



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 15-06707

Appearances

For Government: Pamela C. Benson, Esquire, Department Counsel

For Applicant: *Pro se*

05/30/2017

Decision

HOWE, Philip S., Administrative Judge:

On March 9, 2015, Applicant submitted his Electronic Questionnaire for Investigations Processing (e-QIP). On March 26, 2016, the Department of Defense Consolidated Adjudications Facility (DODCAF) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guidelines F (Financial Considerations) and E (Personal Conduct). 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 Department of Defense on September 1, 2006.

Applicant acknowledged receipt of the SOR on April 14, 2016. He answered the SOR in writing on May 10, 2016, and requested a hearing before an administrative judge. Defense Office of Hearings and Appeals (DOHA) received the request on or about that day. Department Counsel was prepared to proceed on June 23, 2016, and I

received the case assignment on October 14, 2016, after it was transferred from another Administrative Judge who was assigned it on June 30, 2016.

DOHA issued a Notice of Hearing on November 21, 2016, and I convened the hearing as scheduled on December 21, 2016. The Government offered Exhibits 1 through 7, which were received without objection. Applicant testified and submitted Exhibits A through K, without objection. DOHA received the transcript of the hearing (Tr.) on January 5, 2017. I granted Applicant's request to keep the record open until January 31, 2017, to submit additional matters. On January 30, 2017, he submitted Exhibits L to BB without objection. The record closed on January 31, 2017. Based upon a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

Procedural and Evidentiary Rulings

Motion to Amend SOR

Department Counsel moved to amend the SOR by adding Guideline F, Paragraph 18, "Concerns" to Paragraph 1 at the beginning of that section. That language is:

AG ¶ 18 expresses the security concern pertaining to financial considerations:

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 over-extended is at risk of having to engage in illegal acts to generate funds. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a security concern. It may indicate proceeds from financially profitable criminal acts.

Department Counsel moved to amend Subparagraph 1.a of the SOR to strike the number "7" in the first sentence of the allegation referring to the type of bankruptcy Applicant filed in November 2003 and insert instead the number "13" referring to the actual type of bankruptcy he filed. This bankruptcy was later converted to a Chapter 7 bankruptcy and discharged.

Department counsel also moved to amend Subparagraph 2.b by deleting the designation "1.u through" and replacing it with the reference "1.x and 1.y" so that it makes specific reference to the subparagraphs in Paragraph 1 of the SOR which are considered violations of the Personal Conduct guideline. (Tr. 9-13)

Applicant did not object to any of these amendments and I granted the motions. Applicant admitted the original and amended Subparagraph 1.a. He also admitted the amended Subparagraph 2.b.

Findings of Fact

In his Answer to the SOR Applicant admitted the factual allegations in Paragraph 1 except Subparagraph 1.aa, with explanations. He also admitted the amended Subparagraph 2.b. He denied the factual allegations in Subparagraph 2.a of the SOR. He also provided additional information to support his request for eligibility for a security clearance.

Applicant is 42 years old, divorced, and has two adult children who are in college. He separated from his wife in September 2012. He works for a defense contractor. He is a few credit hours short of earning an Associate's degree. He has had a security clearance since 2006. He works at his main job and then has a part-time job to earn extra money to support his family. He earned a commercial driver's license (CDL) so he can drive trucks to earn more money. (Tr. 31-45; Exhibit 1)

Applicant's wife could not work after her surgery in 2006. That decreased their income and caused financial difficulties. His wife received unemployment compensation for part of the time she did not work. Then the state government sought to recoup the money paid on a legal basis. After appeals Applicant's wife had to return the \$10,000 paid to her for unemployment (Subparagraphs 1.aa). He claims she is obligated to make those payments though the debt appears on his credit report. After the hearing, Applicant submitted documents to show that debt was paid. Applicant also supported his children's athletic endeavors and had to devote money for travel, equipment, fees, and other costs to enable them to participate in such activities. (Tr. 49-54, 91; Exhibits 1-6, L, U)

