DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 16-02602
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Alison O'Connell, Esq., Department Counsel
For Applicant: *Pro se*

02/02/2018

Decision

MURPHY, Braden M., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline J, criminal conduct, or Guideline E, personal conduct. He did not establish that it is clearly consistent with the interests of national security to grant him eligibility for access to classified information. Applicant's eligibility for access to classified information is denied.

Statement of the Case

On September 17, 2016, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B, foreign influence, Guideline C, foreign preference, Guideline J, criminal conduct, and Guideline E, personal conduct.[1]

[1] 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 October 14, 2016, and requested a hearing. The case was assigned to me on August 14, 2017. On August 28, 2017, a Notice of Hearing was issued scheduling the case for September 20, 2017, a date agreed to by the parties. The hearing convened as scheduled.

At the hearing, Department Counsel submitted Government's Exhibits (GE) 1 through 8, all of which were admitted without objection. Applicant testified but submitted no documents. At the conclusion of the hearing, I left the record open to enable Applicant to submit his most recent clearance application, which he did on October 4, 2017. It was marked as Applicant's Exhibit (AE) A and admitted without objection. The record closed on October 4, 2017. I received the hearing transcript on September 28, 2017.

On December 10, 2016, the Director of National Intelligence (DNI) issued Security Executive Agent Directive 4, National Security Adjudicative Guidelines (AG). The new AGs became effective on June 8, 2017, for all adjudicative decisions on or after that date.[2] Any changes resulting from the implementation of the new AGs did not affect my decision in this case.

Amendments to the SOR

SOR ¶ 4.a concerns Applicant's alleged falsification on his 2011 Security clearance application. (SCA) (GE 3) During the hearing, the Government moved to amend SOR ¶ 4.a to reflect the correct date of GE 3, amending it from "July 10, 2011" to "August 14, 2011." The motion was granted, as it conformed to the record evidence. (Tr. 38-42)

At the conclusion of the hearing, based on Applicant's testimony and other record evidence, the Government moved to withdraw the allegations under Guidelines B and C. (SOR ¶¶ 1.a, 1.b, and 2.a) The motions were granted without objection. (Tr. 86, 90) Any findings of fact related to these allegations are included below only as relevant to Applicant's biography and background, and to the whole-person concept.

Government's Exhibit 8 is the Government's administrative notice filing concerning Afghanistan, and supporting documentation. Since the Government withdrew the Guideline B foreign influence allegations, I will not discuss GE 8 in my findings of fact, below. I have nonetheless considered it and given it appropriate weight.

Findings of Fact

In his Answer, Applicant did not specifically "admit" or "deny" any of the allegations, though he provided explanations or updates. In reviewing his statements, I consider that he denied SOR ¶¶ 1.a, 1.b, 2.a, and 4.a, but admitted SOR ¶ 3.a. His admission and other statements are incorporated into the findings of fact. After a

[2] I provided Applicant a copy of the new AGs at the start of the hearing. (Transcript (Tr.) 10-12)

thorough and careful review of the pleadings and exhibits submitted, I make the following additional findings of fact.

Applicant was born in Afghanistan in 1966. He is 51 years old.[3] Following the Soviet invasion of Afghanistan he fled the country with his family. After a year in Pakistan, he came with his family to the United States as a refugee in December 1981. Until 1989, he lived with his parents and siblings. He became a U.S. citizen in 1988. (Tr. 22-23, AE A, GE 1, 2)

After graduating from high school, Applicant briefly attended community college. He spent much of 2009 deployed in Afghanistan, working as a linguist in the defense industry. For a period of time thereafter, he lived with family in the United Kingdom (U.K.). After another period in the defense industry (August 2011 to October 2013), he lived in the U.K. again for several months (November 2013 to July 2014). Despite submitting several SCAs, Applicant has never held a security clearance. (Tr. 8, 23-24, 52-55, 68; GE 1)

Applicant's mother and father are from Afghanistan. Both live in the United States, and both are now U.S. citizens. His mother became a U.S. citizen in 2015. (Answer to SOR ¶ 1.a, now withdrawn; Tr. 25-26)

Applicant's two sisters and two brothers have lived in the United States for many years. (Tr. 49-51, 57-59) All but one sister are U.S. citizens. His other sister is either a U.S. citizen or an Afghan citizen and permanent U.S. resident. She has never been to Afghanistan. (Answer to SOR ¶ 1.b, now withdrawn; Tr. 25-26, 57-59, 80-81) When he is in the United States, Applicant lives with one of his sisters. (Tr. 84)

Applicant and his wife have been married for nine years. They have no children. His mother-in-law is a citizen and resident of the U.K. She is elderly and in frail health. Because she cannot travel, Applicant and his wife must visit her in the U.K. Applicant's wife is a British citizen and permanent U.S. resident. She and Applicant both divide their time between the two countries. (Tr. 27-30, 52-55, 78-80)

