



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



In the matter of:

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ISCR Case No. 24-02229

Applicant for Security Clearance

Appearances

For Government: Sakeena Farhath, Esq., Department Counsel

For Applicant: *Pro se*

09/26/2025

Decision

HARVEY, Mark, Administrative Judge:

Security concerns arising under Guidelines H (drug involvement and substance misuse) and J (criminal conduct) are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On May 14, 2020, and July 8, 2024, Applicant completed and signed Electronic Questionnaires for Investigations Processing (e-QIP) or security clearance applications (SCAs). (Government Exhibit (GE) 1; GE 2) On February 19, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DCSA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security

clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guidelines H and J. (HE 2) On March 20, 2025, Applicant provided a response to the SOR and requested a hearing. (HE 3) On June 25, 2025, Department Counsel was ready to proceed.

On July 3, 2025, the case was assigned to me. On July 10, 2025, the Defense Office of Hearings and Appeals (DOHA) issued a notice scheduling the hearing for August 12, 2025. (HE 1) The hearing was held as scheduled.

Department Counsel offered five exhibits; Applicant provided one exhibit; there were no objections; and I admitted all proffered exhibits into evidence. (Transcript (Tr.) 10, 40-42; GE 1-GE 5; Applicant Exhibit (AE) A) On August 21, 2025, DOHA received a transcript of the hearing. No exhibits were received after his hearing. (Tr. 73)

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, he admitted the allegations in SOR ¶¶ 1.a, 1.b, 1.c, and 2.a. (HE 3) His admissions are accepted as findings of fact. Additional findings follow.

Applicant is a 25-year-old systems engineer, and he has held this position since July 2024. (Tr. 7-8) In 2019, he graduated from high school. (Tr. 6) In 2024, he received a bachelor's degree. (Tr. 7) He majored in computer engineering. (Tr. 7) He has not served in the military. (Tr. 7) He has never married, and he does not have any children. (Tr. 8)

Drug Involvement and Substance Misuse and Criminal Conduct

SOR ¶ 1.a alleges Applicant used tetrahydrocannabinol (THC) with varying frequency from about March 2022 to about June 2024. SOR ¶ 1.b alleges he used THC with varying frequency from about March 2022 to about June 2022, while in a sensitive position, i.e., one requiring a security clearance.

SOR ¶ 1.c alleges he used hallucinogenic mushrooms with varying frequency from about June 2023 to about February 2024.

SOR ¶ 2.a cross alleges under Guideline J the conduct in SOR ¶¶ 1.a through 1.c.

In May of 2020, Applicant began working for a DOD contractor as an intern, and he received a security clearance in about June 2020. (Tr. 43, 50, 61) He was aware that marijuana possession and use were not permitted when he completed his May 14, 2020, SCA. (Tr. 61; GE 2) In August of 2020, he returned to college. (Tr. 43, 50) In August of 2020, he went on part-time status as a DOD contractor employee, and he was working online from home. (Tr. 50-51) In 2021, he took a semester off from college, and he worked

full-time for the DOD contractor. (Tr. 44, 52) From December of 2021 into 2022, he worked part-time for the DOD contractor. (Tr. 44, 53)

In March of 2022, Applicant used marijuana for the first time. (Tr. 54) For spring break in 2022, he went to a state where state law permitted marijuana purchase, possession, and use, and he purchased and used marijuana. (Tr. 55) In April of 2022, he was working part time at home, and he did not have access to classified information. (Tr. 44)

From January to June of 2022, Applicant used marijuana while he was a DOD contractor and while holding a security clearance. (Tr. 44-46) He used marijuana sometimes every other week and sometimes two or three times a week. (Tr. 56, 63) From June of 2022 to May of 2024, he continued to use marijuana; however, the DOD employer did not employ him during this period. (Tr. 45) He was unsure when his security clearance became inactive. He was not debriefed. (Tr. 49)

Applicant used hallucinogenic mushrooms twice. (Tr. 65-66) In the summer of 2023 and early winter of 2024 (around February of 2024), he used hallucinogenic mushrooms. (Tr. 65-66) He knew it was illegal to use hallucinogenic mushrooms. (Tr. 62, 66)