Applicant has one Chapter 13 bankruptcy alleged in the SOR (Subparagraph 1.a) from November 2003, which was converted in October 2004 to a Chapter 7 bankruptcy and discharged in January 2005. Applicant also admitted he filed a Chapter 13 bankruptcy in November 2016 and was making payments of \$111 weekly to the bankruptcy trustee. He also stated he paid \$485 monthly to the trustee. He referred to the bankruptcy as his "repayment plan." (Tr. 58, 68, 72, 73; Exhibits 2, 7)

Applicant has 22 delinquent debts listed in the SOR (Subparagraphs 1.b to 1.w.). Those debts total \$25,844. The creditors are banks, utility companies, medical service providers, car loans, furniture vendors, cellular telephone services, cable television systems, and other lenders. The earliest debt dates from 2011. Only four debts are greater than \$1,000 in amount (Subparagraphs 1.k to 1.n) and after deducting them from the amount owed, Applicants remaining 18 debts total \$4,967. Those 18 debts range in value from \$11 to \$729. Applicant submitted several exhibits to show he paid certain listed debts. He claims in one exhibit he paid 14 delinquent debts. Of these, 13 debts were verified from other exhibits as being paid (Subparagraphs 1.b, 1.e to 1.g, 1.i,

1j, 1.m, 1.q, 1.r, 1.t-1.w) totaling \$4,725. Many of these debts were medical debts being collected by one collection agency. Some debts he paid before March 2016 when the SOR was issued and some he paid after that time. The remaining nine debts are in a repayment plan, which he later explained was his latest Chapter 13 bankruptcy. Those debts are listed in Subparagraphs 1.c, 1.h, 1.k, 1.l, 1.n, 1.o, and 1.p totaling \$21,116. The Department calculates his bankruptcy has \$52,874 in it. The bankruptcy documents list \$69,576 of liabilities in that action. The bankruptcy documents show \$20,287 of priority claims and \$27,289 of non-priority claims, for a total of \$47,576. Applicant also declared in his bankruptcy petition that he owes \$20,287 for Federal income taxes for 2007, 2008, 2010-2014. An examination of his Schedule F bankruptcy list of creditors shows other debts than those listed in the SOR and only four debts listed in the SOR were listed in the bankruptcy. Therefore, the Applicant owes a substantial sum to the IRS for unpaid income taxes and a substantial amount to creditors listed in the SOR and not listed. (Tr. 15, 31, 72-77; Exhibits 3-7, L, M, N, O, R, T)

Applicant also failed to file his Federal and state income tax forms on time as required both for the Federal and state tax systems. The tax years for which he did not file the required returns are 2007 to 2012. He owes the Federal Internal Revenue Service (IRS) about \$26,000. He started paying on an installment basis in January 2013 at the rate of \$220 monthly. In March 2015 he reduced his payments to \$200 each month. He did not submit a copy of the installment payment agreement. Applicant did not show the balance owed, although one of his exhibits shows he owes \$20,289.80 to the IRS. (Tr. 76-79; Exhibits 5, L, M, V, W, Y, Z, AA, BB)

Applicant owes his home state about \$600 for the unpaid tax years. He told the Government investigator that he paid that debt in April 2015 on an installment basis. His latest exhibits showed the state could not find the 2010 and 2011 tax returns so he refiled them in 2017. None of the tax returns for the years 2007, 2008, 2010, to 2012 were filed on time, but were filed in 2012, 2014, and 2017. His exhibit also stated the state tax authority could not tell him the balance he may owe for the state taxes. Applicant thought by filing his Federal tax returns his state taxes were automatically filed. He has now learned that he has to file tax returns with the IRS and his home state tax authorities separately. The burden of proof is on Applicant to show he filed and paid all required income taxes. (Tr. 77-79; Exhibits 5, L, M, V, Y, Z, AA, BB)

