



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



In the matter of: )  
 )  
 [NAME REDACTED] ) ISCR Case No. 15-04856  
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 Applicant for Security Clearance )

**Appearances**

For Government: Gina L. Marine, Esq., Department Counsel  
For Applicant: *Pro se*

01/31/2017

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**Decision**

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BORGSTROM, Eric H., Administrative Judge:

Applicant did not mitigate the financial considerations and personal conduct security concerns. Eligibility for access to classified information is denied.

**Statement of the Case**

On January 12, 2016, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, financial considerations, and Guideline E, personal conduct. The action was taken under Executive Order (EO) 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.

Applicant responded to the SOR on February 12, 2016, and he elected to have the case decided on the written record in lieu of a hearing.<sup>1</sup> On March 30, 2016, the Government submitted its file of relevant material (FORM) and provided a complete

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<sup>1</sup> Department Counsel notes in the FORM that the SOR and the SOR response were incorrectly dated 2015 instead of 2016. See Item 12 (clarifying Applicant's request for a determination without a hearing).

copy to Applicant. He received the FORM on April 13, 2016. Applicant was afforded an opportunity to respond to the FORM within 30 days of its receipt and to file objections and submit material to refute, extenuate, or mitigate the security concerns. He responded to the FORM on April 25, 2016. The case was assigned to me on December 15, 2016.

### **Procedural Issues**

In the FORM, Department Counsel references FORM Items 1-12. FORM Item 4 is the unauthenticated summary of a December 14, 2014 interview with a government background investigator. In the FORM, Department Counsel advised Applicant that he could object to FORM Item 4 and it would not be admitted, or that he could make corrections, additions, deletions, and stipulate to its admissibility, as clarified. Applicant was informed that his failure to respond to the FORM or to raise any objections could be constituted as a waiver, and the evidence would be considered by me. Applicant responded to the FORM, and he raised no objections. Moreover, he specifically offered clarifying remarks to an excerpt of FORM Item 4. Given Department Counsel's advisement, Applicant's education and work experience, and his clarifying remarks on FORM Item 4, I found the waiver to be knowing and intelligent.<sup>2</sup> Therefore, I admitted FORM Item 4 into evidence as Government Exhibit 4.

FORM Items 3 and FORM Items 5-11, are also admitted into evidence as Government Exhibits (GE) 3 and 5-11, respectively, without objection.<sup>3</sup>

In his FORM response, Applicant provided eleven exhibits, including a cover letter, several financial account statements, a credit report excerpt, letters of recommendation, and clarifying remarks to GE 3 and GE 4. These eleven exhibits are admitted into evidence as Applicant Exhibits (AE) A-K, without objection.

### **Findings of Fact**

Under Guideline F, the SOR alleges two delinquent credit accounts, child support arrearages, and a medical collection, totaling approximately \$24,312. Applicant denied the alleged medical collection [SOR ¶ 1.d.] and admitted the remaining debts. Applicant denied all three Guideline E allegations. After a thorough and careful review of the pleadings and exhibits submitted, I make the following findings of fact:

Applicant is 52 years old. He graduated from high school in 1983, followed by one year in college in 1984-85. He served active duty in the U.S. military from August

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<sup>2</sup> See ISCR Case No. 15-05252 at 3 (App. Bd. Apr. 13, 2016) (Applicant's waiver of the authentication element must be knowing and intelligent.).

<sup>3</sup> See ISCR Case No. 14-06781 at 3 (App. Bd. Dec. 16, 2016) (By not responding to the Government's FORM, "Applicant waived any objection he might have had to this document."). FORM Items 1, 2, and 12, consisting of the SOR, the response to the SOR, and Applicant's email, are the pleadings and are included in the record.

1986 to January 2008, when he honorably retired. From February 2008 to August 2009, he worked for two private companies, from which he was laid off. Supported by his military retirement and the GI Bill, he returned to school from August 2010 to August 2011, and he received his associate's degree. Since August 2011, he has been employed full time by a DOD contractor. Applicant has been married to his third wife since July 2012, and he has two children, ages 20 and 27. He continues to financially support his 20-year-old son, whose college education expenses are required by the divorce decree.<sup>4</sup>

Although the credit card account in SOR ¶ 1.a. has a history of delinquencies in 2014 and 2015, Applicant demonstrated that, as of his April 2016 FORM response, this account was current.<sup>5</sup>

The collection account in SOR ¶ 1.b. remains delinquent in the approximate amount of \$19,874, with no evidence of any payments since July 2009.<sup>6</sup> Applicant has provided no evidence of payments or contacts with this creditor to resolve this account.

