



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



In the matter of:)
)
) ISCR Case No. 16-03710
)
Applicant for Security Clearance)

Appearances

For Government: Aubrey M. De Angelis, Esq., Department Counsel
For Applicant: Ryan C. Nerney, Esq.

11/30/2018

Decision

GLENDON, John Bayard, Administrative Judge:

This case involves security concerns raised under Guideline F (Financial Considerations). Eligibility for access to classified information is granted.

Statement of the Case

On January 25, 2017, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent Applicant a Statement of Reasons (SOR) alleging security concerns under Guideline F. The DOD CAF acted under Executive Order 10865, *Safeguarding Classified Information within Industry* (Feb. 20, 1960), as amended (Exec. Or.); DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended (Directive); and Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (Dec. 10, 2016) (AG) for all adjudicative decisions on or after June 8, 2017.

Applicant responded to the SOR on March 22, 2017. He requested a hearing before an administrative judge. The case was assigned to me on June 15, 2018. On June 21, 2018, the Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing, scheduling the hearing on August 8, 2018. I convened the hearing as scheduled.

Department Counsel offered 11 documents into evidence, which were marked as Government Exhibits (GE) 1-11. These exhibits were admitted into evidence without objection. Applicant testified, and his attorney offered 24 documents, which were marked as Applicant Exhibits (AE) A-X. Applicant's Exhibits were admitted without objection. DOHA received the transcript on August 23, 2018 (Tr.).

I held the record open after the hearing until August 29, 2018, to allow Applicant the opportunity to submit additional exhibits. On that date, Applicant's counsel submitted 20 additional documents, which he marked as AE Y-RR. These exhibits are admitted without objection.

Findings of Fact¹

The SOR alleges 12 delinquent debts totaling about \$40,000. (SOR ¶¶ 1.a-1.i.) The SOR also alleges that Applicant failed to file his federal and state income tax returns during the period 2011 to 2015, as required. (SOR ¶ 1.m.)

In his answer to the SOR, Applicant admitted 11 of the 12 of the SOR allegations regarding consumer debts, while at the same time, he denied the alleged amounts. He denied SOR ¶ 1.j on the ground that he paid this debt before the issuance of the SOR. He also denied the delinquent tax filing allegation set forth in SOR ¶ 1.m. Applicant attached 11 documents to his answer to the SOR (SOR Response). Based upon the record evidence, including Applicant's admissions and testimony, I make the following findings of fact.

Applicant is 68 years old and has worked for federal contractors since at least 2005. He has continuously held a security clearance since 1982. He has been married and divorced two times, and he remarried a third time in 2017. He has five stepchildren. Although he has never been in the military, he was been deployed in a combat zone as a civilian contractor and lived in military housing during the period October 2012 through October 2016 and after April 2017. Until at least October 2016 and perhaps up to the time of his 2017 marriage, Applicant had no U.S. abode. He has earned a bachelor's degree and a master's in business administration. (Tr. 16-17; AE Y; AE H.)

In 2011 and part of 2012, Applicant was a senior executive and a partner with two others in a government contracting business. After a period of profitability, the business began to fail due to internal management conflicts between his two other partners and to disputes with others. He was not personally involved in any of these disputes. The Company ultimately failed because of unsustainable litigation expenses. As a result of these problems, the firm substantially reduced Applicant's salary in October 2011. In March 2012, his salary was cut to zero. (Tr. 22-24, 35.)

¹ Applicant's personal information is extracted from his security clearance application, dated January 29, 2016 (GE 1), unless otherwise indicated by a parenthetical citation to the record.

He obtained a new job with a large defense contractor in October 2012 and deployed to a combat zone. Due to the financial distress he experienced in 2011 and 2012, Applicant defaulted in 2012 and 2013 on several credit accounts, which became the subject of an earlier DOHA proceeding. Some of the same debts from the first proceeding are alleged in the SOR in this proceeding.² Applicant was successful in retaining his clearance. (Tr. 22-25, 35, and 72; SOR Response at 6-7.) The SOR also alleges that Applicant failed to file his tax returns as required for the years 2011-2015. (SOR ¶ 1.m.)

