provided evidence that all his student loans, dating from 2006-2007, are currently in repayment. (Ex. C)

3.gg – Telecommunications collection account - \$670. Paid. This balance was satisfied by April 2016. (Ex. B at 7)

The above reflects that Applicant has paid about \$6,000 in debts and is at varying stages of repayment on delinquent debts amounting to about \$22,150. This does not include the debts where, as noted, their status is unclear due to the vagueness of the documentation offered. Of the other delinquent debts noted in the SOR, he wrote in his SOR response that he admitted the debt noted at 3.d, 3.l, 3.cc, and 3.hh,<sup>4</sup>

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<sup>4</sup> Applicant testified he has disputed this debt regarding a cable converter box, but he provided no corroborating documentation. (Tr. 71-72)

amounting to about \$2,780, and had paid those set forth in the SOR at 3.b, 3.c, 3.e, 3.g, 3.h, 3.j, 3.m,<sup>5</sup> 3.n, 3.s-3.w, 3.y-3.aa, amounting to about \$7,000.<sup>6</sup> No documentary evidence regarding payments on any of these specific accounts, however, was introduced. He is currently negotiating settlement on the delinquent debt at 3.i (\$1,817). (Tr. 54-56)

Today, Applicant's credit report reflects only three collection accounts, significantly down from a former number of 25. (Ex. D) He uses a budget. There is no documentary evidence indicating he has received financial counseling.

## **Policies**

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 used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules. These guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." In making a decision, all available, reliable information must be considered.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an "applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or

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<sup>5</sup> The transcript relates that during the hearing, the parties indicated agreement that the delinquent debts at 3.m (\$11,138) and 3.w (\$611) were duplicative for the same repossession balance. (Tr. 59-60, 69) On its face, this appears incorrect. I note, however, that the entity referenced as being a duplicate creditor for the account at issue in 3.m is found at 3.dd (\$7,140) For purposes of tallying the debt amounts, therefore, I subtract the sum noted for 3.m from the total of the debts to which Applicant initially claimed as paid. As noted, that debt, as 3.dd, is in repayment.

<sup>6</sup> At the hearing, Applicant stated that some of the debts noted at allegations to which he had admitted in the SOR were subsequently paid. (see, e.g., Tr. 50) Because I can only adjudge payment based on documentary evidence, however, such statements are taken in context of the hearing, not in context with regard to the materials ultimately offered. When Applicant volunteered to show some debts were no longer reflected on his credit report, he was reminded that non-appearance of a debt does not necessarily mean the debt has been satisfied. (Tr. 51)

mitigate facts admitted by applicant or proven by Department Counsel and 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. The Government reposes a high degree of trust and confidence in those granted access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard such information.

## **Analysis**

### **Guideline H, Drug Involvement**

The security concern for this guideline is set forth in AG ¶ 24:

Use of an illegal drug or misuse of a prescription drug can raise questions about an individual’s reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person’s ability or willingness to comply with laws, rules and regulations.

Drugs are defined as mood and behavior altering substances, and include:

(1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended, (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and (2) inhalants and other similar substances.

Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

The guideline notes several disqualifying conditions that could raise security concerns. I find the following apply:

AG ¶ 25(a) any drug abuse;

AG ¶ 25(b) testing positive for any illegal drug use;

AG ¶ 25(c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and

AG ¶ 25(g) any illegal drug use after being granted a security clearance.

Applicant admits he used marijuana, an illegal drug, on multiple occasions between 2009 and 2011. During this time period, he was maintaining a security

clearance. In addition, he was caught by the authorities with the drug in his possession. He also tested positive for marijuana in 2011 while on probation. Given these admitted facts, all four of the cited disqualifying conditions apply.

Guideline H also includes examples of conditions that could mitigate security concerns arising from drug involvement. Potentially applicable are:

AG ¶ 26(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) and

AG ¶ 26(b) (a demonstrated intent not to abuse any drugs in the future, such as: (1) disassociation from drug-using associates and contacts; (2) changing or avoiding the environment where drugs were used; (3) an appropriate period of abstinence.

