



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



In the matter of:

REDACTED

Applicant for Security Clearance

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ISCR Case No. 15-08268

Appearances

For Government: Carroll J. Connelley, Esq., Department Counsel

For Applicant: *Pro se*

10/27/2017

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant, who has a history of unpaid tax liens, owes more than \$29,000 in medical collection debt. An unexpected medical emergency compromised his finances, but he has made little progress toward resolving his past-due debts. He demonstrates an unwillingness to satisfy debts. Clearance is denied.

Statement of the Case

On October 12, 2016, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant, detailing the security concerns under Guideline F, financial considerations, and explaining why it was unable to find it clearly consistent with the national interest to grant or continue security clearance eligibility for him. The DOD CAF took the action 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 for Determining Eligibility for Access to Classified Information* (AG) effective within the DOD on September 1, 2006.

Applicant submitted an undated response to the SOR allegations. He requested a decision on the written record by an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On December 20, 2016, the Government submitted a File of Relevant Material (FORM), consisting of six exhibits (Items 1-6). DOHA forwarded a copy of the FORM to Applicant on December 21, 2016, and instructed him to respond within 30 days of receipt. Applicant received the FORM on December 27, 2016. He did not submit a response by the January 26, 2017 deadline. On October 1, 2017, I was assigned the case to determine whether it is clearly consistent with national security to grant or continue a security clearance for Applicant.

While this case was pending a decision, Security Executive Agent Directive 4 was issued establishing National Security Adjudicative Guidelines (AG) applicable to all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. The AG supersede the adjudicative guidelines implemented in September 2006 and are effective for any adjudication made on or after June 8, 2017. Accordingly, I have adjudicated Applicant's security clearance eligibility under the new AG.¹

Evidentiary Ruling

Department Counsel submitted as Item 3 a summary of an unsworn enhanced subject interview of Applicant conducted on September 15, 2014. This document was part of the DOD Report of Investigation (ROI) in Applicant's case. Under ¶ E3.1.20 of the Directive, a DOD personnel background report of investigation may be received in evidence and considered with an authenticating witness, provided it is otherwise admissible under the Federal Rules of Evidence. The interview summary did not bear the authentication required for admissibility under ¶ E3.1.20.

In ISCR Case No. 15-01807 decided on April 19, 2017, the Appeal Board held that it was not error for an administrative judge to admit and consider a summary of personal subject interview in the absence of any objection to it or any indication that it contained inaccurate information. The applicant in that case had objected on appeal to the accuracy of some of the information in a FORM, but had not objected to the interview summary or indicated that it was inaccurate in any aspects when she responded to the FORM.

Like the applicant in ISCR Case No. 15-01807, Applicant was provided a copy of the FORM and advised of his opportunity to submit objections or material that he wanted the administrative judge to consider. In a footnote, the FORM advised Applicant of the following:

IMPORTANT NOTICE TO APPLICANT: The attached summary of your Personal Subject Interview (PSI) (Item 3) is being provided to the Administrative Judge for consideration as part of the record evidence in this case. In your response to this File of Relevant Material (FORM), you can

¹ Application of the AGs that were in effect as of the issuance of the SOR would not change my decision in this case.

comment on whether the PSI summary accurately reflects the information you provided to the authorized OPM investigator(s) and you can make any corrections, additions, deletions, and updates necessary to make the summary clear and accurate. Alternatively, you can object on the ground that the report is unauthenticated by a Government witness. If no objections are raised in your response to the FORM, or if you do not respond to the FORM, the Administrative Judge may determine that you have waived any objections to the admissibility of the summary and may consider the summary as evidence in your case.

