



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



In the matter of:)
)
) ISCR Case No. 15-07285
)
Applicant for Security Clearance)

Appearances

For Government: Mary Margaret Foreman, Esq., Department Counsel
For Applicant: *Pro se*

09/14/2017

Decision

MURPHY, Braden M., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline H, drug involvement; Guideline J, criminal conduct; Guideline E, personal conduct; or Guideline F, financial considerations. Applicant's eligibility for access to classified information is denied.

Statement of the Case

On June 9, 2016, the Department of Defense Consolidated Adjudications Facility (DoD CAF) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline H, drug involvement, Guideline F, financial considerations, Guideline E, personal conduct, and Guideline J, criminal conduct. The action was taken under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines effective within the DoD on September 1, 2006.

Applicant answered the SOR on August 31, 2016. He requested a decision based on the written record in lieu of a hearing. On October 6, 2016, Department Counsel submitted the Government's File of Relevant Material (FORM), including documents identified as Items 1-9. Applicant was afforded an opportunity to file objections and submit material in refutation, extenuation, or mitigation. Applicant received the FORM on October 17, 2016. He did not respond to the FORM. The SOR and the answer (Items 1 and 2) are the pleadings in the case. Items 3 through 9 are admitted without objection. The case was assigned to me on August 8, 2017.

On December 10, 2016, the Director of National Intelligence (DNI) issued Security Executive Agent Directive (SEAD) 4, *National Security Adjudicative Guidelines* (AG). The AGs became effective on June 8, 2017 for all adjudicative decisions on or after that date, including this one.⁴ Any changes resulting from the implementation of the new AGs did not affect my decision in this case.

Findings of Fact

Applicant admitted SOR ¶¶ 1.a-1.n, 2.a-2.h, 2.j, 2.k, 3.a, and 3.b, and provided a narrative statement. He denied SOR ¶ 2.i. He did not answer SOR ¶¶ 3.c, 3.d, or 4.a. Though they are all cross-allegations, I construe those answers as denials. His admissions and other comments are incorporated into the findings of fact. After a thorough and careful review of the pleadings and exhibits submitted, I make the following additional findings of fact.

Applicant is a 28-year-old employee of a defense contractor. He has never married. He has an eight-year old child. He has a high school diploma (2007) and one year of college. Before entering the defense industry, he held a variety of jobs in restaurants and in sales. He had several periods of unemployment (May 2010 to March 2011; October 2012 to May 2014, and July 2014 to October 2014). He has worked for a defense contractor since November 2014, and submitted a security clearance application (SCA) in connection with that employment. (Item 3)

Guideline H and Guideline J

Applicant began using marijuana in 2006, when he was 15 years old. He used marijuana at least weekly, and often every other day, until October 2014. He spent up to \$400 a month on marijuana. In 2011, Applicant began using and purchasing heroin. He smoked heroin every other day until about February 2014. (SOR ¶ 1.f) He became addicted to both heroin and marijuana. (Item 4)

Between 2008 and October 2014, Applicant used and purchased numerous other illegal drugs, including cocaine (about 10 times at about age 18), methamphetamines (every other day between 2011 and October 2013), ecstasy (one time at age 20), and

⁴ The new AGs are available on the DOHA website at <http://ogc.osd.mil/doha/DIRECTIVE%202017.pdf>.

PCP (once at age 22). He also misused Percocet by taking more than the prescribed amount, at age 24. (SOR ¶¶ 1.g, 1.h, 1.i)

Applicant's illegal drug use caused him financial, criminal, and health problems. He acknowledged that his heroin use twice led to pneumonia. In December 2012, Applicant experienced withdrawal symptoms, and approached his parents for help. They sent him to an inpatient detoxification program, where he spent several days. (SOR ¶ 1.n) The program provider recommended additional counseling and treatment, but Applicant did not go. (Item 4)

To finance his drug habit, Applicant sold his own possessions and also stole money and valuables from his mother. (SOR ¶ 1.j) In April 2013, after he stole some of her jewelry, Applicant's mother called the police and had him arrested. He was charged with misdemeanor theft-control property, felony second-degree trafficking in stolen property, and possession of drug paraphernalia. (SOR ¶ 1.d)

After Applicant agreed to enter inpatient drug treatment, his mother agreed not to press charges. He attended three months of inpatient drug counseling and treatment at a facility in another state, from April to June 2013. (SOR ¶ 1.m) He completed the program, but resumed using drugs again soon thereafter. (SOR ¶ 1.l) (Items 3, 4)