AG ¶ 26(a) applies because Applicant's drug use was limited to his early 20s, limited to only five occasions, and occurred before he took on the mature responsibilities of fatherhood. AG ¶ 26(b) applies because Applicant has remained drug-free and focused on providing for his family. He no longer has contact with those who use illegal drugs. He has not used illegal drugs for over five years. While that may not be a tremendous amount of time, it is a lengthy period for one his age. He has matured considerably in the past five years. He regrets his resort to drug use. While these factors bring mitigation under Guideline H, the fact he used the drug while maintaining a security clearance must be reconsidered more below.

## **Guideline J, Criminal Conduct**

The concern raised by criminal conduct is set out in AG ¶ 30:

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.

Between 2008 and 2012, Applicant was thrice cited for reckless driving, found guilty, and fined. Twice he was cited for driving on a suspended driver's license and sentenced to probation or jail time (jail time suspended). Twice he failed to appear in court, incurring a sentence of 10 days in jail (suspended) for the latter incident.

Moreover, Applicant admitted that, less than five years ago, he broke into a vehicle compound lot, attempted to break out of the lot by ramming into the gate with his repossessed car, and then fled. In March 2013, he pled guilty to charges of Petit Larceny, Destruction of Property, and Unauthorized Entry, regarding an incident that occurred in August 2012. For this incident, he served jail time and was fined. In addition, he admitted that he abused marijuana, an illegal substance, on multiple occasions

between 2009 and 2011, and was thrice charged for possession of the drug. Given these extensive facts, the following disqualifying conditions apply:

AG ¶ 31(a): a single serious crime or multiple lesser offenses; and

AG ¶ 31(c): allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted, or convicted.

Under these facts, I find the following mitigating conditions potentially relevant:

AG ¶ 32(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; and

AG ¶ 32(d): there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.

The incidents between 2008 and 2011 are of lesser concern as they occurred over five years ago. However, their sheer repetition poses considerable concern. Indeed, Applicant's 2012 reckless driving citation (and continued speeding) resurrect, if not sustain, the concerns regarding his willingness to comply with laws, rules and regulations into the near-present. Of additional concern is the judgment displayed in August 2012, when Applicant tried to liberate his repossessed vehicle from a secured impound lot. His testimony reflected a sense of desperation on his part regarding his need to arrive at work on time, an issue created by his having been warned previously about tardiness. Indeed, only desperation could lead a reasonable man in his 20's to take a 40-mile long cab ride to an impound lot to break in, then try to steal an impounded car when a direct car ride to his work would have made more logical sense.

While the facts tend to indicate illegal marijuana use from over five years ago is no longer a genuine security concern, and while four years have passed without criminal incident, Applicant's guilty plea and jail time occurred just barely four years ago. More time is needed to show that he can continue to show improved judgment and a consistent observance of the law. None of the available mitigating conditions apply.

### **Guideline F, Financial Considerations**

Under Guideline F, AG ¶ 18 sets forth that the security concern under this guideline is that 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 engaging in illegal acts to generate funds.

Here, the evidence shows Applicant acquired over \$50,000 in delinquent debts. This is sufficient to raise financial considerations disqualifying conditions:

AG ¶ 19(a): inability or unwillingness to satisfy debts, and

AG ¶ 19(c): a history of not meeting financial obligations.

Five conditions could mitigate these finance related security concerns:

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.

Applicant provided little background explaining how these debts were acquired, although the facts show he once had difficulty timely paying his fines and that he maintained a separate residence from his wife and child after his 2009 marital separation. This latter factor may have added to his financial distress, although he provided no documentary evidence reflecting how he then behaved reasonably in the face of his debt. There is no documentation showing he received financial counseling. He testified that he maintains a budget, but none was introduced. He did not describe a strategy for satisfying his delinquent debts. Still, some progress has been made.