Concerning whether Applicant understood the meaning of authentication or the legal consequences of waiver, Applicant's *pro se* status does not confer any due process rights or protections beyond those afforded him if he was represented by legal counsel. He was advised in ¶ E3.1.4 of the Directive that he may request a hearing. In ¶ E3.1.15, he was advised that he is responsible for presenting evidence to rebut, explain, or mitigate facts admitted by him or proven by Department Counsel and that he has the ultimate burden of persuasion as to obtaining a favorable clearance decision. While the Directive does not specifically provide for a waiver of the authentication requirement, Applicant was placed on sufficient notice of his opportunity to object to the admissibility of the interview summary, to comment on the interview summary, and to make any corrections, deletions, or updates to the information in the report. He was advised that if he did not respond, the interview summary may be considered as evidence in his case. Applicant did not respond to the FORM. I cannot presume without any evidence that Applicant failed to understand his due process rights or obligations under the Directive or that he did not want the summary of his interview considered in his case. When he answered the SOR allegations, he referenced some information that "should have been noted in the minutes of [his] last interview." It may reasonably be inferred that he wants his interview summary considered. Accordingly, I accepted Item 3 in the record, subject to issues of relevance and materiality in light of the entire record.

Summary of SOR Allegations

The SOR alleges that, as of October 12, 2016, Applicant owed medical collection debt totaling \$30,897 on 27 accounts (SOR ¶¶ 1.a-1.aa), a \$556 medical judgment from March 1995 (SOR ¶ 1.dd), and federal tax liens of \$12,614 (SOR ¶ 1.bb) and \$2,155 (SOR ¶ 1.ee) from September 1992 and \$12,614.09 from May 1996 (SOR ¶ 1.cc). When Applicant responded to the SOR allegations, he indicated that he did not dispute any of the items in the SOR. However, he also stated he did not have adequate creditor identification to address the debts in SOR ¶¶ 1.a, 1.e-1.g, 1.i, 1.m-1.o, 1.u, and 1.aa. He described the medical collection debts in SOR ¶¶ 1.m-1.o as "really a mystery" because he had not had any outpatient hospital services since 2012. Concerning the medical debts in SOR ¶¶ 1.u and 1.aa, Applicant indicated that he would have paid such small debts as he paid co-payments upfront. He explained that the judgment debt in SOR ¶ 1.dd was for his son, who was 18 at the time and responsible for his only debts. He denied any responsibility for that debt. He did not address the old tax liens.

Findings of Fact

After considering the FORM, which includes Applicant's response to the SOR as Item 1, I find it likely that the debt in SOR ¶ 1.s (\$1,276) from May 2010 was placed with the collection agency in SOR ¶ 1.c (\$1,276) in February 2013. Additional findings of fact follow.

Applicant is a 62-year-old high school graduate who has worked as an audiovisual design engineer with a defense contractor since November 2006. He reports a period of unemployment from April 2004 to September 2005 after he was laid off due to a business slowdown. Applicant and his spouse lived rent free with his in-laws when he was without work. They have been married since June 1989. Applicant has two adult stepsons. (Items 2-3.)

As of August 27, 2009, Applicant had two outstanding federal tax liens on his credit record of \$12,614 (SOR ¶ 1.bb) and \$2,155 (SOR ¶ 1.ee) from September 1992. He otherwise owed medical collection debts of \$425 from June 2006 and \$4,840 from July 2008 and a \$3,076 collection debt from April 2007. (Item 4.) A \$12,614.09 federal tax lien from May 1996 was also alleged (SOR ¶ 1.cc) in the SOR. Applicant did not dispute the tax lien (Item 1), but there is also no corroborating documentation for the tax lien in the record. The tax liens do not appear on his recent credit reports. There is no evidence that Applicant made any payments toward the taxes subject to the liens.

