



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



In the matter of:

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ISCR Case No. 15-05849

Applicant for Security Clearance

Appearances

For Government: Adrienne Driskill, Esq., Department Counsel

For Applicant: *Pro se*

05/09/2017

Decision

HARVEY, Mark, Administrative Judge:

Applicant failed to sufficiently address nine delinquent debts listed on his statement of reasons (SOR) totaling \$23,350. In the previous year, he paid \$197 to address his SOR debts. He did not establish his financial responsibility. Financial considerations security concerns are not mitigated. Access to classified information is denied.

History of the Case

On January 28, 2015, Applicant completed and signed a Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). (Government Exhibit (GE) 1) On April 20, 2016, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant pursuant to Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (AG), which became effective on September 1, 2006.

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

Specifically, the SOR set forth security concerns arising under the financial considerations guideline.

On April 27, 2016, Applicant responded to the SOR. On July 15, 2016, Department Counsel indicated she was ready to proceed. On October 13, 2016, the case was assigned to me. On December 22, 2016, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for January 20, 2017. (HE 1) The hearing was held as scheduled.

Department Counsel offered four exhibits; Applicant offered four exhibits; and all proffered exhibits were admitted without objection. (Tr. 14-16; GE 1-4; Applicant Exhibits (AE) A-D) On January 27, 2017, DOHA received the transcript of the hearing. The record was initially held open until March 20, 2017. (Tr. 55) On May 8, 2017, I received the final exhibit from Applicant which was admitted without objection. (AE E)

Findings of Fact¹

In Applicant's SOR response, he admitted the allegations in SOR ¶¶ 1.a through 1.d, 1.g, and 1.i through 1.k. He denied the remaining SOR allegations. He also provided extenuating and mitigating information. Applicant's admissions are accepted as findings of fact. Additional findings of fact follow.

Applicant is a 48-year-old container refurbisher or cleaner, who has worked for a DOD contractor since January 2015. (Tr. 5-6, 17-18; GE 1) From 2003 to 2014, Applicant owned a business repairing vehicles. (Tr. 18-19) He had a brief period of unemployment in 2014. (Tr. 20) In 1986, he graduated from high school. (Tr. 5) He did not attend college. (Tr. 5) He did not serve in the U.S. Armed Forces. (Tr. 6; GE 1) In 1993, he married, and in 1995, he divorced. (Tr. 6) In 2003, he married, and his children are ages 17, 20, 21, and 27. (Tr. 7) There is no evidence of security violations, abuse of alcohol, criminal offenses, or use of illegal drugs. (GE 1)

Financial Considerations

Applicant described several issues that caused his financial problems. His business gradually lost income, and eventually went out of business in 2014. (AE A) In November 2016, his monthly income was reduced by \$700. (AE A) His spouse's hours were reduced, and the family did not have sufficient income to address their debts. (Tr. 26; HE 3) Applicant's gross annual pay is \$32,000. (Tr. 44) His spouse works part time at a store. (Tr. 41, 48) Applicant's financial records were lost or destroyed. (Tr. 51) The SOR alleges Applicant has the following financial issues:

SOR ¶ 1.a alleges Applicant owes federal taxes based on a tax lien filed in June 2010 for \$1,349. The lien as noted in his credit report does not indicate the tax year to

¹ Some details have been excluded in order to protect Applicant's right to privacy. Specific information is available in the cited exhibits. Some amounts are rounded up or down to protect Applicant's privacy.

which it pertains. Applicant said the debt was from a business he owned, and he said the debt was paid in full. (HE 3) Applicant said an Internal Revenue Service (IRS) agent came to his business, and Applicant paid him about \$9,000. (Tr. 23-24, 47, 50) Applicant's check was cashed; however, the IRS denies that the IRS received the check. (Tr. 23-24) Applicant was unable to find the cancelled check. (Tr. 23-24) Applicant's spouse was unsure about what year the \$9,000 was provided to the IRS agent, and she suggested it was 2009 or 2010. (Tr. 50) Applicant talked to the IRS a couple of times, and the IRS has not pursued payment. (Tr. 24) All state and federal taxes are current. (Tr. 25, 48) I suggested Applicant provide his IRS tax transcripts for five years, which would show whether his taxes were current. (Tr. 56) He provided a letter from the IRS indicating the IRS was unable to find a tax lien pertaining to tax years 2009 through 2012. (AE E at 8) On March 18, 2017, Applicant received a \$465 refund from the IRS, which was deposited into his bank account. (Tr. 25; AE E at 4-6; AE D)

