



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



In the matter of:

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ISCR Case No. 24-01113

Applicant for Security Clearance)

Appearances

For Government: Cynthia Ruckno, Esq., Department Counsel

For Applicant: *Pro se*

09/29/2025

Decision

BENSON, Pamela C., Administrative Judge:

Applicant failed to mitigate the Guideline J (criminal conduct), Guideline F (financial considerations), and Guideline E (personal conduct) security concerns. National security eligibility for access to classified information is denied.

Statement of the Case

On October 2, 2024, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines J, F, and E. The DOD acted 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 implemented by the DOD on June 8, 2017.

On November 6, 2024, Applicant provided a response to the SOR (Answer). He admitted SOR allegations ¶¶ 1.b, 1.c, 2.a (in part), 2.b through 2.e, and 2.i. He denied SOR allegations ¶¶ 1.a, 2.f, through 2.h, 2.j, 3.a, and 3.b.

Applicant requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. I was assigned this case on April 30, 2025. DOHA issued

a notice on June 3, 2025, scheduling the hearing for July 9, 2025. The hearing proceeded as scheduled via online video teleconferencing.

Department Counsel submitted Government Exhibits (GE) 1 through 10. Applicant testified and called one witness to testify on his behalf. He did not submit any documents before or during the hearing. I held the record open for three weeks so either party could supplement the record with additional documentation. Applicant timely submitted an email communication that I marked as Applicant's Exhibit (AE) A. All exhibits were admitted into evidence without objection, and the record closed on July 30, 2025.

Findings of Fact

Applicant is 50 years old. He earned an associate's degree in 2013. He is currently married to his third wife, and he has one son, age 10, with special needs. He has served approximately 21 years in the military. Beginning in December 1994, he served just over 11 years active duty with the U.S. Navy. He received an honorable discharge in September 2005. That same month Applicant transferred to the Army and served three years of active duty. He received an honorable discharge in September 2008. He then immediately transferred to the Army Reserves based out of State X, and he received an honorable discharge in April 2016. He currently receives 80% disability income from the Department of Veteran's Affairs. (VA) Since May 2022, he works for a government contractor doing computer repair earning \$28 an hour, which is about \$58,240 annually. His wife works during the summer months as a housekeeper at a campground, but he is unaware of how much income she receives. He currently possesses a DOD security clearance. (Tr. 22-25, 40-41; GE 1)

Criminal Conduct

SOR ¶ 1.a alleges that between October 2021 and November 2021, Applicant stole money from the snack table at his federal government employment. In November 2021, his security clearance was suspended, and he was initially placed on paid administrative leave, and then unpaid suspension by his employer. He chose to resign in January 2022 because he could not continue his basic living arrangement without receiving a paycheck, and he also suspected his employer was in the process of firing him. He did not contest the employer's actions. At the time he resigned in January 2022, he was a GS-9 Step 2 earning about \$69,122 annually. (Tr. 25-26, 31-33, 40)

Applicant testified at the hearing that his employer had security camera footage of his contact with different snack tables in the work building. He stated that he was exchanging coins for cash. Due to the angles of the security cameras, no one could clearly see if he was taking any money or putting any money (coins) back into the cash box. (Tr. 26)

Documentation in the record showed that on November 3, 2021, Applicant's employer gave him a Memorandum entitled "Proposed Suspension of Access to Classified Information." It reported that on November 1, 2021, between the hours of 6:00 a.m. to 7:00 a.m., approximately \$10 in cash went missing from the 7th floor "snack shack."

The security camera footage showed at about 6:45 a.m., Applicant removing something from the snack table and putting it into his pocket. The camera footage did not show him removing any snacks from the table or placing any cash or coins on the table. No other employees interacted with the snack shack during this period of time. During the employer's investigation, a review of past camera footage also showed, on four other occasions during the previous month, Applicant placing something in his pocket without removing any snacks from the table or putting money on the table. The employee in charge of the snack table had suspected money was being taken and also reported to security that on October 19, 2021, \$10 cash was reported missing. (GE 5; Tr. 27-29)

Documentation in the record showed that Applicant was initially confronted by his employer on November 3, 2021, after \$10 was missing from the snack table on November 1, 2021. The security camera footage showed that he was the only employee who interacted with the snack table during the one-hour period of November 1, 2021, when an employee later reported that money was missing. Applicant told his employer during the November 3, 2021 meeting that he had moved money around different Snack Shacks, and the person(s) in charge of the Snack Shacks were fully aware that he did so. Applicant's claim was refuted by the person(s) in charge of the snack tables. (GE 5 pgs. 34-35; Tr. 44-47)

