



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
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Applicant for Security Clearance)

ISCR Case No. 14-03312

Appearances

For Government: Nicole A. Smith, Esq., Department Counsel
For Applicant: *Pro se*

02/11/2016

Decision

CREAN, Thomas M., Administrative Judge:

Based on a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is denied. Applicant failed to provide sufficient information to mitigate security concerns based on his personal conduct. He did mitigate financial security concerns.

Statement of the Case

On February 11, 2013, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) to obtain a security clearance required for a position with a defense contractor. Applicant was interviewed by a security investigator from the Office of Personnel Management (OPM) on March 21, 2013. After reviewing the results of the OPM investigation, the Department of Defense (DOD) could not make the affirmative findings required to issue a security clearance. DOD issued Applicant a Statement of Reasons (SOR), dated March 25, 2015, detailing security concerns for personal conduct under Guideline E and financial considerations under Guideline F. The action was taken under Executive Order 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 (AG) effective in the DOD on September 1, 2006.

On April 22, 2015, Applicant responded to the SOR and denied the three allegations under Guideline E and the two allegations under Guideline F. He requested that his case be decided on the written record. The Government received Applicant's response on May 19, 2015, and on May 21, 2015, timely requested that the case be assigned for a hearing and a decision by an administrative judge. (Hearing Exhibit I) Department Counsel was prepared to proceed on June 30, 2015. On July 7, 2015, the case was initially assigned to another administrative judge who scheduled a hearing for August 6, 2015. Applicant requested a delay, and the case was assigned to me on August 31, 2015. DOD issued a Notice of Hearing on October 23, 2015, scheduling a hearing for November 3, 2015. I convened the hearing as scheduled. The Government offered 12 exhibits that I marked and admitted into the record without objection as Government Exhibits (GX) 1 through 12. Applicant testified. I kept the record open so Applicant could submit additional documents. Applicant timely submitted two documents that I marked and admitted into the record as Applicant Exhibits (AX) A and B. Department Counsel did not object to the admission of the documents. (GX 13, e-mail, dated November 23, 2015) DOHA received the transcript of the hearing (Tr.) on November 13, 2015. The record closed on November 23, 2015.

Findings of Fact

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact.

Applicant is 59-years-old. He graduated from a maritime college in 1979 with a bachelor's degree. He received a master's degree from a military professional military college in 1999. He is presently working on his doctorate degree. He married in 1980, and has three adult children. He served as a ship's engineer, including a chief engineer, on Navy civilian ships from 1979 until 2007. In 2007, he was employed by another government agency as a chief engineer on their ships. In 2010, he became chief of fleet maintenance and logistics for the government agency. He retired from government service in 2012. He worked for a short time as a consultant until employed by a government contractor in January 2013 as a senior engineer. He is now a project manager for preventive maintenance software. He requires a security clearance for the project manager position. (Tr. 81-83; GX 1, e-QIP, dated February 11, 2013)

The SOR alleges under guideline E that Applicant sexually molested his youngest daughter on several occasions on or about 1996 (SOR 1.a), and his eldest daughter on various occasions from about 1988 until 1997 (SOR 1.b). The SOR also alleges under guideline E that Applicant deliberately falsified information to a security investigator during an interview conducted on March 4, 2005 (SOR 1.c), Under guideline F, the SOR alleges that Applicant has a past-due mortgage debt of \$74,739

on a foreclosed house (SOR 2.a); and a delinquent debt on a time share for \$21,863 (SOR 2.b).

In 1989, Applicant's oldest daughter, 8 years old at the time, told the family babysitter that she had been sexually abused by her father. The babysitter reported the information to the state child protection services (CPS). The daughter was placed in foster care while the allegations were being investigated. Applicant admitted to sexual contact with his daughter but states that he was acting in his parental role for his daughter's health and hygiene. No criminal charges or civil court proceeding were filed against Applicant in State C. Applicant did not seek psychological treatment as ordered because he was at sea for the next three years.

In 1999, his youngest daughter, 14 years old at the time, reported that she also had been sexually abused twice by her father. Applicant's version of his actions with his daughter did not differ greatly from what the youngest daughter reported. The daughter described the action as molestation, and Applicant described it as a concerned parent's examination over a yeast infection.