SOR ¶¶ 1.b and 1.c allege Applicant has two charged-off credit cards from banks for \$3,089 and \$966. Applicant admitted he owed the debts; however, he was having difficulty contacting the banks and making payment arrangements. (HE 3) He did not make any payments to address these two debts. (Tr. 26-27)

SOR ¶ 1.d alleges Applicant has a charged-off credit card debt to a bank for \$863. Applicant admitted he owed the debt; however, he had not recently received any correspondence from the creditor. (HE 3) He did not make any payments to address this debt. (Tr. 27)

SOR ¶ 1.e alleges Applicant has a charged-off credit card debt owed to a building supply store for \$734. Applicant initially was unsure whether he owed the debt; however, he conceded it could be from his business. (HE 3) At his hearing, he conceded he was responsible for the debt; however, he did not make any payments to address it. (Tr. 28)

SOR ¶ 1.f alleges Applicant has a charged-off credit card debt for \$5,176. Applicant said the credit card was in his wife's name, and she had not recently received any recent correspondence from the creditor. (HE 3) At his hearing, he conceded he was responsible for this debt. (Tr. 43; GE 4) No payments were made to address this debt. (Tr. 28)

SOR ¶ 1.g alleges Applicant has a charged-off debt for \$9,896. Applicant admitted responsibility for this debt and said it resulted from his spouse's elective plastic surgery. (Tr. 28-29; HE 3) In 2006, they were billed \$5,000 for the plastic surgery; they made some payments until 2009; and they have not made any recent payments. (Tr. 29-30)

SOR ¶ 1.h alleges Applicant has a debt placed for collection for \$2,011. Applicant said he and his former spouse each agreed to pay half of their son's tuition, and this debt was her half of their son's tuition. (Tr. 30-31; HE 3) In 2012, his son attended the school for less than one year. (Tr. 31) Applicant said he paid his half of the debt. (Tr. 31) He said the debt was in his former spouse's name; however, he also said he went to the school with her and "we agreed to pay." (Tr. 31) His spouse said the debt was in Applicant's name, and then it was transferred to his former spouse's responsibility. (Tr. 49; AE A) Applicant's former spouse told Applicant that she was paying the debt. (Tr. 32; AE E at

9) This debt appears on Applicant's March 3, 2016 credit report, and it does not appear on Applicant's June 8, 2016 credit report. (GE 3; GE 4) Applicant is credited with mitigating this debt.

SOR ¶ 1.i alleges Applicant has a debt placed for collection for \$1,379. Applicant admitted responsibility for this credit card debt, and said he has not received recent correspondence from the creditor. (Tr. 32; HE 3) He has not made any efforts to pay this debt. (Tr. 32)

SOR ¶ 1.j alleges Applicant has debt placed for collection for \$138. Applicant accepted responsibility for this utilities debt, and he promised to pay it. (Tr. 32; HE 3) He said he could prove he paid the debt using his banking records. (Tr. 33, 43-44) Applicant's spouse said the debt was paid in December 2016. (Tr. 49) Applicant is credited with mitigating this debt. (Tr. 53)

SOR ¶ 1.k alleges Applicant has a telecommunications debt placed for collection for \$59. Applicant accepted responsibility for this debt and promised to resolve it. (Tr. 34; HE 3) He said he could provide proof that he paid the debt. (Tr. 34, 43-44) Applicant's spouse said the debt was paid in December 2016. (Tr. 49) Applicant is credited with mitigating this debt. (Tr. 53)