In late December 2013, Applicant was arrested and charged with possession of drug paraphernalia after the police found a marijuana pipe in his pocket during a traffic stop. (SOR ¶ 1.b) Applicant pleaded guilty and was ordered to attend six months of drug education classes. He was subsequently diagnosed with polysubstance and opioid dependence, amphetamine abuse, and cannabis abuse. (SOR ¶ 1.k)⁸ Applicant attended about five of the weekly classes, and then stopped going. A bench warrant was issued due to his non-compliance with the program. In July 2014, he was arrested during a traffic stop. (SOR ¶ 1.c) (Items 4, 5, 6)

Guideline E

Applicant submitted his SCA in November 2014. He disclosed that he had used marijuana between April 2006 and January 2014 (SOR ¶ 1.e) He did not disclose any other illegal drug use, or his misuse of prescription drugs. Applicant disclosed his December 2013 arrest for possession of drug paraphernalia (SOR ¶ 1.b), but did not disclose his April 2013 arrest (SOR ¶ 1.d) because the charges were dropped. He disclosed his inpatient drug treatment from April to July 2013 (SOR ¶ 1.m) and his drug education classes (2013-2014) (SOR ¶ 1.k), but not his brief stay in drug detoxification in December 2012. (SOR ¶ 1.n) He did not disclose the full extent of his illegal drug use

⁸ It appears from Applicant's background interviews that he was sent to this program after his December 2013 arrest (and not in October 2013, as alleged in SOR ¶ 1.k). This program also appears to have involved drug education classes, rather than "drug treatment" as alleged in ¶ 1.k). I therefore think it more likely that Applicant's medical diagnoses of drug dependence and drug abuse (also referenced in SOR ¶ 1.k) actually occurred during the inpatient drug treatment program he attended between April and June 2013. (SOR ¶ 1.m) There are no documents from either program in the record that might clarify this.

until his second background interview, in July 2015, when he stated that he thought he would not be granted a clearance if the full extent of his drug use became known. (Items 3, 4)

During that interview, in July 2015, Applicant disclosed that he had been charged the month before with: 1) driving under the influence of liquor/drugs/vapors, 2) driving under the influence of marijuana, and 3) possession of marijuana. (SOR ¶ 1.a) The incident leading to the charges occurred in August 2014, when Applicant was in a head-on-collision. Applicant had only recently been informed of the charges. (Item 4) Later in July 2015, Applicant pleaded guilty to count 1, and the other two counts were dismissed. Court records indicate that Applicant served about two weeks in jail in July-August 2015. (Items 2, 4, 7)

With his answer, Applicant provided no documents concerning any of his prior drug treatments or education programs. He gave no indication that he was actively participating in any drug treatment, or a counseling or support group. He made no specific statement regarding his future intentions to remain sober and drug-free.

Guideline F

Applicant's background investigation also included credit reports from January 2015 and July 2015. Applicant had 11 delinquent accounts, totaling about \$11,819. SOR ¶¶ 2.a (\$6,104) and 2.h (191) are delinquent child support accounts.⁹ SOR ¶¶ 2.b (\$1,200), 2.f (\$367), and 2.k (\$459) are phone bills. SOR ¶ 2.c is a debt to a federal government entity (\$953). SOR ¶¶ 2.d (\$516), 2.e (\$398), and 2.g (\$272) are medical accounts. SOR ¶ 2.i is an \$80 debt in collection, and SOR ¶ 2.j (\$1,279) is a charged-off credit card account. Applicant admitted all the debts in the SOR but for ¶ 2.i, which he denied without an explanation. (Items 2, 8, 9)

On his SCA, Applicant disclosed about \$8,000 in child support debt. He stated that he got behind "when I wasn't working" and "I'm paying what the court ordered." (Item 3) As of September 2015, he owed about \$6,200 on his two child support accounts. (Item 9) In his answer, Applicant indicated that he was paying \$400 a month in child support, and that the delinquency was calculated to include "back pay when the support was filed." (Item 2)

Applicant provided no documents with his answer regarding any payments towards, or the current status of, any of his SOR debts. He gave no further indication about how he fell behind on his debts, and provided no details of his current financial situation.

In his answer, Applicant acknowledged that he had:

⁹ Applicant disclosed his delinquent child support on his SCA. (Item 3)

made some really bad choices in previous years, being young and reckless, but the mistakes that didn't kill me taught me a few very valuable lessons. Mainly it taught me a man's word should be his bond, and the value of hard work. Two lessons I had [grown] up hearing, but didn't understand what they fully meant until my life was out of control. Since then I have recreated the best me I can be.¹⁰

Applicant also indicated that he works hard at his job and enjoys it. He stated that his job enables him to provide for his daughter and allows him to make a positive difference with his life. He stated he is dedicated to avoiding the mistakes of his past.¹¹

Policies

It is well established that no one has a right to a security clearance.²¹ As the Supreme Court noted in *Department of the Navy v. Egan*, "the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials."²²

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 of law. Instead, recognizing the complexities of human behavior, these guidelines are applied 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(a), 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 national security eligibility will be resolved in favor of the 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 not drawn inferences grounded on mere speculation or conjecture.