On July 8, 2014, Applicant completed and certified to the accuracy of a Questionnaire for National Security Positions (SF 86). He reported no previous background investigations for security clearance eligibility, although a previous background investigation had been conducted. See Items 3-4. Applicant responded affirmatively to an inquiry into whether he was currently seeking assistance for financial difficulties and disclosed that he was working through a credit counseling service to pay accumulated medical bills after a heart attack and related health issues. Concerning delinquency involving routine accounts, Applicant answered "Yes" to whether he had bills or debts turned over for collection in the past seven years. He listed 11 medical debts totaling \$21,655 (SOR ¶¶ 1.b-1.c, 1.h, 1.j-1.l, 1.p-1.r, 1.t and a \$192 debt not alleged in the SOR). Applicant indicated that all but two of the debts were being repaid under a payment plan requiring \$217 monthly payments. He was working with the credit counseling service to include the debt in SOR ¶ 1.h in a repayment plan. He stated that the \$14,804 hospital debt (SOR ¶ 1.k) was in dispute because his medical insurer should have paid the debt. He explained that he was "trying to determine why this was not submitted to insurance if and why it was declined." (Item 2.)

On September 15, 2014, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM). He apparently was confronted about 11 past-due medical debts that had been listed on a credit report that was not included in the FORM. The accounts were identified only as "medical" and did not provide enough information about the creditor for Applicant to recognize them. Applicant explained that he incurred his medical debts from two heart attacks suffered around 2011. He was disputing

some of the debts pending identification of the medical provider and services rendered. He admitted that he was unable to make payments on the debts. In June 2014, he sought assistance from a credit counseling service to consolidate his debt and establish a repayment plan. He volunteered that after he submitted his SF 86, he learned that the credit counseling supposedly working on his file had made no progress and was no longer with the company. He indicated that he was in the process of reapplying and had not yet been assigned a new credit counselor. Applicant also claimed that he had been informed by his medical insurer that he had two accounts, one of which was a “phantom number” that the insurer could not explain. He expressed his belief that some of his insurance claims were rejected because they were processed under the “phantom number.” Applicant was able to identify the collection entities for the debts on his SF 86 and confirmed that the debt in SOR ¶ 1.c was the same debt as the debt in SOR ¶ 1.s. Concerning the 11 debts on his credit record identified only as “medical” debts, he explained that he would have definitely paid all amounts under \$100 at the time of service. Applicant did not dispute that he owed the debts on his credit record, including the 11 medical debts he did not recognize. He indicated that he intended to establish an affordable repayment plan for all his debts through the credit counseling service and make payments until all his debts are satisfied. (Item 3.)

A check of Applicant’s credit on May 15, 2015, revealed additional medical collection debt beyond that disclosed on his SF 86: \$35 and \$535 from October 2009 (SOR ¶¶ 1.y and 1.z); \$35 from November 2009 (SOR ¶ 1.aa); \$600, \$64, and \$623 from February 2010 (SOR ¶¶ 1.w, 1.x, 1.o); \$171 from April 2011 (SOR ¶ 1.n); \$341 and \$56 from November 2011 (SOR ¶¶ 1.m, 1.u); and \$613 and \$35 from June 2013 (SOR ¶¶ 1.i, 1.v). (Item 5.)

As of August 2, 2016, Equifax was reporting five new medical collection debts: \$2,053 from January 2015 (SOR ¶ 1.g); \$2,000 from June 2015 (SOR ¶ 1.f); \$210 and \$546 from July 2015 (SOR ¶¶ 1.a, 1.e); and \$250 from August 2015 (SOR ¶ 1.d). No progress was shown on the medical collection debts in SOR ¶¶ 1.b, 1.c (duplicated in ¶ 1.s), and ¶ 1.h-¶ 1.o. Applicant was making timely payments toward three credit-card accounts with an aggregate balance of \$7,361. The medical debts alleged in SOR ¶¶ 1.u-1.aa were not on his credit record with Equifax, although he presented no evidence showing that they had been paid. (Item 6.)

Applicant presented no evidence of a plan in place to resolve his medical collection debts. There is no information in the record about his monthly income or expenses.

Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). 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 required to be considered 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 overall 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. 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 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 that 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. Section 7 of EO 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 concerns about financial considerations are set forth 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.