SOR ¶¶ 1.l and 1.m allege Applicant has two medical debts placed for collection for \$299 and \$948. The debts arose in 2014. (Tr. 35) Applicant denied responsibility for these debts and indicated they were from his spouse's non-elective surgery. (HE 3) He said his spouse would set up a payment arrangement. (HE 3) The debts are not paid. (Tr. 35)

Applicant said he planned to utilize a debt consolidation payment plan to resolve his debts. (Tr. 35-36) After his hearing, he said he did not start the debt consolidation plan because it was too expensive, and he needed to conserve funds if he did not receive his security clearance. (AE E at 4) He has not received financial counseling. (Tr. 36) He plans to pay his debts. (Tr. 36) He was given some time after his hearing to establish his payment plan and provide supporting documentation. Applicant is a hard worker, and he needs a security clearance to maintain his employment. (Tr. 42, 46) He wants to get a second job so that he will have additional income to address his delinquent debts. (Tr. 55) After his hearing, he said he recently started a part-time job. (AE E at 4)

Character Evidence

Applicant's site supervisor, warehouse director/deputy site director, and vice president of operations/facility security officer have supervised Applicant for two years. (AE B-D) They described Applicant as accurate in his inspections, meticulous, reliable, responsible, honest, and trustworthy. (AE B-D) He found supplies in containers and provided those supplies to their owners, saving the government millions of dollars. (AE B-D) Their statements support continuation of his security clearance. (AE B-D)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it

is clearly consistent with the national interest to grant or continue his or her security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Financial Considerations

AG ¶ 18 articulates the security concern relating to financial problems:

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

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

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

AG ¶ 19 provides two disqualifying conditions that raise a trustworthiness concern and may be disqualifying in this case: “(a) inability or unwillingness to satisfy debts;” and “(c) a history of not meeting financial obligations.” In ISCR Case No. 08-12184 at 7 (App. Bd. Jan. 7, 2010), the Appeal Board explained:

It is well-settled that adverse information from a credit report can normally meet the substantial evidence standard and the government’s obligations under [Directive] ¶ E3.1.14 for pertinent allegations. At that point, the burden shifts to applicant to establish either that [he or] she is not responsible for the debt or that matters in mitigation apply.

(internal citation omitted). Applicant’s history of delinquent debt is documented in his credit reports, SOR response, and hearing record. The record establishes the

disqualifying conditions in AG ¶¶ 19(a) and 19(c) requiring additional inquiry about the possible applicability of mitigating conditions.

Five mitigating conditions under AG ¶ 20 are potentially applicable:

- (a) the behavior happened so long ago,² was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances;
- (c) the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;
- (d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;³ 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.

² A debt that became delinquent several years ago is still considered recent because "an applicant's ongoing, unpaid debts evidence a continuing course of conduct and, therefore, can be viewed as recent for purposes of the Guideline F mitigating conditions." ISCR Case No. 15-06532 at 3 (App. Bd. February 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sep. 13, 2016)).

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

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

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

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

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).⁴

No mitigating conditions fully apply; however, Applicant presented some important positive financial information. Applicant described several issues that were partially or wholly beyond his control that caused financial problems: (1) his business gradually lost income, and eventually went out of business in 2014; (2) he was briefly unemployed or underemployed in 2014; (3) in November 2016, his monthly income was reduced by \$700; and (4) his spouse's hours were reduced, and the family did not have sufficient income to address their debts. Applicant is credited with mitigating the debts in SOR ¶¶ 1.a, 1.h, 1.j, and 1.k. He received a federal tax refund, which is an indication the IRS is not seeking enforcement of the 2010 tax lien in SOR ¶ 1.a. The IRS wrote him that no taxes were owed. His former spouse assumed responsibility for the debt in SOR ¶ 1.h, and it was dropped from his most recent credit report. He said he paid the debts in SOR ¶ 1.j for \$138 and the debt in SOR ¶ 1.k for \$59.