¹⁰ Item 2.

¹¹ *Id.*

²¹ *Department of Navy v. Egan*, 484 U.S. 518, 528 (1988) ("it should be obvious that no one has a 'right' to a security clearance").

²² 484 U.S. at 531.

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 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 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.

Analysis

Guideline H: Drug Involvement

AG ¶ 24 expresses the security concern for drug involvement:

The illegal use of controlled substances, to include the misuse of prescription drugs, and the use of other substances that can cause physical or mental impairment or are used in a manner inconsistent with their intended use can raise questions about an individual’s reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person’s ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any “controlled substance” as defined in 21 U.S.C 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

I have considered the disqualifying conditions for drug involvement under AG ¶ 25 and the following are potentially applicable:

- (a) any substance misuse (see above definition);
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and
- (d) diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of substance abuse disorder.

Applicant used marijuana extensively between 2006 and late 2014. He used heroin extensively between 2011 and 2014. He experimented with a wide variety of other illegal drugs, including cocaine, methamphetamines, PCP and ecstasy. On one occasion he misused prescription drugs. He purchased illegal drugs often during this period. He was diagnosed with drug dependence and drug abuse during one of his periods of drug treatment. The above disqualifying conditions apply.

SOR ¶ 1.j concerns the fact that Applicant sold his own possessions, and stole from his mother to finance his drug habit. He admitted the allegation, but I find for Applicant here on two grounds. First, the allegation is duplicative of SOR ¶ 1.d, concerning Applicant's arrest for the same conduct.²⁴ Second, while SOR ¶ 1.d specifically references a drug-related offense (possession of drug paraphernalia), SOR ¶ 1.j does not. While his conduct is both criminal and unquestionably bad judgment, none of the Guideline H disqualifying conditions specifically apply. I therefore find for Applicant on SOR ¶ 1.j.

Neither Applicant's participation in drug detoxification in 2012 (SOR ¶ 1.n), or drug treatment in 2013 (SOR ¶ 1.m) constitutes disqualifying conduct. Indeed, each action is potentially mitigating. Those allegations are found for Applicant. SOR ¶ 1.k mentions drug treatment/education (in 2013-2014) but also mentions Applicant's diagnoses of drug dependence and drug abuse, so it cannot be fully mitigated in the same manner.

I have considered the mitigating conditions under AG ¶ 26. The following are potentially applicable:

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

(b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to: (1) disassociation from drug-using associates and contacts; (2) changing or avoiding the environment where drugs were used; and (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement is grounds for revocation of national security eligibility;

(c) abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and

²⁴ When the same conduct is alleged twice in the SOR under the same guideline, one of the duplicative allegations should be resolved in Applicant's favor. See ISCR Case No. 03-04704 at 3 (App. Bd. Sep. 21, 2005) (same debt alleged twice).

(d) satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

AG ¶ 26(c) applies to mitigate Applicant's misuse of prescription drugs (part of SOR ¶ 1.h), which occurred a single time, when he took a few more pills than his prescription allowed.

None of the other mitigating conditions apply. Applicant has a long, extensive, and extremely serious history of illegal drug use, which ended only in October 2014, just before he entered the defense industry. Applicant has had several periods of drug treatment, counseling and education, and had a serious and immediate relapse after one of them, in 2013. His most recent drug-related charge occurred in June 2015 (albeit for an offense that occurred the previous summer). Applicant admitted all the allegations, and offered no mitigation in his answer beyond his own unsupported assertions. My findings under Guideline E (discussed below) further undercut Applicant's credibility. Given his history, Applicant's drug involvement is also far too recent to warrant findings in his favor. AG ¶¶ 26(a), 26(b) and 26(d) do not apply.

Guideline J: Criminal Conduct

AG ¶ 30 expresses the security concern for criminal conduct:

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.

AG ¶ 31 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

(a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness;

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted; and

(c) violation of probation or parole or failure to complete a court-mandated rehabilitation program.

Applicant's drug-related offenses (cross-alleged in SOR ¶ 4.a) satisfy AG ¶¶ 31(a) and (b). He failed to complete a court-ordered drug education class, after his

charge for possessing drug paraphernalia in 2013, and a bench warrant was later issued for his arrest. That satisfies AG ¶ 31(c).