In 2000, Applicant was referred for a psychosexual evaluation and treatment by the CPS. Applicant was administered a psychological evaluation test and interviewed by social work counselors. Applicant admitted kissing and fondling his oldest daughter's vagina. He denied sexual intercourse. However, his daughter reported to CPS that they had sexual intercourse. Applicant adamantly denied sexual intercourse and said that his daughter did not know what sexual intercourse meant. He stated that they only laid close to each other with cloths on and under a blanket.

Applicant told the counselors that when his youngest daughter was 14-year-old, he noticed a discharge on her underwear. He had her spread her legs and examined her vagina. He thought she may have a yeast infection. A few days later, he examined her vagina again. He showed her how to masturbate to keep from getting an infection. He denied exposing himself to her, penetrating her, or having any contact with her other than for health and hygiene reasons. The daughter's report to CPS was similar to her father's admissions except she reported that he also touched her breast and asked if she was having sex. Applicant's daughter reported that he propped her legs on his stomach to look into her vagina. She told him "not to put it in", and he said he "would not do that." She reported that he told her not to tell her mother of their activities because she would get the wrong idea. Applicant denied making these statements to his daughter.

In summary, the counselor's concluded that Applicant was a narcissistic, hedonistic, totally self-absorbed person who is without empathy, guilt, or remorse and labors under extreme cognitive distortions. Based on Applicant's obvious sexualized and pleasure-seeking behavior with his prepubescent daughters, and his extremely distorted thinking and denial of sexual misconduct, the counselors recommended that Applicant receive specialized counseling. However, they doubted that Applicant would be amenable to treatment. The counselors' concluded that Applicant presented a

continued risk of having sexual activities toward prepubescent children. (GX 4, Psychosexual Evaluation and Treatment Plan, dated April 23, 2000)

In 1995, Applicant submitted a security clearance application to renew his access to classified information. He provided an affidavit to security investigators. (GX 7, Affidavit, dated March 3, 2005m, at 7) He was interviewed by OPM security investigators the next day. (GX 6, Personal Subject Interview, dated March 4, 2005 at 2), In both the affidavit and the interview, Applicant stated that it was reported to CPS in 1999 that he molested his daughter. He took a polygraph and psychosexual exam and passed both. He was not arrested or charged with any offense after an investigation. At a CPS hearing, it was determined that his daughter would be placed in foster care because she had a drug addiction and alcohol problem, and he and his wife were way at sea. He further stated that his daughter was not placed in foster care due to any abuse or violence on his part.

In 2006, Applicant was referred for a psychological evaluation and polygraph examination by his command as part of the security clearance process. A clinical psychologist conducted the evaluation. He reported that there was an open child abuse case regarding Applicant and his oldest daughter in State C. Applicant admitted he was the subject of a CPS investigation regarding his oldest daughter in March 2000. During the investigation, Applicant's youngest daughter also reported that she had been sexually abused by Applicant. Based on the youngest daughter's report, a court in State W ordered that Applicant's youngest daughter be temporarily placed in foster care with only supervised visits by Applicant. Applicant was to complete a state-certified sexual offender treatment program. Applicant did not comply with the order and his youngest daughter was permanently removed from the home and placed in permanent foster care with relatives until reaching majority age.

Applicant denied any history of child molestation to the psychologist. He was administered two self-reporting questionnaires. The psychologist concluded that Applicant's answers on the tests suggest someone who responded in terms of how they would like things to be rather than as things actually are. The psychologist suggested that the results of the tests be considered with caution. The psychologist's diagnosis was adult antisocial behavior with obsessive traits. Antisocial behavior is characterized as a pervasive sense of entitlement and pursuit of self-interest that is devoid of internal regular behavior controls such as conscience or concern of consequences which are necessary for impulse control. He concluded that Applicant's mental condition and dysfunctional behavior may cause a material defect in his ability to properly safeguard classified information or perform sensitive duties. He noted that Applicant has a documented history of impaired judgment, poor insight, and inadequate internal controls. He concluded that Applicant is at an increased risk of demonstrating impaired judgment and/or reliability to properly safeguard classified information and/or perform sensitive duties. (GX 5, Psychological Evaluation Report, dated April 11, 2006)