The Government met its burden of establishing a *prima facie* case for disqualification. Available credit reports show that two federal tax liens were filed against him in September 1992 for \$12,614 and \$2,155. The SOR also alleges a tax lien of \$12,614.09 (SOR ¶ 1.cc) from May 1996. Applicant did not deny that tax lien, but the Government presented no documentation showing that lien. The amount of the tax lien suggests that it could be a reissuance of the \$12,614 September 1992 tax lien because of nonpayment, although it is unclear. Not enough is known about the tax liens to conclude whether the 1996 tax lien was a refiling or a new tax liability for \$12,614. Whether or not Applicant had owed federal taxes of \$14,769 or as much as \$27,303, his federal tax debts are now barred from collection.² The SOR also alleges a \$556 judgment from March 1995, which Applicant indicates was for dental services to his stepson, but he denies liability. The Government presented no documentation showing the judgment debt.³ Recent credit reports reflect that between 2009 and 2015, Applicant incurred \$29,630 in medical collection debt. Four disqualifying conditions are established under AG ¶ 19:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so;
- (c) a history of not meeting financial obligations; and
- (f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required.

Applicant has the burden of presenting evidence of explanation, extenuation, or mitigation to overcome the security concerns raised by his delinquent debts. Under the AG effective for any adjudication on or after June 8, 2017, a record of consumer and tax delinquency may be mitigated under one or more of the following conditions under ¶ 20:

² Section 6502 of Title 26 of the United States Code provides in part:

Where the assessment of any tax imposed by this title has been made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun—
(1) within 10 years after the assessment of the tax . . .

Section 6325 of Title 26 specifies that a certificate of release of any lien imposed with respect to any internal revenue tax shall be issued 30 days after the day on which the liability for the assessed amount plus all interest has been fully satisfied or the taxes have become legally unenforceable.

³ Applicant indicated in response to the SOR that the debt was his son's responsibility. He listed two stepsons but no children of his own on his SF 86. Presumably, he was referring to his stepson.

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

(c) the person has received or is receiving counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to 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

(g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Applicant's tax liens are so old that they are no longer legally enforceable. Although AG ¶ 20(a) provides for mitigation when debts happened so long ago, that mitigating condition cannot reasonably apply. The disregard of his financial obligations that he exhibited in ignoring his tax debts persists in the lack of effort taken to address his more recent medical collection debts, which include five medical debts placed for collection in 2015.

Applicant's more recent financial problems were largely caused by his heart attacks and subsequent medical treatment, which is a circumstance that implicates AG ¶ 20(b). However, Applicant would have a stronger case for mitigation under AG ¶ 20(b) had he presented documentation showing payment of significant medical expenses. AG ¶ 20(b) requires that an individual act responsibly once the crisis has passed. While he had a repayment plan to address his medical collection debt in July 2014, he learned by September 2014 that his credit counselor had made little progress toward resolving his debts before she left the company. He told the OPM investigator that he would continue working with the credit counseling service to establish a new repayment plan. It is difficult to find that he acted responsibly without some efforts on his part after 2014 to address his collection debts and with the evidence of new medical collection debts in 2015.

Applicant presented no documentation showing how many \$217 payments he made under his debt consolidation plan in 2014. As of August 2016, Equifax was reporting no progress toward reducing his collection balances, including for those debts in SOR ¶¶ 1.b, 1.c, 1.j, and 1.l, which he claimed were in repayment. There is no documentation of any payments toward his medical collection debts. Under the circumstances, it cannot be reasonably concluded that his financial issues are being resolved or are under control. AG ¶ 20(c) is not established. To the extent that his payment plan in 2014 is considered a good-faith effort under AG ¶ 20(d), there is no evidence that he is presently adhering to a repayment plan that would resolve his medical delinquencies. AG ¶ 20(d) has limited applicability. Applicant presented no evidence of any arrangements to repay the tax debts covered by the tax liens when the tax debts were legally collectible. AG ¶ 20(g) has not been shown to have any applicability.