Following Applicant's divorce from his second wife, he owed child support. Child support arrears (SOR ¶ 1.c.) totaled \$3,405 as of July 2014. As of April 2016, the arrears were approximately \$56. Applicant credibly explained that his tax refund(s) had been applied to the arrears and that the weekly child support obligation is mistimed with the garnishment of his monthly military retirement pay, causing the periodic arrears.<sup>7</sup>

Applicant linked the medical collection account in SOR ¶ 1.d. to a delinquent gym membership. Applicant's July 2014 credit report lists this collection account as delinquent in the amount of \$809.<sup>8</sup> In his response to the SOR, Applicant includes a letter to the gym owner, and Applicant's handwritten notes on the letter reference a potential \$50 settlement payment; however, there is no evidence that such payment was completed or that the account has been resolved.

In August 1985, Applicant was charged with driving under the influence (DUI). He was fined approximately \$200.<sup>9</sup>

In 1998, while on travel for a military training exercise, Applicant was arrested for and charged with DUI. He pled guilty. He received probation before judgment (PBJ), was fined, and was required to complete alcohol counseling.<sup>10</sup>

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<sup>4</sup> GE 3; GE 4; GE 8; Response to SOR.

<sup>5</sup> GE 5 (see account history for delinquencies); AE E.

<sup>6</sup> GE 7 at 9.

<sup>7</sup> AE A.

<sup>8</sup> GE 7 at 10.

<sup>9</sup> GE 11. SOR ¶ 2.a. alleges that Applicant was charged with DUI's in 1985, 1998, 1999, and 2003.

In September 2003, Applicant was arrested for and charged with driving while intoxicated (DWI). He failed multiple sobriety tests, and his blood alcohol level tested at twice the legal limit.<sup>11</sup>

Applicant submitted security clearance applications (SCA) in December 1990, December 2002, and July 2014. On the December 1990 SCA, he listed his 1985 DUI.<sup>12</sup> On his December 2002 SCA, in response to Question 24 "Have you ever been charged with or convicted of any offense(s) related to alcohol or drugs?," Applicant answered "NO."<sup>13</sup> In response to Question 26 "In the last 7 years, have you been arrested for, charged with, or convicted of any offense(s) not listed in modules 21, 22, 23, 24, or 25?," Applicant answered "NO."<sup>14</sup>

Applicant was interviewed by a Defense Security Service (DSS) investigator in December 2003. In his December 4, 2003 signed, sworn statement, Applicant admitted a September 2003 alcohol-related arrest and, in pertinent part, stated:

I deeply regret this incident. I am not one to drink a lot. Alcohol had never caused me any problems prior to this incident, or since. . . . I have not had any other alcohol related incidents, nor have I had any other negative contact with law enforcement. I have not sought treatment or counseling related to alcohol.<sup>15</sup>

Applicant both signed this statement and initialed this specific paragraph. Nowhere within this statement did Applicant discuss his 1985 and 1998 DUI arrests and charges.

When confronted by the DSS investigator about his other alcohol-related incidents in January 2004, Applicant responded:

My attorney told me that 'Probation before Judgement' meant that the incident 'didn't get listed' and there was 'no record'. . . . I didn't list it because I felt based on what I was told that it would not be listed anywhere and wouldn't have been discovered during a driver's record check. I believe as I was told, that the chargers [sic] were gone, that was

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<sup>10</sup> GE 10.

<sup>11</sup> GE 9 (Applicant's statement and the attached police report).

<sup>12</sup> GE 11.

<sup>13</sup> GE 8 at 7.

<sup>14</sup> GE 8 at 8.

<sup>15</sup> GE 9 at 2.

what 'Probation before Judgment' was. If I were asked if I was arrested, I would say yes, 19 years ago, in 1998, and on September 03.<sup>16</sup>

During the January 2004 interview, the DSS investigator also confronted Applicant about his truthfulness on the December 2002 SCA:

Q: After discussing these incidents, were you totally honest when filling out the security forms?

A: No, I suppose I wasn't. I felt that they had happened and I took care of it myself outside of the military on my own time, got it behind me and in my past. I didn't intentionally lie, however, I was not totally honest in my responses covering alcohol incidents or arrests. . . .

Yes, I was afraid that the incident would affect my career and I was also embarrassed about it. I didn't want people looking at me differently because of those incidents.<sup>17</sup>

In his SOR and FORM responses, Applicant continued to deny intentionally falsifying or omitting the criminal offenses on his 2002 SCA and in his December 2003 statement. He explained that he had omitted the 1985 offense because he had disclosed it prior to joining the military and that he had omitted the 1998 offense because he had received PBJ and was told by his attorney that it would not be on his record. He has provided no explanation for his outright denial of any other alcohol-related incidents during his December 2003 interview.

On his July 2014 security clearance application, Applicant admitted DUI charges in 1984, May 1998, 1999, and August 2003. In his FORM response, Applicant clarified that there was no 1999 incident.