Applicant stopped using marijuana around April or May of 2024 because he believed he would be drug tested for employment. (Tr. 63-64) In July of 2024, Applicant resumed his employment with the DOD contractor. (Tr. 53) He continues to associate with persons who used marijuana with him in college. (Tr. 59) They occasionally use marijuana in Applicant's presence; however, they are aware that he is not permitted to use marijuana. (Tr. 59) He leaves the location where marijuana is being used. (Tr. 59) Federal law and state law in Applicant's state of residence prohibit marijuana possession. (Tr. 60, 68) His DOD employer gave him a drug test in 2020 and 2024 when he began his employment. (Tr. 60)

Applicant has never been arrested for a drug offense. (Tr. 69) He has never tested positive for an illegal substance. (Tr. 69) He concluded his SOR response with the following statement:

I deeply regret the decisions I have made in my past that could have put our nation and its people in grave danger due to my actions. I understand the importance and gravity of the work I am currently . . . utilizing my security clearance and do wish to continue to be able to perform my duties. However, I recognize my actions have undermined my ability to hold such a position of trust and am fully ready to accept the consequences of those actions. Regardless of the outcome of this adjudication I will continue to adhere to the law and not use any form of illegal substances and if my security clearance is maintained I acknowledge that any future involvement or misuse of any illegal substances is grounds for revocation of national security eligibility.

Character Evidence

Four witnesses spoke on Applicant's behalf about his character. (Tr. 14-37) The general sense of the statements of Applicant's father, a friend who has known Applicant for about 15 years, a coworker, and a former supervisor is that Applicant is loyal, honest, reliable, responsible, and trustworthy. (Tr. 14-37) He was courageous for disclosing his history of marijuana use. (Tr. 23)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no 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, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, 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 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 "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. Thus, this decision should not be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant's allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence 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. 95-0611 at 2 (App. Bd. May 2, 1996).

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 ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Drug Involvement and Substance Misuse and Criminal Conduct

AG ¶ 24 provides the security concern arising from drug involvement and substance misuse stating:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual’s reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person’s ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any “controlled substance” as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

AG ¶ 30 describes the security concern about criminal conduct: “Criminal activity creates doubt about a person’s judgment, reliability, and trustworthiness. By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.”

AG ¶ 25 provides conditions that could raise a drug involvement and substance misuse security concern and may be disqualifying in this case: “(a) any substance misuse (see above definition)”; “(c) illegal possession of a controlled substance . . .”; and “(f) any illegal drug use while granted access to classified information or holding a sensitive position.”

AG ¶ 31 provides conditions that could raise a criminal conduct security concern and may be disqualifying in this case:

(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.

AG ¶¶ 25(a), 25(c), 25(f), 31(a), and 31(b) are established. Further discussion will be in the mitigation section, *infra*. AG ¶ 26 lists conditions that could mitigate drug involvement and substance misuse security concerns:

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

(b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:

(1) disassociation from drug-using associates and contacts;

(2) changing or avoiding the environment where drugs were used; and

(3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility;

(c) abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and

(d) satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

AG ¶ 32 lists conditions that could mitigate criminal conduct 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;

(b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) no reliable evidence to support that the individual committed the offense; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), cert. denied, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2, [App. A] ¶ 2(b).

Applicant admitted that he possessed and used marijuana while holding a security clearance. He also used hallucinogenic mushrooms and marijuana while not employed by a DOD contractor. Marijuana and hallucinogenic mushrooms are listed on Schedule I, of the Controlled Substances Act. See 21 U.S.C. § 812(c); Drug Enforcement Administration listing at <https://www.dea.gov/drug-information/drug-scheduling> (information link on bottom of web page). His multiple possessions of marijuana and hallucinogenic mushrooms are federal crimes. Drugs on the list as Schedule I Controlled Substances, have "no 'currently accepted medical use in treatment.' 21 U.S.C. § 812(a)(1)(B)." ISCR Case No. 24-01307 at 3 (App. Bd. July 17, 2025). He possessed and/or used hallucinogenic mushrooms and marijuana in violation of state law and the rules of the DOD contractor.

