



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



In the matter of:)	
)	
[Name Redacted])	ISCR Case No. 14-03103
)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Alison O’Connell, Esquire, Department Counsel
For Applicant: *Pro se*

06/05/2015

Decision

HOGAN, Erin C., Administrative Judge:

On September 5, 2014, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, Financial Considerations, and Guideline E, Personal Conduct. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the Department of Defense after September 1, 2006.

On October 27, 2014, Applicant answered the SOR and requested a hearing on the record. Department Counsel issued a File of Relevant Material (FORM) on February 4, 2015. Applicant received the FORM on March 10, 2015. He had 30 days from his receipt of the FORM to submit additional information in response to the FORM. Applicant did not submit a response to the FORM. On May 2, 2015, the FORM was forwarded to the Hearing Office and assigned to me on that same date. Based upon a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

Procedural Matters

The Government moved to amend the SOR pursuant to paragraph E3.1.13 of the Directive. As an alternative, I am amending the SOR pursuant to paragraph E3.1.17 of the Directive in order to conform with the evidence. SOR ¶ 2.b is amended to reflect the correct date of execution of the Electronic Questionnaires for Investigations Processing (e-QIP), which is December 28, 2012, and to delete the debts alleged in SOR ¶¶ 1.d, 1.q, 1.r, and 1.t because they became delinquent during the same month or after the e-QIP was executed. As a result Applicant could not have deliberately omitted these debts because they were not delinquent at the time he executed the e-QIP application.

SOR ¶ 2.c is amended to reflect the correct date of execution of the e-QIP application which is December 28, 2012. It is also amended to delete the name of the company that is alleged to have fired Applicant for Privacy Act purposes. The company will be referred to as Company A. In addition, the statement that Applicant was terminated following allegations of sexual harassment was deleted as well as the statement that "Available information indicates that you were cleared of wrong-doing and are eligible for rehire." I find both amendments to be minor.

SOR ¶ 2.b is revised, as follows:

You falsified material facts on an Electronic Questionnaire for Investigations Processing executed by you on December 28, 2012, in response to 'Section 26 – Financial Record....Delinquency Involving Routine Accounts – Other than previously listed, have any of the following happened? In the past seven (7) years....you had bills turned over to a collection agency?....In the past seven (7) years, you had any account or credit card suspended, charged off, or cancelled for failing to pay as agreed....In the past seven (7) years, you have been over 120 days delinquent on any debt not previously entered....You are currently over 120 days delinquent on any debt?' You answered, "Yes" and listed only a resolved mortgage foreclosure; whereas in truth, you knew, and sought to conceal, that you had those delinquencies set forth under SOR subparagraphs 1.a – 1.c, 1.e – 1.p, and 1.s of the Statement of Reasons.

SOR ¶ 2.c is revised as follows:

You falsified material facts on an Electronic Questionnaire for Investigations Processing, executed by you on December 28, 2012, in response to 'Section 13A – Employment Activities.' With regard to your employment with [Company A], you were asked, 'For this employment, have any of the following happened to you in the last seven (7) years? Fired; Quit after being told you would be fired; Left by mutual agreement following charges or allegations of misconduct; Left by mutual agreement following notice of unsatisfactory performance.' In response, you

answered, “No”, and thereby deliberately failed to disclose that you were fired from [Company A] in March 2011.

Rulings on Evidence

Items 11 and 12 of the FORM are portions of the Report of Investigation (ROI) from the background investigation of Applicant. Item 11 is a ten-page document containing a summary of an interview of Applicant on February 26, 2013, in conjunction with his recent background investigation. Item 12 is one page document, dated March 18, 2013, containing a summary of the investigator’s notes of a follow-up interview of Applicant on March 12, 2013. DODD 5220.6, enclosure 2, ¶ E3.1.20 states, “An ROI may be received with an authenticating witness provided it is otherwise admissible under the Federal Rules of Evidence.” (see ISCR Case No. 11-13999 (App. Bd., February 3, 2014)).