Applicant financially supports his son, beyond the required child support, while he is in college. The three character reference letters highly praised Applicant; however, none of these individuals indicated any knowledge of the SOR allegations or underlying derogatory information.<sup>18</sup>

## **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

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<sup>16</sup> GE 10 at 3.

<sup>17</sup> GE 10 at 5-6.

<sup>18</sup> AE H-I.

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. As noted by the Supreme Court in *Department of Navy v. Egan*, "the clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials."<sup>19</sup> Under *Egan*, Executive Order 10865, and the Directive, any doubt about whether an applicant should be allowed access to classified information will be resolved in favor of protecting 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).

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<sup>19</sup> *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988). See *Duane v. Department of Defense*, 275 F.3d 988, 994 (10<sup>th</sup> Cir. 2002) (no right to a security clearance).

## Analysis

### Guideline F (Financial Considerations)

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

Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds.

This concern is broader than the possibility that an individual might knowingly compromise classified information in order to raise money. It encompasses concerns about an individual's self-control, judgment, and other qualities essential to protecting classified information. An individual who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information.<sup>20</sup>

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

- (a) inability or unwillingness to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant's delinquent debts total approximately \$20,739, with one debt [SOR ¶ 1.b.] having been delinquent since 2009. Accordingly, the evidence is sufficient to raise AG ¶¶ 19(a) and 19(c) as disqualifying conditions.

The Government established its case for disqualification, thereby shifting the burden to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the facts.<sup>21</sup> An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government.<sup>22</sup> 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

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<sup>20</sup> See ISCR Case No. 11-05365 at 3 (App.Bd. May 1, 2012).

<sup>21</sup> Directive ¶ E3.1.15.

<sup>22</sup> See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

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; 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 credibly explained how the weekly child support obligation was occasionally mistimed with the garnishment of his monthly military retirement pay. Nonetheless, given the history of delinquencies on SOR ¶ 1.a. and that SOR ¶¶ 1.b. and 1.d. remain unresolved, I cannot find that these issues are unlikely to recur. AG ¶ 20(a) is not applicable.

The application of AG ¶ 20(b) requires both (1) Applicant's financial indebtedness resulted from circumstances beyond his control and (2) Applicant acted responsibly under the circumstances.<sup>23</sup> Applicant was laid off twice, and he returned to school to improve his employment opportunities. Because these circumstances may have impaired his ability to pay these debts, they may constitute circumstances beyond one's control in the context of AG ¶ 20(b).

AG ¶ 20(b) also requires that an applicant act responsibly under the circumstances. Applicant provided no evidence of any steps to resolve or repay the debt alleged in SOR ¶ 1.b. or to demonstrate settlement of SOR ¶ 1.d. Given that the large collection account [SOR ¶ 1.b.] has been delinquent since 2009 and that Applicant has been gainfully employed since August 2011, he has failed to explain why he has taken no steps to address this debt. There is insufficient evidence to conclude that Applicant acted responsibly to address his delinquent debts and to develop and implement a reasonable debt repayment plan.<sup>24</sup> AG ¶ 20(b) does not apply.

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<sup>23</sup> See ISCR Case No. 07-09304 at 4 (App. Bd. Oct. 6, 2008).

<sup>24</sup> See ISCR Case No. 08-06567 at 3 (App. Bd. Oct. 29, 2009) ("All that is required is that an applicant act responsibly given his circumstances and develop a reasonable plan for repayment, accompanied by 'concomitant conduct,' that is, actions which evidence a serious intent to effectuate the plan.").



There is no record evidence of financial counseling or of clear indications that the debts are being resolved. AG ¶ 20(c) does not apply.

As discussed above, notwithstanding Applicant's payment on SOR ¶ 1.a., there is no evidence of good-faith payments or other steps taken to resolve the alleged delinquent debts. 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."<sup>25</sup> Applicant's child support obligation (SOR ¶ 1.c.) appears to be a garnishment<sup>26</sup> of his military retirement pay and not a voluntary payment. Given Applicant's payment on SOR ¶ 1.a., AG ¶ 20(d) partially applies.

To the extent Applicant disputes SOR ¶ 1.d., he has not provided the requisite documentation to establish a reasonable basis for his dispute. AG ¶ 20(e) does not apply.

Although Applicant has made payments on SOR ¶ 1.a. and made payments through garnishment on SOR ¶ 1.c., there is no evidence of a debt resolution or repayment plan to address the remaining debts or steps taken in furtherance of this plan. Therefore, I find that financial considerations concerns remain.

### **Personal Conduct (Guideline E)**

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.

Under Guideline E, the SOR alleges criminal conduct in 1995, 1998, 1999, and 2003. Criminal behavior or rule violations trigger AG ¶ 16(d)(3):

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

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<sup>25</sup> See ISCR Case No. 08-12184 at 10 (App. Bd. Jan. 7, 2010) (Good-faith effort to resolve debts must be evidenced by a meaningful track record of repayment).