SOR ¶¶ 1.a and 1.b: two judgments on delinquent credit-card accounts with a total indebtedness of about \$16,389. The January 2014 judgment in the amount of \$5,722 (SOR ¶ 1.a) was obtained by a law firm that represented Applicant in his prior DOHA security clearance proceeding. Applicant was deployed overseas at the time the judgment was entered. The underlying debt arose from a dispute Applicant had with the law firm over its billing. (Tr. 21.)

Starting in November 2013, Applicant worked with a debt consolidating firm to pay his creditors. After learning about the law firm's judgment, he added it to his debt consolidation repayment plan (the Plan). In 2017, Applicant's repayment account was transferred to a second debt consolidating firm, a non-profit, financial management service agency (the Agency). Applicant has made 71 consecutive monthly payments to the Agency and its predecessor pursuant to the Plan. (AE E.) The Agency pays the collection agent for his former law firm \$170 per month. This debt will be paid in full in a few months. (Tr. 21-27, 44, AE A at 34; AE U.)

As of February 2017, Applicant had deposited over \$36,000 with the Agency and its predecessor and all of those funds had been used to pay his creditors. He continues to pay the Agency \$1,113 every month, and the Agency disburses funds to each of his creditors with outstanding debts. He also pays the Agency \$25 each month for its services. (Tr. 20-28; AE A at 1-2.)

Due to his loss of income in 2011-2012, Applicant defaulted on a credit-card account. In December 2013, the bank obtained a judgment against Applicant in the amount of \$10,667 (SOR ¶ 1.b). It was entered when Applicant was deployed overseas. Since December 2013, the Agency or its predecessor have been paying this creditor each month to resolve this judgment. This debt was paid in full in January 2016. (Tr. 28-32; AE A at 36-37.)

SOR ¶¶ 1.c, 1.d, 1.e, 1.g, and 1.h: five delinquent credit-card accounts in collection with a total balance of \$22,618. The circumstances surrounding the credit-

² The parties submitted no documents from the prior DOHA proceeding, such as the SOR or the DOHA security clearance decision. As a result, it is not possible to determine which debts in the current SOR were also the subject of allegations in the original SOR. (Tr. 83-84.) Part of the bill from Applicant's former attorney in that proceeding, which was reduced to a judgment in January 2014, is one of the newly alleged debts, *i.e.*, SOR ¶ 1.a. (SOR Response at 1.)

card collection account alleged in SOR ¶ 1.c for \$7,602 is factually similar to those underlying the judgment on the credit-card account alleged in SOR ¶ 1.b. Applicant defaulted on this account in August 2012. Through the Agency and its predecessor, Applicant has been paying \$272 each month towards this debt since November 2013, which increased to \$298 in March 2016. This debt will be paid off in the next four to six months. (Tr. 33-37; GE 9 at 3; GE 10 at 2; AE A at 23-24; AE U at 3.)

The delinquent debts that are the subject of SOR ¶¶ 1.d (credit card-\$6,025), 1.e (credit card-\$3,895), 1.g (credit card-\$3,137), and 1.h (home equity loan-\$1,959) arose for the same reason and are being paid in the same manner. Some of these debts have already been paid off, and the remainder will be paid soon. (Tr. 37-39, 41-46.)

SOR ¶ 1.f: delinquent cellphone account in collection with a balance of \$453. This debt arose in 2015 when Applicant terminated his account with one cellphone service provider to switch to another with cheaper international rates. The new provider had offered to pay the termination charges, but once he terminated his old account, he was unable to obtain a detailed statement so he could be reimbursed by the new provider. Applicant spent an extended period of time trying to resolve this problem, but when the original provider referred the debt to collection, he added this bill to his Plan in February 2017 so that it would be paid in monthly installments. Under the Plan, the Agency is paying the creditor \$20 per month until the debt is paid off in 2019. (Tr. 39-41; AE B.)