The SecEA promulgated clarifying guidance concerning marijuana-related issues in security clearance adjudications states as follows:

[Federal] agencies are instructed that prior recreational marijuana use by an individual may be relevant to adjudications but not determinative. The SecEA has provided direction in [the adjudicative guidelines] to agencies that requires them to use a "whole-person concept." This requires adjudicators to carefully weigh a few variables in an individual's life to determine whether that individual's behavior raises a security concern, if at all, and whether that concern has been mitigated such that the individual may now receive a favorable adjudicative determination. Relevant

mitigations include, but are not limited to, frequency of use and whether the individual can demonstrate that future use is unlikely to recur, including by signing an attestation or other such appropriate mitigation. Additionally, in light of the long-standing federal law and policy prohibiting illegal drug use while occupying a sensitive position or holding a security clearance, agencies are encouraged to advise prospective national security workforce employees that they should refrain from any future marijuana use upon initiation of the national security vetting process, which commences once the individual signs the certification contained in the Standard Form 86 (SF-86), Questionnaire for National Security Positions.

SecEA Guidance at 2 (quoted in ISCR Case No. 20-02974 at 3-4 (App. Bd. Feb. 1, 2022)).

The DOHA Appeal Board cited the importance of consideration of “the changing landscape of marijuana law and . . . of the Director of National Intelligence’s *Clarifying Guidance Concerning Marijuana*.” ISCR Case No. 23-02402 at 4 (App. Bd. Feb. 19, 2025). See also ISCR Case No. 24-00914 at 3 (App. Bd. Apr. 9, 2025) (noting the “evolving landscape of marijuana law and policy,” “the resulting increasing prevalence of marijuana use,” and in some instances “recreational marijuana use deserves less, or even no negative inference on judgment.”).

The Appeal Board has “never established a ‘bright line’ rule as to recency of drug use. The extent to which security concerns may have become attenuated through the passage of time is a question that must be resolved based on the evidence as a whole.” See ISCR Case No. 14-01847 at 3 (App. Bd. Apr. 9, 2015). See also ISCR Case No. 24-01307 at 5 (App. Bd. July 17, 2025) (stating same).

Several factors are important in the assessment of mitigation of possession and use of illegal drugs: the duration of abstinence; state law; company policy; use after completion of an SCA; use while holding a sensitive position; use while having access to classified information; types of other illegal drugs used, continued association with drug users; broken promises not to use in the future; and promises not to use in the future. See ISCR 24-01001 (App. Bd. Apr. 22, 2025) (affirming denial of security clearance; factors: one year of abstinence from marijuana use; used marijuana after completion of an SCA; and used marijuana after promising not to use marijuana on SCA and during an OPM interview); ISCR Case No. 24-01005 (App. Bd. Apr. 11, 2025) (denial of security clearance reversed; factors: two years of abstinence from marijuana use; no marijuana use while holding a security clearance or occupying sensitive position; marijuana possession and use were not illegal under state law; no marijuana use after notice that marijuana use was federally illegal; and no evidence of broken promises not to use marijuana).

From January to June of 2022, Applicant used marijuana while he was a DOD contractor, after he completed an SCA, and while holding a security clearance. He used marijuana sometimes every other week and sometimes two or three times a week. In the summer of 2023 and early winter of 2024 (around February of 2024), Applicant used hallucinogenic mushrooms. He stopped using marijuana for a time, and then he resumed

marijuana use after leaving his DOD employment. He stopped using marijuana around April or May of 2024 because he believed he would be drug tested for employment. He did not stop using marijuana because he was violating state and federal laws prohibiting possession of marijuana.

“The [DOHA Appeal] Board has ‘long held that applicants who use marijuana [or other illegal drugs] after having been placed on notice of the security significance of such conduct may be lacking in the judgment and reliability expected of those with access to classified information.’” ISCR Case No. 24-01001 (App. Bd. Apr. 22, 2025) (quoting ISCR Case No. 20-01772 at 3 (App. Bd. Sept. 14, 2021)). See also ISCR Case No. 24-00468 at 6 n.7 (App. Bd. Apr. 16, 2025). Applicant conceded that he was aware of the security-related prohibition against marijuana possession and use when he was using the substance from January to June of 2022.

In ISCR Case No. 22-02623 at 4 (App. Bd. Jan. 24, 2024), the DOHA Appeal Board discussed the term of “holding a sensitive position” as follows:

For purposes of national security eligibility determinations, the Directive defines “sensitive position” as:

Any position within or in support of an agency in which the occupant could bring about, by virtue of the nature of the position, a material adverse effect on the national security regardless of whether the occupant has access to classified information, and regardless of whether the occupant is an employee, military service member, or contractor.