The negative financial considerations concerns are more substantial than the mitigating information. Applicant did not establish that he showed good judgment. Some debts may not appear on Applicant's most recent credit report; however, this does not necessarily mean the debt is mitigated under the Appeal Board's jurisprudence.⁵ He did not detail his efforts to reduce expenses and live within his income. Applicant did not provide documentation relating to the nine debts in SOR ¶¶ 1.b-1.g, 1.i, 1.l, and 1.m: (1) proof of payments, such as checking account statements, photocopies of checks, or a letter from the creditor proving that he paid or made any payments to the creditors; (2)

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

⁵ The Appeal Board noted in ISCR Case No. 15-02957 at 3 (App. Bd. Feb. 17, 2017):

There is more than one plausible explanation for the absence of debts from a credit report, such as the removal of debts due to the passage of time, and the absence of unsatisfied debts from an applicant's credit report does not extenuate or mitigate an overall history of financial difficulties or constitute evidence of financial reform or rehabilitation. See, e.g., ISCR Case No. 01-04425 at 3-4 (App. Bd. May 17, 2002) and ISCR Case No. 03-05197 at 3 (App. Bd. Oct. 14, 2004).

correspondence to or from the creditors to establish maintenance of contact;⁶ (3) credible debt disputes sent to creditors indicating he did not believe he was responsible for the debts and why he held such a belief; (4) more evidence of attempts to negotiate payment plans, such as settlement offers or agreements to show that he was attempting to resolve these debts; or (5) other evidence of progress or resolution. Applicant failed to establish mitigation under AG ¶ 20(e) because he did not provide documented proof to substantiate the existence, basis, or the result of any debt disputes in relation to these nine SOR debts. Debt disputes should be sent to creditors and credit reporting companies, and responses received should be offered into evidence. Applicant's explanations are insufficient to mitigate financial considerations security concerns.

Whole-Person Concept

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

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I have incorporated my comments under Guideline F in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under Guideline F, but some warrant additional comment.

Applicant is a 48-year-old container refurbisher or cleaner, who has worked for a DOD contractor since January 2015. In 2003, he married, and his children are ages 17, 20, 21, and 27. There is no evidence of security violations, abuse of alcohol, criminal offenses, or use of illegal drugs.

Applicant's site supervisor, warehouse director/deputy site director, and vice president of operations/facility security officer described Applicant as accurate in his inspections, meticulous, reliable, responsible, honest, and trustworthy. He found supplies

⁶ "Even if Applicant's financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the Judge could still consider whether Applicant has since acted in a reasonable manner when dealing with those financial difficulties." ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999); ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005)). A component is whether he or she maintained contact with creditors and attempted to negotiate partial payments to keep debts current.

in containers and provided those supplies to their owners, saving the government millions of dollars. Their statements support continuation of his security clearance.

Several issues that were partially or wholly beyond Applicant's control caused financial problems: (1) his business gradually lost income, and eventually went out of business in 2014; (2) he was briefly unemployed or underemployed in 2014; (3) in November 2016, his monthly income was reduced by \$700; and (4) his spouse's hours were reduced, and the family did not have sufficient income to address their debts. Applicant is credited with mitigating the four debts in SOR ¶¶ 1.a, 1.h, 1.j, and 1.k.

The whole-person evidence against mitigation of financial concerns is more substantial. Applicant did not provide mitigating documentation relating to the nine debts in SOR ¶¶ 1.b-1.g, 1.i, 1.l, and 1.m totaling \$23,350. The only evidence of debt payment of SOR debts in the past year was payment of \$197 in December 2016 of the debts in SOR ¶¶ 1.j and 1.k. He did not establish that he was unable to make payments and address at least one or two additional SOR debts.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance. See *Dorfmont*, 913 F. 2d at 1401. Unmitigated financial considerations concerns lead me to conclude that grant of a security clearance to Applicant is not warranted at this time. This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. With a track record of behavior consistent with his obligations, he may well be able to demonstrate persuasive evidence of his security clearance worthiness.

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

Formal Findings

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraphs 1.b through 1.g:	Against Applicant
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	Against Applicant
Subparagraphs 1.j and 1.k:	For Applicant
Subparagraphs 1.l and 1.m:	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 or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

MARK HARVEY
Administrative Judge