Although Applicant, who is representing himself, has not raised the issue via an objection, I am raising it *sua sponte* because Items 11 and 12 are not properly authenticated. Applicant’s failure to mention this issue in a response to the FORM is not a knowing waiver of the rule because he more than likely was unaware of the rule. Waiver means “the voluntary relinquishment or abandonment – express or implied – of a legal right or advantage, the party alleged to have waived a right must have had both knowledge of the existing right and the intention of forgoing it.” *Black’s Law Dictionary*, 1717 (Bryan A. Garner, editor-in-chief, 9th ed., West 2009).

Applicant was not expressly informed of the requirement in ¶ E3.1.20 of the Directive. I cannot conclude he expressly waived this rule. He did not respond to the FORM. In accordance with the Directive, Enclosure 2, ¶ E3.1.20, Items 11 and 12 are not admissible and will not be considered in this Decision because the documents are not authenticated.

Findings of Fact

In his response to the SOR, Applicant admits SOR allegations 1.a – 1.e, 1.g, 1.h, 1.j – 1.n, 1.q, 1.r, 1.t, and 1.u. He denies SOR allegations 1.f, 1.i, 1.o, 1.p, 1.s, and 2.a – 2c.

Applicant is a 46-year-old employee of a DOD contractor seeking to obtain a security clearance. He has worked for his current employer since February 2012. He served on active duty in the United States Army from September 1989 to September 2001. He received an Honorable Discharge. After separating from active duty, he has worked for several DOD contractors. He separated from his wife of 23 years about a year and half ago. They have three children, two daughters, ages 22 and 20, and a son, age 17. (Item 4; Item 5)

On December 28, 2012, Applicant submitted an e-QIP application. In response to Section 26 – Financial Record Delinquency Involving Enforcement, Applicant answered,

“No,” to the following questions: “Other than previously listed, have any of the following happened to you? (You will be asked to provide details about each financial obligation that pertains to the items listed below) **In the past seven (7) years**, ... you had a judgment entered against you. (Include financial obligations for which you are the sole debtor, as well as those for which you are a cosigner or guarantor).” A background investigation revealed that Applicant had three judgments as set forth in SOR ¶¶ 1.j, 1.k, and 1.l. (Item 1, section 26; Item 6 at 5; Item 7 at 4)

On the same e-QIP application, dated December 28, 2012, in response to section 26 ‘Section 26 – Financial Record....Delinquency Involving Routine Accounts – Other than previously listed, have any of the following happened? In the past seven (7) years....you had bills turned over to a collection agency?....In the past seven (7) years, you had any account or credit card suspended, charged off, or cancelled for failing to pay as agreed....In the past seven (7) years, you have been over 120 days delinquent on any debt not previously entered....You are currently over 120 days delinquent on any debt?’ Applicant answered, “Yes” and listed a resolved mortgage foreclosure account. A subsequent background investigation revealed 16 delinquent debts, an approximate total over \$36,000. The debts included 11 collection accounts, two charged off accounts, and the three judgments mentioned in the previous paragraph. (Item 5, section 26; Item 6; Item 7)

Finally, Applicant answered, “No” in response ‘Section 13A – Employment Activities.’ With regard to your employment, you were asked, ‘For this employment, have any of the following happened to you in the last seven (7) years? Fired; Quit after being told you would be fired; Left by mutual agreement following charges or allegations of misconduct; Left by mutual agreement following notice of unsatisfactory performance.’ During the background investigation, it was discovered that Applicant was fired from his employment with [Company A], a federal defense contractor, in March 2011. Applicant stated on his security clearance application that he left the employment of [Company A] because he “found work with another employer [sic] for a pay increase.” (Item 5, Section 13A)

Applicant’s past financial history included a Chapter 13 bankruptcy which Applicant filed on April 9, 1997. He listed total assets of \$20,500 and total liabilities of \$41,805. The bankruptcy was discharged in 2002. (Item 4 at 6; Item 9; Item 10)