Concerning AG ¶ 20(e), Applicant disputes his liability for the \$14,804 hospital debt (SOR ¶ 1.k) in that his insurer should have covered the charges. He speculated during his September 2014 OPM interview that claims may well have been filed against a “phantom” account number and denied as a result. That debt remains on his credit record as of August 2016. His uncorroborated assertion does not satisfy the documentation required to substantiate his dispute under AG ¶ 20(e). Concerning those medical debts in the SOR that are identified on his credit record by account but not by creditor name, including those medical debts from 2015 (SOR ¶¶ 1.a, 1.d-1.g), AG ¶ 20(e) is not satisfied by stating that he “would need to run down any of the items that came back in May 2015 and especially August 2016,” or that he is “especially suspicious to any items that appear on [his] credit reports since that [OPM computer] hacking event.” Concerning those medical debts no longer appearing on his credit record, it is noted that debts may be dropped from a credit record for various reasons, such as the passage of time or the failure of a creditor to timely respond to the request of the credit reporting company for information, and removal of a debt from a credit report does not necessarily disprove the debt’s validity. Under 15 U.S.C. § 1681c, the Fair Credit Reporting Act requires removal of most negative financial items from a credit report seven years from the first date of delinquency or the debt becoming collection barred because of a state statute of limitations, whichever is later.

AG ¶ 20(e) has some applicability in that the debt in SOR ¶ 1.s is likely a duplicate listing of the debt alleged in SOR ¶ 1.c and does not represent an additional delinquency. The tax lien in SOR ¶ 1.cc could well be a reissuance of the September 2012 tax lien. Moreover, regarding the disputed judgment debt, a court is not likely to have awarded a judgment to the dentist without some evidence of legal liability. However, that judgment does not appear on any credit records in the file. It was not adequately proven to be Applicant’s responsibility.

Whole-Person Concept

In assessing the whole person, the administrative judge must consider the totality of an applicant’s conduct and all relevant circumstances in light of the nine adjudicative process factors in AG ¶ 2(d). The analysis under Guideline F is incorporated in my whole-

person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline, but some warrant additional comment.

The security clearance adjudication is not aimed at collecting an applicant's personal debts. Rather, it involves an evaluation of an applicant's judgment, reliability, and trustworthiness in light of the security guidelines in the Directive. See ISCR Case No. 09-02160 (App. Bd. Jun. 21, 2010). In evaluating Guideline F cases under the whole-person concept, the Appeal Board has established that an applicant is not required to pay off every debt in the SOR:

The Board has previously noted that the concept of a meaningful track record necessarily includes evidence of actual debt reduction through payment of debts. However, an applicant is not required, as a matter of law, to establish that he has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he has established a plan to resolve his financial problems and taken significant actions to implement that plan. The Judge can reasonably consider the entirety of an applicant's financial situation and evaluating the extent to which that applicant's plan for the reduction of his outstanding indebtedness is credible and realistic.

See ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations and quotation marks omitted). Even so, Applicant has not presented evidence showing that he has settled his debts. He provided no documentation showing ongoing payments and so it cannot be determined whether he has made enough progress to conclude that his debts are likely to be resolved in the near future.

The Appeal Board has repeatedly held that the government need not wait until an applicant mishandles or fails to safeguard classified information before denying or revoking security clearance eligibility. See, e.g., ISCR Case No. 08-09918 (App. Bd. Oct. 29, 2009, citing *Adams v. Laird*, 420 F.2d 230, 238-239 (D.C. Cir. 1969)). 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 v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990). In choosing a decision on the written record, it was incumbent on Applicant to present the income and expense information to explain his delinquencies, but also to reflect his financial stability. He has not met his burden of overcoming the financial considerations security concerns. Based on the evidence before me, I am unable to conclude that it is clearly consistent with the national interest to grant or continue security clearance eligibility for Applicant at this time.

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, Financial Considerations:

Against Applicant

Subparagraphs 1.a-1.r:	Against Applicant
Subparagraph 1.s:	For Applicant
Subparagraphs 1.t-1.bb:	Against Applicant
Subparagraph 1.cc-1.dd:	For Applicant
Subparagraph 1.ee:	Against Applicant

Conclusion

In light of all of the circumstances, 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.

Elizabeth M. Matchinski
Administrative Judge