Regarding the Personal Conduct allegations, the SOR states Applicant refused to sign release forms to allow Government investigators to obtain his state tax forms. He refused on June 16, 2015. Applicant testified he signed all forms requested by the investigators and does not remember refusing to sign any document. The government investigator's note on page 13 of Exhibit 5 states three releases for debt and Federal tax information were signed. It also states he was asked to sign a release for the state tax returns for 2007 to 2012. Applicant told the investigator on June 16, 2015, according to the notes, that he paid a lump sum on the taxes and they were paid in full. The next and final comments was that "the release was not needed." It is unclear from the context if the investigator or the Applicant made that determination. No state tax

transcripts were obtained except by Applicant after his hearing date and submitted as exhibits. (Tr. 66, 67, 81-85; Exhibits 1, 5, V to BB)

The SOR also alleges Applicant's Personal Conduct disqualifying conditions are triggered by his failure to repeatedly file his Federal and state income tax returns for the years 2007 to 2012. He admitted that allegation. He testified he did not file them because he needed the money to take his children to athletic games and competitions, and to pay other bills. He stated he has now filed them and has an installment payment plan with the IRS. (Tr. 50, 77-79; Exhibits 5, L, M, V, Y, Z, AA, BB)

Applicant enrolled in a credit counseling service program in "early 2015" and was paying into that program. He discontinued that program when he decided to file Chapter 13 bankruptcy. Applicant had credit counseling as part of his bankruptcy filing requirements. (Tr. 60-62; Exhibit A)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are useful 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, these guidelines are applied in conjunction with the factors listed in the adjudicative process (AG ¶ 2(a)). 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. 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. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

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 mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance 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 protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order 10865 provides that 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).

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline 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.

The guideline at AG ¶ 19 contains nine disqualifying conditions that could raise security concerns. Four conditions are applicable to the facts found in this case:

- (a) inability or unwillingness to satisfy debts;
- (c) a history of not meeting financial obligations;
- (e) consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis; and
- (g) failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same.

Applicant accumulated \$25,844 in 22 delinquent debts from 2011 to the present time that remained unpaid when the SOR was issued in March 2016. Applicant also

filed Chapter 7 bankruptcy, which was discharged in 2005. He filed a Chapter 13 bankruptcy in November 2016 for \$69,576 of liabilities, including \$20,890.80 of tax debt. He originally owed about \$26,000 in income taxes to the Federal and state governments. Applicant failed to file his income tax returns for 2007, 2008, 2010 to 2012 with the Federal and state governments as required.

Since 2007, Applicant has been unable to regularly pay his debts and has a history of not paying his financial obligations. Applicant spent beyond his financial means to repay the debts he incurred, thereby accumulating excessive indebtedness. AG ¶ 19 (a), (c), and (e) are established.

Applicant failed to file Federal and state income tax returns over a period of five years. He compounded his failures to comply with income tax statutes by assuming when he filed his Federal tax returns his state tax returns were automatically filed. He does not understand his legal obligations regarding filing and payment of income taxes. AG ¶ 19 (g) is established.

The evidence raises all of the above security concerns, thereby shifting the burden to Applicant to rebut, extenuate, or mitigate those concerns.

The guideline in AG ¶ 20 contains six conditions that could mitigate security concerns arising from financial difficulties. Three conditions may be applicable:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances;

(c) the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;

(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; and

(f) the affluence resulted from a legal source of income.

Applicant's wife was ill in 2006, about a year after his first bankruptcy was completed. She stopped working. In 2012, they separated and later divorced. Applicant attributes his financial difficulties to his wife's loss of income and other expenses related to their divorce. These were circumstances beyond his control, however, he did not act responsibly under the circumstances. He failed to file his income tax returns, he accumulated delinquent debt, and diverted his income to supporting his children's athletic endeavors, spending money on travel and equipment. AG ¶ 20 (a) and (b) are not established as mitigating conditions.

Applicant's financial problems are not under control. He has filed for several bankruptcies for debts he cannot pay. His counseling sessions with the consumer service in 2015 and early 2016, followed by the bankruptcy required credit counseling, are not sufficient to make the mitigating condition in AG ¶ 20 (c) applicable.