In his response to the SOR, Applicant mentions that his recent financial problems began in June 2006 when his mother was diagnosed with cancer. Applicant moved his mother into his home. When she passed away in November 2006, he paid for the funeral costs. Applicant mentions that he was “let go” from his job with [Company A], a defense contractor, in March 2011 because he was told that he was too close to the government. The loss of this job took a toll on the family finances and their savings. Applicant was unemployed for several months. His wife’s compulsive buying disorder also caused financial distress on the family which eventually resulted in their separation. (Item 4)

Applicant subsequently took positions with several contractors. He progressed to positions involving more responsibility and pay increases. Applicant says that even during the hardest times, he never thought to engage in any activities which would result in the loss of his security clearance. He does not gamble and does not partake in illegal activities in order to generate funds. (Item 4)

After his marital separation, Applicant claims that he was able to pay off several of his past debts. He does not mention specifically which debts have been paid off and did not provide proof of payment. He contacted a credit counseling firm to work on a debt management program. He states the program provides the benefits of credit concessions, such as reducing or eliminating interest rates, lowering monthly payments, and waiving the late/over limit fees. He states the debts alleged in SOR ¶¶ 1.a – 1.c, 1.e, 1.f, 1.h, 1.i, 1.l – 1.n, 1.p, and 1.t are in his program with the credit counseling firm. He did not provide a copy of his agreement with the credit counseling firm or information on the status of the debts. (Item 4)

Applicant claims the debts alleged in SOR ¶¶ 1.g, 1.j, 1.k were paid in full on June 2014. He did not provide documentation to verify that the debts were paid. He states that he is paying \$25 a month for each of the medical debts alleged in SOR ¶¶ 1.q and 1.r. (\$50 total). He did not provide documentation showing that he was making timely payments towards these debts each month. The debts are medical bills related to treatment of his diabetes and high blood pressure. Applicant is disputing several debts (SOR ¶¶ 1.a, 1.b, 1.d, 1.f, 1.i, 1.n, and 1.p). If it is discovered during the dispute process that the debts are his, he will resolve these debts through the credit counseling firm. Applicant provided proof that he disputed the debts alleged in SOR ¶¶ 1.o and 1.s and they were deleted from his credit report. SOR ¶¶ 1.o and 1.s are found for Applicant. (Item 4, at 19)

Regarding the falsification allegations under the personal conduct concern, Applicant says it was not his intent to falsify or conceal any information about his financial record (SOR ¶¶ 2.a and 2.b). Applicant claims his employer's facility security officer sent his e-QIP notification to his employer's e-mail address. Applicant works off-site and rarely looks at his employer's e-mail address. He was not aware that he was to complete his e-QIP application until he was sent the request a third and final time. He was given a short deadline to complete his e-QIP application. He claims he did not have time to request his credit reports and submit the appropriate responses on his e-QIP application within the deadline.

SOR ¶ 2.c alleges that Applicant deliberately omitted that he was fired from [Company A] in March 2011. Applicant claims that he did not intend to falsify or conceal that he was fired. He claims that his manager was trying to force him to quit his job. When he was not successful, his manager let him go because he was too close to the government customer. Applicant claims it had nothing to do with performance, or any allegations of sexual harassment. (Note: The original SOR ¶ 2.c alleged Applicant was fired following allegations of sexual harassment. SOR ¶ 2.c was amended to allege only

that Applicant failed to disclose he was fired from [Company A] and not the basis for his removal.) I find Applicant's description of being "let go" is the equivalent of being fired.

Applicant provided seven character letters consisting of current and former coworkers. All describe Applicant as professional, hard-working, with great integrity. He works long hours and is willing to go the extra mile. He is a valued employee. His current government customer is so impressed with him that they are considering offering him a government position. (Item 4 at 9-15) None of these letters are signed by the author of the letter. As a result, they are given less weight.