During the hearing Applicant stated that he had been working at a fast-food restaurant part time, but he forgot to list this employment on his security clearance application. (SCA) This was not alleged in the SOR. He would collect coins over time at this job, and then he would exchange the coins for dollar bills at his full-time employer's snack table. On November 1, 2021, he had \$11 worth of coins, but when he saw this snack table only had one dollar, he left his coins, took the dollar bill, and then went to a different snack table, and took the ten dollars as payment in full. When questioned about the other occasions the camera footage showed him taking something, putting it in his pocket, and walking away without taking a snack or placing money on the table, he stated, "I really can't say anything about that ..." Applicant denied stealing any money from the snack tables. (Tr. 28-31, 42)

An email in the record from Applicant dated November 5, 2021, two days later after his initial meeting with his employer, told a different story, that I find is inconsistent with his previous explanation. The email from Applicant stated that he had brought in \$5 of change, and when he deposited the coins at the first snack table, there were only three \$1 dollar bills. He took the three \$1 dollar bills and went to a different snack table to retrieve two \$1 dollar bills for his full reimbursement. He took two (what he thought were \$1 dollar bills) but were actually \$5 bills and walked away. He did not pay close attention to the cash that he took from the second snack table. When asked during the hearing about discrepancies, Applicant stated that this incident happened a long time ago, and that his memory may not be accurate. (GE 5 page 32; Tr 42-43, 47)

Applicant denied ever receiving his employer's January 18, 2022 Memorandum entitled "Notice of Proposed Removal." He did admit that he resigned from employment after the email was supposedly sent to him. He also noted that he had previously stated during the hearing that he was "pretty certain" his employer was going to fire him, but he

did not elaborate how he came to this conclusion without previously receiving the proposed removal notice from his employer. (GE 5 pg. 34; Tr. 44-48)

SOR ¶ 1.b alleges that in about 2016, Applicant embezzled or stole approximately \$600 from a national department store where he worked as a cashier. Applicant admitted this allegation. He testified that at the time the VA was withholding his disability money from his reserve time, and it caused him to suffer financially. He admitted he took \$20 from the cash register from time to time, but if the store determined he had taken a total of \$600, he would not dispute it. He was caught stealing on security cameras and he was fired by his employer. He did not repay the \$600 he stole from his employer. (Tr. 34-38, 41)

In about 2013, Applicant was arrested for breach of peace. (SOR ¶ 1.c) He stated that on that night, he got into an argument with his wife. She was trying to drive to the bar and get drunk. He stated, "I elected to take her keys ... to prevent her from ...getting another DUI." She approached him to retrieve her car keys, and he pushed her away. He was arrested by the police and charged with breach of peace for pushing his wife away. Applicant and his wife have now learned to control their tempers and have also found alternative methods to cool-off after they have a disagreement. (Tr. 38-39)

Personal Conduct

Applicant falsified material facts on a SCA executed by him on April 18, 2022. He was to "provide a detailed entry for each of [his] employment activities for the last 5 years. [He] should list all full-time work, part-time work, military service, temporary military duty locations over 90 days, self-employment, other paid work, and all periods of unemployment. The entire 5-year period must be accounted for without breaks." Applicant intentionally failed to list his employment with a government contractor where he was employed from June 2018 until he resigned from employment in January 2022, after he was suspended without pay in December 2021 for stealing money from snack tables. (SOR ¶ 3.b)

Applicant claimed during the hearing that he did not recall filling out this SCA even though the paperwork showed that he digitally signed the SCA on April 18, 2022. It is important to note that the April 2022 SCA was for a position of trust with the government, (SF-85 Format), and not for access to classified information. He speculated there was a possibility the 2022 SCA was created after information from an older SCA he completed was somehow automatically prepopulated in the 2022 SCA, or that another government contractor created the SCA and forged his digital signature. Department Counsel pointed out that he had moved to a new residence in 2018, and that new address was listed on his April 22, 2022 SCA. The SCA he completed in 2017 showed his old home address, and the new address information listed in the 2022 SCA had to have been input by him. Applicant continued to deny he had created the April 2022 SCA. He also denied that he intentionally left off his most recent employer from the application in an effort to avoid a new employer asking him why he had left this employment. Applicant agreed that he may have partially filled out the SCA, signed it, and turned it in uncompleted, but as of the day of the hearing, he could not recall taking that action. (GE 2, 3; Tr. 16-19, 78-92)

SOR ¶ 3.a cross alleged the employment embezzlement and theft allegations in subparagraphs 1.a and 1.b.