AG ¶ 32 sets forth the potentially applicable mitigating conditions:

(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

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

AG ¶ 32(a) and (d) do not apply, for the same reasons as set forth under Guideline H, above. Given his track record, Applicant needs to establish a much longer track record of sobriety and compliance with rules, regulations, and the law before he can be trusted with access to classified information.

Guideline E: Personal Conduct

AG ¶ 15 expresses the security concern for 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 or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. . .

SOR ¶ 3.c is merely a cross-allegation of the drug involvement allegations in SOR ¶¶ 1.a – 1.n. Similarly, SOR ¶ 3.d is merely a cross-allegation of the financial allegations addressed in SOR ¶ 2 (discussed below). The judgment concerns associated with that conduct are sufficiently addressed under Guidelines H and F, respectively, and are not addressed separately here. While those concerns are also properly considered under this guideline, as alleged, they are also redundant and unnecessary. I therefore find for Applicant as to SOR ¶¶ 3.c and 3.d. This leaves the falsification allegations, SOR ¶¶ 3.a and 3.b.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying condition is potentially applicable:

(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 national security eligibility or trustworthiness, or award fiduciary responsibilities.

On his SCA, Applicant answered “Yes” to the question, “In the last seven years, have you illegally used any drugs or controlled substances or controlled substances?” He disclosed his marijuana use from 2006 to January 2014 but did not disclose any other drug use, including heroin, cocaine, methamphetamine, ecstasy and PCP. Applicant answered “No,” to the question, “In the last seven years, have you intentionally engaged in the misuse of prescription drugs, regardless of whether or not the drugs were prescribed to you or someone else?” Applicant did not disclose his misuse of prescription drugs. (Item 3)

Both SOR ¶¶ 3.a and 3.b alleged that Applicant deliberately withheld the full extent of his illegal drug use because he was concerned that the Defense Department would not grant him a clearance if he did so. Applicant admitted both allegations without explanation. AG ¶ 16(a) applies.

AG ¶ 17 sets forth the potentially applicable Guideline E mitigating conditions:

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

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

Applicant only disclosed the true extent of his drug use (particularly his extensive use of heroin) during his second background interview, in July 2015, well after he submitted his SCA. By then, Applicant was facing charges for an additional criminal offense (the DUI at SOR ¶ 1.a). Neither AG ¶¶ 17(a) nor 17(b) applies.

Guideline F: Financial Considerations

The security concern relating to the guideline for financial considerations is set out in AG ¶ 18:

Failure 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 or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other

issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

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.²⁵

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

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

Applicant accrued \$11,819 of delinquent debt, which remains outstanding and unresolved. AG ¶¶ 19(a) and (c) apply.

Of additional note in this case is the language in the Guideline F "general concern," which reads, "Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as . . . substance misuse, or alcohol [or illegal drug] abuse or dependence." (AG ¶ 18) Given the fact that Applicant's illegal drug habit led him to sell his own possessions and steal from his own family, this language applies.

AG ¶ 20 sets forth conditions that could mitigate security concerns arising from financial difficulties. The following are potentially applicable in this case:

- (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

²⁵ See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances; and

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

None of these mitigating conditions apply. Applicant's financial delinquencies are ongoing and unresolved. They may be attributable, in part, to his various periods of unemployment, but they are also attributable to his illegal drug habit. Applicant indicated, but did not document, that he has been making payments on his child support debts. He did not address any of his other debts in his answer. He did not establish that whatever conditions led to his financial problems are in the past and are unlikely to recur. He did not establish that he has made a good faith effort to pay or resolve his debts. AG ¶¶ 20(a), 20 (b), and 20(d) do not apply.

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(d):

(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 considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines H, J, E and F in my whole-person analysis. Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance.

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:	AGAINST APPLICANT
Subparagraphs 1.a-1.i:	Against Applicant
Subparagraph 1.j:	For Applicant
Subparagraphs 1.k-1.l:	Against Applicant
Subparagraphs 1.m-1.n:	For Applicant
Paragraph 2: Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a-k:	Against Applicant
Paragraph 3, Guideline E:	AGAINST APPLICANT
Subparagraphs 3.a-3.b:	Against Applicant
Subparagraphs 3.c-3.d:	For Applicant
Paragraph 4: Guideline J:	AGAINST APPLICANT
Subparagraph 4.a:	Against Applicant

Conclusion

In light of all of the circumstances, it is not clearly consistent with the interests of national security to grant Applicant a security clearance. Eligibility for access to classified information is denied.

Braden M. Murphy
Administrative Judge