Of the over \$50,000 in delinquent debt at issue, Applicant provided evidence he has satisfied about \$6,000 in past-due accounts, and is in varying stages of repayment on about \$22,000 in debts, although his documentation rarely established a meaningful

track record of regular, continued, and established repayment. Other debt is either admitted, with comment that it will be addressed in the future, or described as paid without corroborating evidence. There is no documentation showing Applicant has formally disputed any debts. Moreover, his plans going forward are unclear. This is particularly true if, in fact, his net monthly salary is about \$1,700, he has a monthly rent obligation of \$1,554, and has scant cash reserves. At present, Applicant's financial situation is too vague for analysis. At best, Applicant's documented evidence of payments and repayment efforts raise AG ¶ 20(d).

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

The security concern for personal conduct is set out in AG ¶ 15, where the significance of conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations is defined ([p]ersonal conduct can raise questions about an individual's reliability, trustworthiness and ability to protect classified information).

Under AG ¶ 16, the following disqualifying condition is relevant:

(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.

Here, security concerns are raised regarding Applicant's drug involvement and criminal conduct, as discussed above. In addition, the fact that Applicant has been cited at least 31 times for moving and vehicle-related infractions raise questions regarding his personal conduct. The conduct under Guideline H and Guideline J have already been discussed sufficiently for the type of analysis contemplated under this section. The moving and vehicle-related incident, which continued through at least 2015, however, raise personal conduct concerns under 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: . . . (3) a pattern of dishonesty or rule violations.

Applicant's speeding and vehicular citations between 2007 and 2015 further evidence Applicant's disregard or, at least, lack of focus on rules and regulations. The

fact that they have continued until less than two years ago in such a continued and repetitious pattern is of genuine concern. They reflect an unwillingness or incapability of complying with rules and regulations and a failure to self-monitor, AG ¶ 17 provides seven potentially applicable personal conduct mitigating conditions. Given the recency and numerosity of the incidents, and other facts concerning these issues, I find none of the available mitigating conditions presently apply.

### **Whole-Person Concept**

Under the whole-person concept, one must evaluate security clearance eligibility by considering the totality of the applicant's conduct and all relevant circumstances. Consideration shall be given to the nine adjudicative process factors listed at AG ¶ 2(a). The final determination must be an overall commonsense judgment based on 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, and conducted a whole-person analysis based on the record. In addition to Applicant's past illegal drug involvement, I considered his present life, candor at the hearing, and credible explanations.

Applicant is a 28-year-old systems technician who attended some college and has maintained a security clearance since 2006. Married, he has two children. He used marijuana between 2009 and 2011. His drug use was relatively brief and infrequent. With five years or more of abstinence, he has mitigated concerns regarding drug use.

Applicant's history of comporting his behavior in terms of criminal conduct, however, is much briefer and more troublesome. Applicant's drug use occurred when he maintained a security clearance and he knew he marijuana was illegal and incompatible with maintaining a security clearance. In addition, he was repeatedly found guilty of multiple misdemeanors between the late 2008 through early January 2012. All of these events culminated in the late 2012 scenario of his attempt to retrieve his repossessed. This incident reflects exceptionally poor judgment and a clear disregard of the law, and led to his March 2013 sentencing and imprisonment. As with his numerous traffic and driving-related citations received through 2015, insufficient time has passed to show that his behavioral change is permanent.

Applicant's financial issues are troublesome. Little is known of their genesis, and documentation as to how he has tried to address the many debts at issue is incomplete. His plan going forward is unclear, especially given his limited resources. Financial counseling and a reassessment of his budget should help resolve his present situation. Based on the materials presented, however, I cannot find that financial considerations security concerns are yet mitigated. In light of the above and after consideration of all available information regarding Applicant at present, I find that criminal conduct, financial considerations, and personal conduct security concerns remain.

### **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 H:	FOR APPLICANT
Subparagraphs 1.a-1.d:	For Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraphs 2.a-2.i:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraphs 3.a-3.hh:	Against Applicant
Paragraph 4, Guideline E:	AGAINST APPLICANT
Subparagraphs 4.a-4.b:	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 a security clearance. Eligibility for access to classified information is denied.

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Arthur E. Marshall, Jr.  
Administrative Judge