In 2012, Applicant applied for and was granted permanent residence in the U.K. so he could visit his mother-in-law more easily and make longer visits. When he travels, he uses his U.S. passport. He has no other passports. Applicant has never applied for, nor has he ever obtained, British citizenship, as alleged in SOR ¶ 2.a, now withdrawn. (Tr. 27-30; GE 2; AE A)

Applicant has a stock and equity portfolio that he estimated is worth about $400,000 or $500,000. It was funded through savings from Applicant's work as a linguist (when he had an annual salary of about $215,000). He has no property or financial assets in Afghanistan. For about the last year, Applicant has managed his own luxury

[3] Applicant testified that he is 47 years old. (Tr. 22) He later said he was born in 1966, a date he consistently reported on all his security clearance applications. (Tr. 32, 49; GE 1, GE 2, GE 3, GE 6; AE A) If this is accurate, he is 51 years old.

car service. He earned in excess of $100,000 last year. If Applicant's clearance is granted, he expects to redeploy to Afghanistan. (Tr. 56, 59, 82-85)

Guideline J

In 1991, when he was 25 years old, Applicant was struggling financially. He was told by his uncle that he would be compensated if he travelled to Pakistan and returned with a briefcase containing illegal drugs. In March 1991, Applicant flew to Pakistan and met his uncle. His uncle introduced him to a man Applicant did not know. The man gave Applicant a briefcase and instructed him to return with it to the United States. Upon his return, Applicant would be contacted by someone about the briefcase. Applicant knew he was carrying illegal drugs. He expected to be paid about $10,000. (Tr. 30-37, 60-61; GE 2 at 3)[4]

Applicant travelled from Pakistan to India, and then flew to Canada. He then attempted to drive into the United States with the briefcase, which contained about one kilogram of heroin. He was stopped and apprehended at the U.S.-Canadian border by U.S. customs and border authorities. (Tr. 30-37; GE 2 at 3)

Applicant was arrested and charged in federal court with felony possession of narcotics (heroin). He testified that he spent several years cooperating with federal authorities in a larger prosecution. He pleaded guilty in 1995. He was then sentenced to six years (72 months) in a lower-security federal prison. He served about three years in jail, and then five years of probation. Applicant has had no other criminal offenses or arrests. (SOR ¶ 3.a; Answer; Tr. 34-37, 61-62; GE 4)[5]

Guideline E

In 2009, Applicant took a job as a linguist with a defense contractor. He spent a year in Afghanistan deployed with U.S. forces (2009-2010). He deployed there again in a similar role from July 2011 to the end of 2014. He has not returned to Afghanistan since then. (Tr. 44-49)

Applicant first applied for a security clearance in February 2009. He submitted an SCA and a counter-intelligence screening questionnaire (CSQ), with a related background interview, on the same day. (GE 6, GE 7) Section 22 (Police Record) of the SCA called for disclosure of his 1991 arrest, since it was both drug-related and a felony. He did not list the arrest, as required. He did, however, discuss the offense in his CSQ.

[4] Applicant's uncle has been deceased for 16 or 17 years. (Tr. 82; GE 2, "Developed Relatives" chart)

[5] Applicant reported different information about his jail time in his Answer and elsewhere in the record. In November 1995, he was either sentenced to 60 months in federal prison (Answer) or 72 months (GE 4). He consistently said he served three years in jail, and then served five years of probation, but his probationary period was either from November 1998 to November 2003 (Answer) or it ended in 2005. (Tr. 37). There are no official documents in the record to confirm the correct dates.

(GE 6 at 38; GE 7 at 6-7) The Government did not allege that Applicant falsified his February 2009 SCA in failing to disclose his 1991 arrest.

Applicant submitted another SCA on August 14, 2011. He electronically entered an "X" in both of the "NO" boxes by questions calling for disclosure of the arrest as both a drug-related offense and as a felony. He signed the SCA on that date. However, those pages also reflect that the answer to those questions was later changed, as there is a handwritten "X" over the "YES" boxes for both questions. Applicant initialed the changes and signed the form again on August 23, 2011. (GE 3 at 36 and 41)

In addition, on the same day, Applicant signed and submitted a "Standard Form 86 Certification." The section marked "Explanation/Remarks" includes specific details about Applicant's 1991 arrest, including the date, the law enforcement authority, the location, the offense, and details about the "action taken," and it references the questions Applicant is alleged to have falsified. These details are written in the third person ("HE made a plea bargain . . .) (emphasis in original), suggesting that someone else typed them. But Applicant signed the document on August 23, 2011. (GE 4)

Applicant also discussed the offense in his August 23, 2011 CSQ. The interviewer's notes indicate that Applicant acknowledged his initial dishonesty when confronted. The interviewer also noted that Applicant appeared deceptive when asked for details about the man who gave him the briefcase of heroin in Pakistan. (GE 5 at 2, 5-7)

The Government alleged that Applicant deliberately falsified his SCA on August 14, 2011 (amended from July 30, 2011) by failing to disclose his 1991 felony drug arrest, as required.[6] (SOR ¶ 4.a) In his answer to the SOR, Applicant said, in part:

> In 2009 I told the CI Screener about this case in detail and thought all of this was already in my record. Again, in 2011, I volunteered this information to my [OPM] investigator. Not listing it on my SF-86 during this time was purely oversight. I never intended to withhold information about this felony. I sincerely apologize for not listing this on my SF86.