SEAD 4, ¶ D.8. We have previously held that this broad language is “designed to be inclusive and encompass a wide range of positions, including those that require eligibility for access to classified information (i.e., a security clearance).” ISCR Case No. 22-01661 at 4 (App. Bd. Sep. 21, 2023). The term “sensitive position” is not so broad, however, to encompass any and all employment with a defense contractor.

Applicant held a sensitive position, which required a security clearance, as discussed, *supra*, when he possessed, and used marijuana from January to June of 2022. and AG ¶ 25(f) adds a significant security element to this drug-involvement security assessment.

Applicant provided some important mitigating information. He disclosed his involvement with marijuana and hallucinogenic mushrooms during the security clearance process. His possession and use of marijuana and hallucinogenic mushrooms were not discovered through a polygraph test, law enforcement investigation, or a urinalysis test. His most recent involvement with these two illegal drugs did not occur while he was employed by a DOD contractor. He has limited his association with known marijuana users. His marijuana involvement did not include selling marijuana, and he does not

currently possess illegal drugs. He promised not to use illegal drugs in the future, and he provided a statement of his intention.

AG ¶¶ 26(a) and 26(b) do not fully apply to SOR ¶ 1.a because Applicant has not established a sufficient period of abstinence from marijuana purchase, possession, and use. His decisions to purchase, possess, and use illegal drugs, while occupying a sensitive position, after completion of his SCA in 2020, and while having access to classified information may indicate he lacks the qualities expected of those with access to national secrets.

Applicant provided a signed statement of intent to abstain from all drug involvement and substance misuse, promising to avoid associations with known drug users and environments where illegal drugs are used, and acknowledging that any future involvement or misuse of drugs is grounds for automatic revocation of national security eligibility. Thus, he satisfied the requirements of AG ¶ 26(b)(3), except he has not established a sufficient pattern of abstinence of marijuana and hallucinogenic mushrooms possession and use under all the circumstances. See ISCR Case No. 24-01307 at 5 (App. Bd. July 17, 2025).

The time between Applicant's most recent involvement with marijuana and his hearing was about 14 months (May or June 2024 to August 2025). This period might be sufficient to establish a pattern of abstinence under some circumstance; however, he used marijuana previously while having access to classified information. He also used hallucinogenic mushrooms around February of 2024. Possession of those substances is prohibited under state law. His relatively recent involvement with marijuana while having access to classified information and his use of hallucinogenic mushrooms around February of 2024 continue to cast doubt on his current reliability, trustworthiness, and judgment. None of the mitigating conditions fully apply. Guidelines H and J security concerns are not mitigated at this time.

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(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), “[t]he ultimate determination” of whether to grant a security clearance “must be an overall commonsense judgment based upon careful consideration” of the guidelines and the whole-person concept. My comments under Guidelines H and J are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is a 25-year-old systems engineer. In 2024, he received a bachelor’s degree with a major in computer engineering. The general sense of the statements of Applicant’s character witnesses is that Applicant is loyal, honest, reliable, responsible, and trustworthy. The character evidence supports reinstatement of his security clearance.

The disqualifying and mitigating information is discussed in the drug involvement and substance misuse and criminal conduct sections, *supra*. The reasons for denial of Applicant’s security clearance are more persuasive at this time.

It is well settled that once a concern arises regarding an applicant’s security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. “[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant’s eligibility for access to classified information.” ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No. 12-00270 at 3 (App. Bd. Jan. 17, 2014)).

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board’s jurisprudence, to the facts and circumstances in the context of the whole person. Drug involvement and substance misuse and criminal conduct security concerns are not mitigated.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of true reform and rehabilitation necessary to be eligible for a security clearance. The determination of an individual’s eligibility and suitability for a security clearance is not a once in a lifetime occurrence, but is based on applying the factors, both disqualifying and mitigating, to the evidence presented. Under his current circumstances, a clearance is not warranted. In the future, he may well demonstrate persuasive evidence of his security worthiness.

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 H: **AGAINST APPLICANT**

Subparagraphs 1.a, 1.b. and 1.c: Against Applicant

Paragraph 2, Guideline J: **AGAINST APPLICANT**

Subparagraph 2.a: Against Applicant

Conclusion

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

Mark W. Harvey
Administrative Judge