Several of his references were co-workers with Applicant at [Company A], the location where he was fired in March 2011. (Item 4 at 11-12, 14-18) They state that Applicant was the most dedicated contractor assigned to their branch. He had a good rapport with his co-workers, often inviting everyone to attend his son's hockey games. One co-worker, who was a government employee at the work-site, states:

The contempt with which the contractor [redacted], held for [Applicant's] working relationship with the government, and the support by his subordinates, took its eventual toll on him. In the eyes of the [redacted] contract manager, [name redacted], as well as the assistance contract manager, [name redacted], they undertook a calculated and specific program to target [Applicant]. (Item 4 at 11-12)

Another former co-worker indicates that she was the person who made the harassment allegation. She claims it was a misunderstanding. It was resolved and she and Applicant continued to amicably work together. Several months later, Applicant was dismissed for unknown reasons. She states, "The profound impact [Applicant] had within the office resulted in [redacted] employees sobbing as [Applicant] walked by with his belongings." She states that Applicant is a trustworthy and honest person who is committed to the United States and the security of our government. (Item 4 at 14) Another former co-worker provided copies of e-mails that summarize that she believed Applicant was terminated without justification and that several people were interested in looking for new jobs because of the new management's actions. (Item 4 at 16-18)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which must be considered when determining 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(c),

the entire process is a conscientious scrutiny of a number of variables known as the “whole-person concept.” The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

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 as to obtaining 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 protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F, Financial Considerations

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

Failure or inability to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness and ability to protect classified information. An individual who is financially

overextended is at risk of having to engage in illegal acts to generate funds.

The guideline notes several disqualifying conditions that could raise security concerns. I find AG ¶19(a) (an inability or unwillingness to satisfy debts); and AG ¶19(c) (a history of not meeting financial obligations) apply to Applicant's case. Applicant encountered financial problems in the late 1990s, resulting in he and his wife filing for Chapter 13 bankruptcy in October 1997. He maintained the five-year payment plan and his bankruptcy was discharged in 2002. In 2008, Applicant began to incur additional delinquent debts. At the time the SOR was issued, he had incurred over 16 debts, with total balance of over \$36,000. Both AG ¶19(a) and AG ¶19(c) apply.

An individual who is financially irresponsible may also be irresponsible, unconcerned, or careless in their obligations to protect classified information. Behaving irresponsibly in one aspect of life provides an indication of how a person may behave in other aspects of life. A person's relationship with his creditors is a private matter until evidence is uncovered demonstrating an inability or unwillingness to pay debts under agreed terms. Absent evidence of strong extenuating or mitigating circumstances, an applicant with a history of serious or recurring financial difficulties is in a situation of risk inconsistent with the holding of a security clearance. An applicant is not required to be debt free, but is required to manage his finances in such a way as to meet his financial obligations.

The Government's substantial evidence and Applicant's own admissions raise security concerns under Guideline F. The burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the security concerns. (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. September 22, 2005))

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. The following mitigating conditions potentially apply:

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, or a death, divorce or separation), and the individual acted responsibly under the circumstances);

AG ¶ 20(c) (the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control);

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

AG ¶ 20(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)

AG ¶ 20(a) does not apply because most of Applicant's delinquent debts remain unresolved. While Applicant states that he is getting a raise, he provided no specifics about his monthly income and expenses.

AG ¶ 20(b) applies, in part, because of the added financial burden of caring for his terminally ill mother in 2006 as well as Applicant's several-month period of unemployment after he was fired from [Company A] in March 2011. Both events had an adverse impact on his financial situation. His separation from his wife a year and half ago also caused an adverse impact because of increased expenses of maintaining separate households. While Applicant blames his wife's compulsive spending for much of the family financial problems, there is insufficient evidence in the record for me to conclude this premise is accurate. Although Applicant claims he entered into an agreement with a consumer credit counseling firm, he provided no documentation of his agreement with the firm, nor current information on the firm's actions with regards to resolving his delinquent debt. Applicant says that he is resolving his financial problems, but he did not provide sufficient documentation showing that he was doing so. Mitigating Condition AG ¶ 20(b) is given less weight because I cannot conclude Applicant acted responsibly under the circumstances.

AG ¶ 20(c) does not apply because there is no evidence that Applicant has attended financial counseling. His financial problems are not resolved or under control because most of his delinquent debts remain unresolved.