SOR ¶¶ 1.i, 1.k, and 1.l: three medical bills in collection with a total balance of \$485. Applicant was unaware of these three outstanding bills for medical co-payments that should have been paid by his secondary insurance. They were incurred in 2012 in connection with Applicant's pre-deployment medical tests. He had moved at that time, and he surmises that the bills were misdirected. Then he was deployed for an extended period of years without a U.S. residence. Applicant learned about the bills when he returned home for knee surgery in 2016. He spent about six months (2016-2017) in the United States recuperating. He was unable to work during this period, and he did not receive his full compensation. He added the old medical bills to his Plan so they would be paid over a period of time and not burden him during a period of reduced cash flow. Applicant's Exhibit B reflects that the debts were added to the plan in February 2017 and the amounts of the monthly payments. Each of these debts should have been paid by the time of the close of the record or soon thereafter. (Tr. 46-48; 49-51.)

SOR ¶ 1.j: delinquent TV account in collection with a balance of \$188. In 2010, Applicant terminated a TV account with a provider when he sold his home. He was told by the provider to dispose of the equipment. He subsequently learned that the provider had billed him for the equipment. He paid the bill in August 2016. (Tr. 48; AE C.)

SOR ¶ 1.m: failure to file federal and state income tax returns during tax years 2011 through 2015. Applicant's federal 2011 tax return was complicated because he sold his home in a short sale that year, and he required a tax accountant to assist him. (Tr. 72.) On April 15, 2012, he filed for a six-month automatic extension. (AE JJ at 1.) He claims, without supporting documentation, that he sought a second extension to file his

2011 federal tax return before he deployed.³ He deployed to a combat zone on October 21, 2012. (Tr. 65.) Applicant believes his second extension request was probably denied, though he never heard further from the IRS about his request. The IRS 2011 Account Transcript makes no reference to a second extension request. The transcript also reflects that the IRS initially imposed a penalty for late filing and prepared a substitute tax return. The transcript shows a subsequent reduction of the penalty for Applicant's late filing of his return, but not a removal of the penalty. (AE JJ at 1-2; Tr. 73-74.)

While deployed at the end of 2012, Applicant researched his tax liability and filing requirements and learned that as a federal contractor working in a combat zone supporting the U.S. Armed Forces, his time to file federal tax returns was automatically extended until he had returned from deployment and remained in the United States for at least 180 days.⁴ Applicant has been continuously deployed since 2012. Although he has periodically returned to the United States in each tax year for vacations or medical treatment, he argues that he has not returned for a period of time long enough to trigger his filing obligations for any years since his deployment in 2012. (AE Y.)

In October 2016, Applicant returned to the United States for approximately six months for knee surgery and the necessary recovery period. He submitted a post-hearing affidavit that attempts to calculate the number of days he was in the United States during that period. He is uncertain of the exact date of his departure from the country to return to his job in the combat zone. He estimates that he was in the United States for a period of time of about 160 to 191 days. (AE Y.) If his stay in the United States was more than 180 days, then he would have been required to file his tax returns at that point.

In January or February 2017, however, Applicant retained a tax law firm and had it prepare and his 2011 and 2012 federal and state tax returns. (AE Z, AA, BB, and CC.) The federal returns are dated February 20, 2017. (AE AA, CC.) The state returns are undated. (AE Z and BB.) Applicant self-prepared his federal and state tax returns for tax years 2013 through 2015.⁵ None of these returns reflect a date. (AE DD, EE, and FF.)⁶ He filed his state and federal tax returns in February or March 2017 for the years 2011

³ Prior to the expiration of the October 15th extended filing deadline, a taxpayer who is out of the country can make a written request to the IRS for a further extension of two months to December 15th. (AE LL at 4.) Applicant admitted that he was in a combat zone when he filed for the second extension, which would have been after the October 15th deadline. (Tr. 76.)

⁴ See AE K at 24. The IRS regulations provide for additional time under certain circumstances that do not apply under the facts of this case due to Applicant's deployment to the combat zone after his tax filing deadline had expired on October 15, 2012. (AE K at 24-25.)

⁵ Applicant mistakenly testified that his tax accountant prepared his 2013-2015 tax returns. (Tr. 68.) His tax returns reflect they were "self-prepared." (AE DD, EE, and FF.)

⁶ Applicant also offered into evidence copies of his 2016 state and federal tax returns and his 2017 federal tax return. (AE GG, HH.)

through 2016 before he returned to the war zone, even though, he argues, they were not yet due to be filed under the applicable IRS rules. (Tr. 53-54; AE K at 24.)