Financial

Applicant has nine delinquent debts alleged in the SOR that total approximately \$58,641. He testified during the hearing that his wife is the one who handles all of their finances. She testified as a witness on his behalf. (Tr. 49-50, 71)

SOR ¶ 2.b alleges Applicant is indebted for a judgment obtained against him in about July 2023 in the amount of about \$6,968. Applicant admitted this was for two loans he took out that were consolidated into one loan. After the judgment was entered against him, he has not made any payments on this debt. This debt remains unsatisfied. (Tr. 49-58)

SOR ¶ 2.c alleges Applicant is indebted on a car loan that has been charged off in about August 2020 in the approximate amount of \$41,499. Applicant admitted he still possessed the car, but that he has not made any payments on the delinquent account after it closed in May 2021. A July 8, 2025, credit report reflected the current balance as \$44,949. This debt remains unresolved. (GE 10; Tr. 58-62)

SOR ¶ 2.d alleges Applicant is indebted to a collection agency in the amount of approximately \$1,316 for an unpaid account. The account was closed by Applicant and his wife, and the equipment was returned to the creditor. They believed the creditor never updated their account with the returned equipment. The record was held open for three weeks and Applicant stated he would obtain paperwork to support his testimony. No documentation was provided by Applicant while the record was held open, and this debt remains unresolved. (Tr. 62-63)

SOR ¶ 2.e alleges Applicant is indebted for unpaid utilities in the approximate amount of \$174 that was referred for collection. Applicant and his wife stated that they had paid off this debt, but the creditor failed to update their account. The record was held open for three weeks and Applicant stated he would obtain paperwork to support his testimony. No documentation was provided by Applicant while the record was held open, and this debt remains unresolved. (Tr. 63-64)

SOR ¶ 2.f alleges Applicant is indebted to a collection agency for an unpaid account in the approximate amount of \$5,742. He did not recognize the account, but Department Counsel provided information to him about the original creditor. He stated that he was going to look into this account and provide updated information while the record was held open. No documentation was provided by Applicant while the record was held open, and this debt remains unresolved. (Tr. 64)

SOR ¶ 2.g alleges Applicant is indebted to a collection agency for an unpaid account in the approximate amount of \$205. Applicant denied this debt and claimed to have disputed this account. He stated that it no longer shows up on his credit report, and

he does not know whether his dispute required the account to be removed, or the account just fell off of the credit report due to age. No documentation was provided by Applicant while the record was held open, and this debt remains unresolved. (Tr. 65-66)

SOR ¶ 2.h alleges Applicant is indebted to a collection agency for an unpaid account in the approximate amount of \$1,256. Applicant denied this debt and does not have any knowledge about this account. Applicant said he would look into this account. No documentation was provided by Applicant while the record was held open, and this debt remains unresolved. (Tr. 66-67)

SOR ¶ 2.i alleges Applicant is indebted to a national department store for an account that was charged off in the approximate amount of \$561. Applicant admitted this debt was legitimate, and he and his wife did not know what the current status was of this account. He stated that would look into this matter. No documentation was provided by Applicant while the record was held open, and this debt remains unresolved. (Tr. 67)

SOR ¶ 2.j alleges Applicant is indebted on a bank credit card referred to a collection agency in the approximate amount of \$920. Applicant denied this debt but during the hearing found that this debt originated with his wife. No documentation was provided by Applicant while the record was held open, and this debt remains unresolved. (Tr. 67-68)

Applicant's wife testified that their current financial situation was stable. They may not always pay the bills by the due date, but they try to get them paid by the end of the month. The reason they are unable to timely pay the bills is from "having a special needs child and a lot of things now are falling outside of insurance that [they] are now having to pay out of pocket that [their] son cannot go without." He has been diagnosed with attention deficit hyperactivity disorder (ADHD) and autism. She testified that their total monthly net income was about \$6,226. She estimated that the out-of-pocket expenses for their son runs approximately \$1,250 per month. (Tr. 71-77)

SOR ¶ 2.a cross alleged the employment embezzlement and theft allegations in subparagraphs 1.a and 1.b.

On July 28, 2025, Applicant sent an email communication post hearing while the record was held open, which read:

As a response to the request for further paperwork, we no longer have paperwork clearing some of these bills due to the age of the bills. I have added my wife to this for further clarification, and updates as she has been the one handling the finances of the household. (AE A)

Policies

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(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. Likewise, I have not drawn inferences grounded on mere speculation or conjecture.

Directive ¶ E3.1.14 requires the Government to 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.

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 J: Criminal Conduct

The security concern related to the criminal conduct guideline is set out in AG ¶ 30:

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 lists conditions that could raise a security concern and may be disqualifying. These potentially apply:

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

(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.

The record evidence and Applicant's admissions establish AG ¶¶ 31(a) and 31(b). Applicant was involved in 2021 thefts which resulted in him resigning from employment in January 2022, a 2016 embezzlement, and a 2013 breach of peace arrest.

AG ¶ 32 lists two conditions that could mitigate the security concerns:

(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.