Applicant paid 12 of his 22 delinquent debts in no regular order. His exhibits were difficult to interpret as they pertained to all of his debts. After a careful reading of all exhibits, it appeared he paid certain debts totaling \$4,725 while placing the remaining debts in a Chapter 13 bankruptcy. He continues to owe the IRS \$20,287 for his unpaid income taxes between 2007, 2008, 2010-2012. Applicant did not demonstrate a good-faith effort to resolve his debt. AG ¶ 20 (d) is established only partially as it applies to the 13 debts he paid.

The remaining mitigating conditions were considered and found not to apply to Applicant's financial situation.

Guideline E, Personal Conduct

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

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

The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:

(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, and cooperation with medical or psychological evaluation; and

(b) refusal to provide full, frank and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

AG ¶ 16 describes seven conditions that could raise a security concern and may be disqualifying. Two conditions may apply:

(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;

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

(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;

(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:

(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information;

(2) disruptive, violent, or other inappropriate behavior in the workplace;

(3) a pattern of dishonesty or rule violations; and,

(4) evidence of significant misuse of Government or other employer's time or resources.

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group;

(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and

(g) association with persons involved in criminal activity.

Applicant is alleged to have refused to sign releases for government investigators who were researching his background for his security clearance. Applicant also did not file his Federal and state income tax returns for five years in a timely manner as required by Federal and state law. By failing to comply with Federal and state income tax laws, and failing to sign a release to allow government investigators to obtain income tax records, Applicant's actions show a pattern of dishonesty and rule violations. His actions support 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) is established.

Applicant deliberately did not file income tax returns for five years. He chose to use the funds for other purposes. This shows a disregard to legal norms that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing. Repeated deliberate failures to file his Federal and state income tax returns and pay required taxes are serious acts that expose Applicant to various forms of exploitation, manipulation, or duress. AG ¶ 16 (e) is established.

AG ¶ 17 provides seven conditions that could mitigate security concerns. One mitigating condition may apply to one of the SOR allegations under this guideline:

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

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully.

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

(f) the information was unsubstantiated or from a source of questionable reliability; and

(g) association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Applicant denies refusing to sign a release for some tax forms. The investigators notes in the background investigation states Applicant signed several release forms to allow access to his tax records. When asked by the investigators to sign a release for his state tax records, Applicant told the investigator he paid his taxes. Then either Applicant or the investigator stated a release was not needed. Taking all of the evidence into consideration, Applicant did not refuse to sign a release for tax information. AG ¶ 17 (f) applies based on the evidence.

Applicant admitted his failure to timely file Federal and state income tax returns for five years. There is no mitigation for Applicant's repeated failure to comply with income tax laws.

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 an 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.

AG ¶ 2(c) requires each case must be judged on its own merits. 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 considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Applicant cannot manage his personal finances in accordance with law and legal obligations to repay money borrowed from others and used to his benefit. He could not comply with the lawful requirements to file and pay his Federal and state income taxes for the years 2007, 2008, 2010 to 2012. These actions demonstrate a deliberate pattern of violations of law. These actions are frequent and continue to the present. He voluntarily decided not to file his tax returns and not repay his debts. Applicant has not presented any information that he has reformed his behavior except to file Chapter 13 bankruptcy to control how he repays his debts over the term of the bankruptcy.

All of his actions for the past nine years do not show the presence of rehabilitation and other permanent behavioral changes regarding his finances. Applicant's motivation for the conduct was purely for his own financial benefit. His actions create the potential for pressure, coercion, exploitation, or duress. And, finally his repeated deliberate failures to pay his debts and taxes show such actions will continue in the future.

Overall, the record evidence leaves me with questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant did not mitigate the security concerns arising from his financial considerations and personal conduct.

Formal Findings

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraph 1.b:	For Applicant
Subparagraphs 1.e to 1.g:	For Applicant
Subparagraphs 1.i, 1.j, 1.m, 1.q, 1.r:	For Applicant
Subparagraphs 1.t-1.w:	For Applicant
Subparagraph 1.aa:	For Applicant
Subparagraphs 1.a, c, d, h:	Against Applicant

Subparagraphs k, l, n-p, s, x-z:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	Against Applicant

Conclusion

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

PHILIP S. HOWE
Administrative Judge