Applicant testified that he disclosed his 1991 arrest in his first interview (in 2009) when he was asked "if I ever had a felony," and he answered in the affirmative. (Tr. 64-67) He testified that by the time of his 2011 interview, "they [the interviewers] knew it because they had me in the system." (Tr. 67)

Applicant submitted another SCA on October 13, 2015. As before, he submitted a CSQ on the same day. On his SCA, Applicant electronically entered an "X" in the

[6] In ¶ 4.a, the SOR quoted all of the questions on Applicant's August 14, 2011 SCA in Section 22 (Police Record) (EVER) in full (serving in jail for at least a year, felony charges, convictions regarding domestic violence or crimes of violence, charges regarding firearms or explosives, and charges regarding alcohol of drugs), even though some of these questions did not apply to the facts of this case. (SOR, GE 3)

"NO" box calling for disclosure of his 1991 arrest as both a drug-related offense and as a felony. However, he also slashed that answer out by hand, and put a handwritten "X" in the "YES" box, though without initialing the change. (GE 1 at 63) As before, he also discussed the offense in detail in his CSQ. (GE 2 at 7-8)

Applicant testified that in 2009, in 2011, and in 2015, he did not list his 1991 offense on his SCA because he did not want his employer to find out about it. He said he did not feel "safe" or "comfortable" disclosing the offense to his employer. He acknowledged that his failure to disclose the offense was intentional. (Tr. 44-45, 62-63, 66-67, 72-73, 77-78) He testified that he did not intend to hide the offense from the government, since he knew he was being interviewed. (Tr. 93)

During closing argument, Applicant disclosed for the first time that he submitted a later SCA, in 2016, and that he had listed his 1991 offense on it. (Tr. 94-97) He submitted that document post-hearing, and it confirmed that he disclosed the offense in answering questions about his police record. Applicant gave the same explanation, word for word, as he did in his Answer to the SOR, quoted above. (AE A at 66; Answer)

Policies

It is well established that no one has a right to a security clearance. As noted by the Supreme Court 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."[7]

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

[7] *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988).

evidence contained in the record. Likewise, I have not drawn 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 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 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 criminal conduct that could raise a security concern and may be disqualifying. Applicant's 1991 arrest and subsequent conviction for felony possession of heroin satisfies the following disqualifying condition under Guideline J:

> (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.

AG ¶ 32 sets forth the applicable mitigating conditions under Guideline J:

> (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.

In March 1991, when he was 25 years old, Applicant was arrested at the U.S.-Canadian border attempting to smuggle a briefcase full of heroin into the United States. This was unquestionably poor judgment. Applicant cooperated with authorities for several years before he pleaded guilty in 1995. He then spent about three years in federal prison, followed by five years of probation. He has had no subsequent arrests or criminal charges. Applicant made a very bad decision (indeed, several very bad decisions) which led to his arrest. However, he paid his debt to society, and has been an honorable and productive citizen for many years since then. He volunteered to serve his adopted country overseas, in his capacity as a linguist, under what are surely difficult and trying circumstances. He has established a small business, and has found financial success in this country.

Nevertheless, given the seriousness of the offense, and given my conclusions, set forth below, that personal conduct security concerns remain about Applicant's overall lack of candor and his pattern of poor judgment, I cannot conclude that Applicant is sufficiently rehabilitated or that the security concerns from his criminal conduct are fully mitigated. AG ¶¶ 32(a) and 32(d) do not fully apply.

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 or candid answers during national security eligibility investigative or adjudicative processes.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are 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; and
>
> (b) deliberately providing false or misleading information, or concealing or omitting information, concerning relevant facts to an employer . . .; and

> (e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes: (1) engaging in activities which, if known, could affect the person's personal professional, or community standing.

Applicant did not initially disclose his 1991 felony drug arrest on the SCA he prepared on August 14, 2011. Applicant acknowledged at hearing that he did not disclose his arrest because he did not want his employer to know about it. He also said the same thing about his SCAs in 2009 and 2015. He stated that by 2011, he knew the Government was aware of the arrest because he had already discussed it at length during his 2009 CSQ. As he said at hearing, "they knew it because they [already] had me in the system."