Applicant owes more than \$100,000 in federal tax for tax years 2011 through 2016 due to his failure to withhold anything in 2013, 2014, and 2015 and his insufficient withholding in 2011, 2012, and 2016. (Tr. 55, 78; AE AA, CC, DD, EE, FF, and GG.)⁷ The IRS is aware that Applicant lives and works in a combat zone and is on an extension to pay his taxes. Accordingly, the IRS has not filed a lien or otherwise sought payment of the taxes. (Tr. 68-69; AE LL; AE JJ at 2, 4, 6, 8, 10, and 12.) The SOR does not allege that Applicant failed to pay his federal taxes, as required, under AG ¶ 19(f). Department Counsel did not move to amend the SOR at the hearing.

Applicant introduced substantial character evidence. Those who know him best describe Applicant as highly reliable and trustworthy. (AE J.) His performance evaluations praise his subject matter expertise and dedication to his mission to support the host country. (AE M.)

Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An

⁷ See also AE AA at 1-2, CC at 1-2; DD at 4-5, EE at 3-4, FF at 8-9, and GG at 9-10. Applicant also owes state taxes, which he is paying pursuant to a payment plan. (AE O, P.) As of July 2018, his state tax debt was \$1,608. (AE P.) He plans to pay his federal taxes through his tax withholding in 2018. Starting in 2018, he will be eligible to take advantage of the foreign earned income exclusion of \$103,900 (2018 exclusion amount) of income earned abroad even if he has a U.S. abode. (Tr. 57-58; AE LL at 2.) He will be eligible for this exclusion because he will earn his income while out of the country for more than the required minimum number of days and because the Bipartisan Budget Act of 2018 clarifies his eligibility for the income exclusion even if he has a U.S. abode while living deployed overseas. (“*New law makes clear: Combat-zone contract workers qualify for foreign earned income exclusion*” at <https://www.irs.gov/newsroom/new-law-makes-clear-combat-zone-contract-workers-qualify-for-foreign-earned-income-exclusion>.) Through his normal withholdings, this will result in a sizable refund that can be credited to his 2011-2016 taxes. He also understands that he will receive a large tax refund for 2017. As long as he continues to work in a combat zone, his annual tax payments with his refunds will be voluntary pre-payments of his accrued tax obligations for the years 2011 through 2016 prior to the ultimate due date for his taxes. (Tr. 55-56.)

administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk 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.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. See ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531.

Analysis

Guideline F (Financial Considerations)

The security concern under this guideline 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. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

This concern is broader than the possibility that a person might knowingly compromise classified information to raise money. It encompasses concerns about a person's self-control, judgment, and other qualities essential to protecting classified information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information. See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

Applicant's admissions, testimony, and the documentary evidence in the record establish the following disqualifying conditions under this guideline: AG ¶ 19(a) ("inability to satisfy debts"), AG ¶ 19(c) ("a history of not meeting financial obligations"), and AG ¶ 19(f) ("failure to file . . . or pay annual Federal, state, or local income tax as required") with respect to Applicant's 2011 federal and state tax returns.

SOR 1.m is not established with respect to tax years 2012-2015. By filing his federal and state returns in February or March 2017, he satisfied his tax filing obligation for 2012-2015 in a timely manner because of the automatic filing extension rule. Accordingly, the exact number of days he was in the United States in the 2016-2017 period is irrelevant to the analysis of the Government's allegation in SOR ¶ 1.m. (AE Y.)

The following mitigating conditions are potentially applicable:

AG ¶ 20(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;

AG ¶ 20(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;

AG ¶ 20(c): the individual has received or is receiving financial 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;

AG ¶ 20(d): the individual initiated and is adhering to a good-faith effort to repay creditors or otherwise resolve debts; and

AG ¶ 20(g): the individual has made arrangements with appropriate tax authorities to file or pay the amount owed and is in compliance with those arrangements.

AG ¶ 20(a) is established. For the most part, Applicant's financial problems arose in 2011 and 2012. His relatively minor, more recent problems were the result of his overseas deployment and the failure of bills and court actions to reach him in a combat zone. The circumstances Applicant encountered in 2011 and 2012 are unlikely to recur. Moreover, they do not cast doubt on his current reliability, trustworthiness or good judgment.