While Applicant claims he resolved the debts alleged in SOR ¶¶ 1.g, 1.j, and 1.k in June 2014, he provided no documentation, such as receipts, to corroborate this assertion. Although he claims that he is paying \$25 monthly toward each medical debt in SOR ¶¶ 1.q, and 1.r, he provided no proof that he is making these payments on a regular basis. I cannot conclude that AG ¶ 20(d) applies because there is insufficient evidence to conclude Applicant is making a good-faith effort towards resolving his delinquent accounts.

AG ¶ 20(e) applies with respect to the debts alleged in SOR ¶¶ 1.o and 1.s. Applicant successfully disputed these debts with the credit reporting agencies and they were removed from his record.

Overall, doubts remain about Applicant's financial situation. While there is some mitigation, security concerns under financial considerations remain because of the amount of unresolved delinquent debt, and the lack of documentation provided by Applicant regarding his attempts to resolve his financial situation.

Guideline E – Personal Conduct

The security concern relating to the guideline for Personal Conduct is set out in AG ¶15:

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

The following disqualifying condition applies to Applicant's case:

AG ¶ 16(a) (deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities).

I find Applicant deliberately omitted his delinquent debts and judgments in response to section 26 on his e-QIP application dated December 28, 2012. Most of these debts were delinquent years before he completed his application. While Applicant claims that he did not have enough time to obtain a copy of his credit report before the deadline for submitting his e-QIP, he could have answered "yes" to the questions regarding judgments, charged-off accounts, and collection accounts. Having held a security clearance in the past, he was familiar with this process and should have understood that he needed to disclose his financial problems on his e-QIP application.

I also find that Applicant deliberately omitted that he was fired from [Company A] in March 2011 in response to section 13A of his e-QIP application dated December 28, 2012. In his response to the SOR, Applicant admits that he was escorted off the job site. He provided statements from his coworkers that verified that he was fired. Applicant was so well liked, his co-workers were crying as he packed his things. Applicant claims that his family financial situation was adversely affected as a result of being let go. Despite the significant impact he experienced as a result of being fired from [Company A], Applicant did not disclose that he was fired from [Company A] on his e-QIP application. Instead, he mentioned that he left his employment with [Company A] for a better paying position. I find this answer to be deliberately false. While there may be an argument that Applicant was wrongfully terminated by [Company A], he still had a duty to report the fact that he was fired on his e-QIP application.

In Applicant's case, the personal conduct concern can be mitigated by AG ¶ 17(a) (the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts) or AG ¶ 17(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). I find that neither apply. Applicant did not make a prompt, good-faith effort to correct the omissions on his security clearance application. His failure to list his delinquent debts, and judgments as well as his firing from Company A did not happen under such unique circumstances that it is unlikely to recur. Applicant's deliberate failure to list this information on his security clearance application raises questions about his reliability, trustworthiness, and good judgment.

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 the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

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 considered Applicant's past active duty service in the Army as well as his favorable employment history. Applicant is highly thought of by current and former co-workers. He had several circumstances beyond his control that adversely affected his finances, yet he has incurred delinquent debts since 2008, and continued to incur them while gainfully employed. While Applicant states that he is in the process of resolving his delinquent accounts, he failed to provide sufficient evidence of the steps he is taking to resolve his financial problems.

Applicant's deliberate failure to list all of his delinquent debts and judgments in response to section 26 of his e-QIP application, and his deliberate failure to disclose that he was fired from Company A in March 2011 in response to section 13A of his e-QIP application raise questions about his trustworthiness, truthfulness, and reliability.

Despite the favorable recommendations of current and former co-workers, doubt remains about his ability to handle and protect classified information. Mindful of my duty to rule in favor of national security in cases where there is doubt, I find against Applicant.

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 F:	AGAINST APPLICANT
Subparagraphs 1.a – 1.n, 1.p-r, 1.t-1.u:	Against Applicant
Subparagraphs 1.o and 1.s:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a -2.c:	Against Applicant

Conclusion

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

ERIN C. HOGAN
Administrative Judge