Applicant acknowledged at hearing however, that his omission was intentional. He also acknowledged in his August 2011 CSQ interview that his answer was dishonest. Even though it appears Applicant intended to keep his arrest from his employer and not from the Government. AG ¶ 16(a) nonetheless applies. Regardless, AG ¶ 16(b) also applies, since Applicant acknowledged that he intentionally hid his arrest from his employer. AG ¶ 16(e)(1) also applies on the same basis.

AG ¶ 17 sets forth the Guideline E mitigating conditions, of which the following are potentially applicable:

> (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
>
> (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;
>
> (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation or duress.

The record is not entirely clear about whether, and if so, to what extent, Applicant was confronted by the investigator on August 23, 2011 about his failure to list his 1991 offense on the SCA he submitted nine days earlier. On the one hand, the investigator's notes indicate that Applicant acknowledged his initial dishonesty in the interview when confronted. (GE 5 at 2) Applicant also said in his Answer that he volunteered the information to the investigator. He also testified that he believed that the Government already knew about the offense from his prior investigation.

While it is impossible to know with certainty the exact sequence of events on August 23, 2011, the fact remains that on that day (probably after his CSQ and his interview), Applicant changed his answer under Section 22 on GE 3 from "NO" to "YES."

He initialed the change, re-signed the SCA, and provided an addendum with specific details about the offense. This evidence shows that Applicant made a prompt good-faith effort to acknowledge his offense to the Government. I therefore conclude that AG ¶ 17(a) applies.

Applicant disclosed his offense on his most recent SCA. Thus, he took at least some positive steps to reduce or eliminate any resulting vulnerability to exploitation, manipulation or duress, under AG ¶ 17(e).

However, even though the only Guideline E allegation in the SOR concerns Applicant's falsification of his 2011 SCA, I can consider Applicant's intent in preparing his 2009 and 2015 SCAs in weighing mitigation.[8] As to AG ¶ 17(c), intentional falsification of an SCA, no matter the reason, is not a minor offense. Applicant testified that he intentionally failed to report his offense when he submitted his SCAs in 2009, 2011, and 2015. He also testified consistently that he did so because he did not want to disclose it to his employer. Only on his most recent SCA, in October 2016, did Applicant disclosed the offense as a drug-related felony, and other pertinent details.

Applicant therefore has a troubling pattern of failing to fully disclose his felony drug arrest on his SCAs, in an effort to keep the information from his employer. Even though his actions may not rise to the level of multiple falsifications, he nonetheless repeatedly exercised poor judgment in failing to be more candid. This pattern makes it difficult to find that "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" under AG ¶ 17(c).

Although I have concluded that some mitigating conditions apply, "the mere presence or absence of any particular disqualifying or mitigating condition is not dispositive."[9] Applicant falsified his SCA, and took repeated steps to hide his criminal conviction from his employer. Given this evidence, he has not established that he is sufficiently rehabilitated. He has not mitigated the Guideline E security concern.

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):

[8] I cannot consider as disqualifying conduct any omission on an SCA that is not alleged in the SOR. However, I can consider that evidence in weighing mitigation or changed circumstances, whether Applicant has demonstrated sufficient rehabilitation, under the whole-person concept, and in weighing Applicant's credibility. ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006).

[9] ISCR Case No. 04-08867 at 2 (App. Bd. Feb. 20, 2007).

> (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 J and E in my whole-person analysis.

I credit Applicant's prior service as a linguist in Afghanistan with U.S. forces. He made sacrifices and risks in order to contribute to the U.S. military and its mission overseas. He is willing to resume that role again.

I observed Applicant's demeanor at hearing. He was intelligent, well-spoken, and apologetic for his prior misconduct. Applicant's criminal offense occurred more than half a lifetime ago, when he was a young man. He has not had any criminal issues since. Applicant has been a successful and contributing member of society for many years.

Nevertheless, Applicant's crime was quite serious. Given the nature of the offense, and given my conclusions about his lack of candor and pattern of poor judgment, I cannot conclude that Applicant is sufficiently rehabilitated to overcome the security concerns shown by either his criminal conduct or his personal conduct. I have also considered Applicant's overall behavior, not just in a piecemeal fashion as a series of unrelated incidents.[10] Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility for access to classified information.

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 B:	WITHDRAWN
Subparagraphs 1.a-1.b:	Withdrawn

[10] *See, e.g.,* ISCR Case No. 03-22563 at 4 (App. Bd. Mar. 8, 2006) (regarding the need to avoid a piecemeal analysis).

Paragraph 2: Guideline C:	WITHDRAWN
Subparagraph 2.a:	Withdrawn
Paragraph 3: Guideline J:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Paragraph 2: Guideline E:	AGAINST APPLICANT
Subparagraph 4.a:	Against Applicant

Conclusion

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

_____
Braden M. Murphy
Administrative Judge