AG ¶ 20(b) is established. Applicant's loss of income in 2011 and 2012 was the result of business difficulties beyond his control, as was his reduction of income for about six months when he was recovering from knee surgery. Applicant retained the services of a debt consolidation firm in a timely manner and began the process of repaying his delinquent debts. When new debts arose, as was the case of the disputed bill for legal fees (SOR ¶ 1.a) and three minor medical bills (SOR ¶¶ 1.i, 1.k, and 1.l), he added these bills to his debt management plan and has paid them or will have finished paying them in the near future. He has not walked away from any debts and refused to pay them, even when he did not agree with the debt, as was the case with his credit-counseling firm's lawyer's legal fees. Applicant has acted responsibly under the circumstances.

AG ¶ 20(c) is established. Applicant retained the services of legitimate credit counseling service, which provided valuable assistance by helping him pay his debts under a repayment plan and charged a minimal fee for its services. The Agency has been paying Applicant's debts since November 2013, and he has a five-year track record of making significant payments every month. There are clear indications that his financial problems have been or are in the final stage of being resolved.

AG ¶ 20(d) is established. In 2013, Applicant initiated a good-faith effort to repay his delinquent debts and for over five years has continued his repayments. Although he likely has not triggered his tax filing deadline by returning from the combat zone for more than 180 days since 2012, he timely filed all of his tax returns in February or March 2017. This was done in good faith and with the intent to comply with the spirit of the automatic tax extensions available to him as a contractor supporting the U.S. Armed Forces in a designated combat zone.

AG ¶ 20(g) is established with respect to his late filing of his 2011 federal and state tax returns. It appears from the record that Applicant should have filed his 2011 tax return on or before October 15, 2012, and he failed to do so. He eventually filed the return in February 2017. He deployed to a combat zone on October 21, 2012, and has been continuously living and working there except for brief visits back to the United States. Given the nature and danger of his work and living conditions while deployed, it is difficult

to fault him for missing the deadline to file this one return. The circumstances he has endured during the last six years and his significant, voluntary sacrifices on behalf of the U.S. Armed Forces and our allied host country mitigates the relatively minor timing mistake he made by not filing his 2011 tax return by October 15, 2012, shortly before he began his deployment. The fact that Applicant has a substantial, non-alleged tax obligation to pay at some future date⁸ does not outweigh the strong evidence he presented in mitigation, including his character evidence. He has a sound, reasonable plan to pay this obligation in future years with his annual tax refunds even before he is obligated to pay the taxes.

Whole-Person Concept

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. In applying the whole-person concept, an 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 and applying the adjudicative factors in AG ¶ 2(d).⁹

I have incorporated my comments under Guideline F in my whole-person analysis. Some of the factors were addressed under that guideline, but some warrant additional comment. Over Applicant's many years of working on behalf of the U.S. military, holding a security clearance since 1982 and voluntarily supporting the U.S. military in a combat zone since 2012, Appellant has established his credentials as an honorable and highly reliable person. When he encountered financial problems, he took immediate steps to address them. He does have a significant future tax liability that he needs to address, but he has developed a plan to pay this liability through excess withholding from his salary, much of which will be subject to the foreign earned income exclusion. His plan is tantamount to a voluntary installment payment plan. As with his debt consolidation repayment plan, it will take him a few years to pay down this liability, but his responsible actions with the repayment of his consumer debts provides clear guidance as to how he will responsibly address his taxes before they are legally required to be paid.

⁸ The record largely supports Applicant's position that he has not been legally required to pay the federal taxes that accrued during the 2011 through 2016 period due to his continuous deployment in a designated combat zone as a contractor supporting the U.S. Armed Forces. (AE LL at 24; AE K at 25; AE Y; Tr. 55-56, 88-89.)

⁹ The factors are: (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.

After weighing the disqualifying and mitigating conditions under Guideline F, evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns raised by his past actions.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1. Guideline F: FOR APPLICANT

Subparagraphs 1.a-1.m: For Applicant

Conclusion

I conclude that it is clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is granted.

John Bayard Glendon
Administrative Judge