Applicant has been twice involved in criminal conduct involving dishonesty. He stole approximately \$600 from his employer in 2016, and in 2021, after his former employer conducted an investigation following allegations of money missing from snack tables throughout the work building, Applicant was found responsible for theft of money. He admitted embezzling the \$600 from a previous employer, but he denied he was involved in the thefts of money missing from the snack tables. Applicant did not challenge his employer's findings that he was involved in thefts of money on more than one occasion. He resigned from employment before he was terminated for his misconduct. He provided inconsistent statements about what happened, but what is most concerning is that when he was initially questioned by his employer about missing funds, he did not state that he had provided coins at the snack tables and then retrieved dollar bills for fair reimbursement. His inconsistent statements has placed his credibility in question.

The DOHA Appeal Board has noted that an employer's conclusions following an internal investigation are entitled to some deference. ISCR Case No. 18-00496 at 4 (App. Bd. Nov. 8, 2019). None of the mitigating conditions listed above apply. I do not find evidence of successful rehabilitation; he has not established that the conduct is unlikely to recur; and it continues to cast doubt on Applicant's reliability, trustworthiness, and good judgment. AG ¶¶ 32(a) and 32(d) are not applicable. Criminal conduct security concerns are not mitigated.

Guideline F: Financial Considerations

The security concerns relating to the guideline for financial considerations are set out in AG ¶ 18, which reads in pertinent part:

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.

The facts of this case establish the following potentially disqualifying conditions set forth in AG ¶ 19:

- (a) inability to satisfy debts;
- (c) a history of not meeting financial obligations; and
- (d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud...and other intentional financial breaches of trust.

Applicant's admissions and the record evidence support the potential disqualifying conditions set forth above. The burden, therefore, shifts to Applicant to mitigate security concerns under Guideline F.

The guideline includes the following conditions in AG ¶ 20 that can potentially mitigate security concerns arising from Applicant's financial history:

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

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

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

(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.

Applicant's delinquent debts are numerous, extend over a substantial time period, and there is insufficient evidence in the record to show they are in the process of being resolved or currently paid. Information in the record showed that recently, Applicant's medical insurance has not completely covered the expenses necessary to treat his special needs son, which is a circumstance beyond his control. After reviewing the delinquent dets, however, I found that numerous accounts were delinquent several years ago, and very little action, if any, has been made to remedy these unpaid accounts. He has also engaged in illegal practices, such as theft and embezzlement, to generate funds, which is a troubling breach of his fiduciary duty to his employers. Applicant's lapse in taking responsible action sooner by resolving his delinquent debts also cast doubt on his current reliability, trustworthiness, and good judgment. Financial considerations security concerns are not mitigated.

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 provide truthful and candid answers during national security investigative or adjudicative processes. ...

AG ¶ 16 describes conditions that could raise a security concern and be disqualifying. The following are potentially applicable under the established facts in this case:

(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

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes but is not limited to, consideration of:

- (3) a pattern of dishonesty or rule violations.

The record contains evidence of Applicant's falsification on an April 2022 SCA. His claim that he did not complete this SCA holds little weight due to my credibility assessment of Applicant. Applicant's theft from two previous employers shows a pattern of dishonesty and rule violations. The disqualifying conditions listed above apply.

The guideline also includes conditions that could mitigate security concerns arising from personal conduct. The following mitigating conditions under AG ¶ 17 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 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; and
- (d) the individual acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

I have given deference to Applicant's previous employers' internal investigations and characterization of events in these proceedings. I also find the inconsistent and self-serving statements made by Applicant undercut his credibility.

Applicant has a pattern of deceptive misconduct, and he did not learn a lesson from his poor decision to embezzle from his employer in 2016. He also intentionally omitted his employment from an April 2022 SCA because he did not want a potential employer to discover the circumstances of his January 2022 resignation from that employer. He has shown by his pattern of deception that his personal interests receive priority above everything else. When considering his behavior as a whole and his refusal to accept responsibility for all of his actions, I am unable to conclude that his misconduct is unlikely to recur. His history of misconduct reflects questionable judgment, unreliability,

and an unwillingness to comply with rules and regulations. The above mitigating conditions are not applicable. Personal Conduct security concerns are not mitigated.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security 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, F, and E and the AG ¶ 2(d) factors in this whole-person analysis.

The Federal government must be able to repose a high degree of trust and confidence in persons granted access to classified information. In deciding whether to grant or continue access to classified information, the Federal government can take into account facts and circumstances of an applicant's personal life that shed light on the person's judgment, reliability, and trustworthiness.

Considering the evidence as a whole, I find Applicant has not carried his burden of showing that it is clearly consistent with the interests of national security of the United States to grant or continue his 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 J: AGAINST APPLICANT

Subparagraphs 1.a through 1.c: Against Applicant

Paragraph 2, Guideline F: AGAINST APPLICANT

Subparagraphs 2.a through 2.j:	Against Applicant
Paragraph 3, Guideline E:	AGAINST APPLICANT
Subparagraphs 3.a and 3.b:	Against Applicant

Conclusion

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

Pamela C. Benson
Administrative Judge