<sup>26</sup> See ISCR Case No. 08-06058 at 6 (App. Bd. Sep. 21, 2009) ("On its face, satisfaction of a debt through the involuntary establishment of a creditor's garnishment is not the same as, or similar to, a good-faith initiation of repayment by the debtor.").

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 criminal behavior spanned three alcohol-related arrests – in 1985, 1998, and 2003 – in the last 31 years.<sup>27</sup> Thus, AG ¶ 16(d)(3) applies.

The SOR also alleges that Applicant deliberately falsified material facts on a December 2002 SCA and during his December 2003 interview with a DSS investigator. Falsifications trigger AG ¶¶ 16(a) and (b):

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.<sup>28</sup> 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.<sup>29</sup>

Applicant's December 2002 SCA omitted his 1985 and 1998 DUI charges. During his December 2003 interview, Applicant admitted a September 2003 DUI but explicitly denied any other negative contact with law enforcement or other alcohol-related incidents. During his January 2004 interview, Applicant stated that he omitted the 1998 DUI charge based on his attorney's comments but that he would have listed the arrest if required. In fact, Question 26 of the December 2002 SCA required Applicant to list all arrests within the last seven years. Considering the totality of the record evidence, I find Applicant's explanations inconsistent with the record evidence, including his earlier statements. He has provided no credible explanation for the clear falsification during his December 2003 interview, wherein he denied any prior alcohol-

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<sup>27</sup> The Government did not establish that Applicant engaged in criminal conduct in 1999. Rather, Applicant erred in his recollection of dates.

<sup>28</sup> See ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004).

<sup>29</sup> See ISCR Case No. 08-05637 at 2-3 (App. Bd. Sep. 9, 2010).

related incidents. Furthermore, he admitted that he was embarrassed about these alcohol-related incidents and feared that revealing them would negatively impact his career. Based on Applicant's falsification on his 2002 SCA, AG ¶ 16(a) applies. AG ¶ 16(b) applies to Applicant's falsification during his December 2003 interview with the DSS investigator.

The following mitigating conditions are potentially relevant:

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

AG ¶ 17(c): the offense is so minor, or such 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 three alcohol-related arrests occurred over 13 years ago. I conclude that sufficient time has passed that this criminal behavior no longer casts doubt on his reliability, trustworthiness, or good judgment. AG ¶ 17(c) applies.

When first questioned about his alcohol-related arrests in December 2003, Applicant did not correct his falsification on his December 2002 SCA. Rather, he compounded the falsification by explicitly denying any prior alcohol-related incidents. Therefore, AG ¶ 17(a) does not apply.

Fundamental to the mitigation analysis in falsification cases is whether an applicant admits the intentional falsification. Here, Applicant continued to offer explanations as to why he omitted his 1985 and 1998 alcohol-related arrests and charges; however, these explanations are inconsistent with the documentary evidence and Applicant's own prior statements. Moreover, he characterized his falsifications as misunderstandings and error, as opposed to deliberate conduct. Applicant has yet to provide a plausible explanation for his outright denial of other alcohol-related incidents in his December 2003 signed, sworn statement. By not acknowledging and taking responsibility for his deliberate falsifications, the personal conduct security concerns remain.

## **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.

In light of all of the facts, I considered the potentially disqualifying and mitigating conditions. I have incorporated my comments under Guidelines F and E and the factors in AG ¶ 2(c) in this whole-person analysis.

Applicant was aware that his delinquent debts were a security concern, and he failed to provide evidence of a reasonable plan to address these debts and steps taken in furtherance of that plan. While Applicant's alcohol-related criminal behavior has been mitigated by the passage of time without further incidents, his falsifications in his 2002 SCA and 2003 statement raise significant concerns about his judgment, trustworthiness, and reliability. Notwithstanding his recommendation letters and honorable military service, Applicant's falsifications strike at the heart of the security clearance process,<sup>30</sup> and his failure to acknowledge his deliberate and intentional falsifications constitute an ongoing security concern. As a result, the totality of the record evidence leaves me with doubts as to Applicant's suitability for a security clearance. I conclude Applicant did not mitigate 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:

Paragraph 1, Guideline F:	Against Applicant
Subparagraph 1.a.:	For Applicant
Subparagraphs 1.b.-1.d.	Against Applicant
Paragraph 2, Guideline E:	Against Applicant
Subparagraph 2.a.	For Applicant
Subparagraphs 2.b.-2.c.	Against Applicant

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<sup>30</sup> See ISCR Case No. 09-01652 at 7 (App .Bd. Aug. 8, 2011).

## **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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Eric H. Borgstrom  
Administrative Judge