Based on all of this information, the Department of Navy Central Adjudication Facility (DON CAF) on August 3, 2006, issued Applicant a Letter of Intent (LOI) to

Revoke Security Clearance and Eligibility for Assignment to a Sensitive Position. The attached Statement of Reasons (SOR) listed sexual behavior; emotional, mental, and personality disorders; and criminal conduct security concerns based on the molestation of his two daughters. Personal conduct security concerns were raised for stating in the March 3, 2005 affidavit and telling the security investigator that CPS did not place his daughter in foster care due to any abuse or violence on his part. The facts leading to the allegations in this case are the same facts that resulted in the DON CAF SOR. (GX 8, LOI, dated August 3, 2006)

The DON CAF case was referred to a DOHA administrative judge for a personal appearance which was convened on January 12, 2007. Applicant was represented by counsel. Applicant testified and introduced nine exhibits. (GX 12, Transcript, dated January 12, 2007) The administrative judge issued his recommended decision on March 13, 2007. The administrative judge made complete and extensive findings of fact, and reached conclusions concerning the security concerns. The administrative judge concluded that Applicant engaged in criminal sexual misconduct with his daughters. His conduct with his daughters raise sexual behavior security concerns as noted in AG ¶¶ 13(a), 13(c) and 13(d). The administrative judge also concluded that Applicant deliberately provided false or misleading information during the security clearance process raised security concerns for personal conduct under AG ¶¶16 (a) and (b). He also found against Applicant on the emotional, mental, and personality disorder security concern, and the criminal conduct security concern. He made formal findings against Applicant. He concluded that it was not clearly consistent with the interest of national security to grant Applicant a security clearance. The administrative judge recommended that the Department of Navy Personnel Security Appeals Board (DON PSAB) sustain the decision to revoke Applicant's security clearance and eligibility for assignment to sensitive positions. (GX 3, Recommend Decision, dated March 13, 2007) On April 12, 2007, the DON PSAB issued its Final Decision revoking Applicant's security clearance and eligibility for assignment to a sensitive position. The DON PSAB concluded Applicant failed to mitigate a number of security concerns including the sexual behavior and personal conduct. (GX 9, DON PSAB Decision, dated April 12, 2007)

On February 11, 2013, Applicant submitted his latest security clearance application for the position of project manager with a defense contractor. He was interviewed by an OPM security investigator on March 21, 2013. Applicant stated that he was never arrested or charged with any offense as a result of the allegations of his daughters. He notes that on the dates some of the incidents reported by his daughters took place, he was at sea. While the transcript of the interview does not specifically state that Applicant denied the sexual abuse of his daughters, the responses he provided the investigator indicates that he was not involved in sexual activities with his daughters. He stated that he did not deliberately attempt to deceive anyone. He stated the facts as he recalled them. (Tr. 27-28; GX 2, Personal Subject Interview, dated March 21, 2013, at 9)

At the hearing conducted on November 3, 2015, Applicant continued to deny that he sexually molested his two daughters. He noted that the daughters' allegations were made ten years ago in 2005. There have been no other allegations of deviant sexual

behavior. His lifestyle has changed. He no longer goes to sea, and he does not go to bars to drink. He mostly stays home. He is cautious with his grandchildren. He does not want to put himself in a situation where someone could make an accusation that he cannot disprove. He does not put himself in situations where someone could question his motives and actions. However, he has not participated in any family or psychological counseling or therapy as ordered by two different courts. (Tr. 24-29, 51-80, 84-85)

He does not see his eldest daughter. They have chosen to go different ways. He does not bother her and she does not bother him. His youngest daughter is now married with children of her own. He sees his youngest daughter and her children several times a year and face times them daily. He gets along well with the family. (Tr. 80-84)

Applicant owned a multi-family house. His family occupied part of the house and the other part is rented. He was having trouble meeting his mortgage payments in 2006 because he was not working. He applied for a mortgage adjustment with his lender under the Home Affordable Mortgage Program (HAMP). So many people were applying for an adjusted mortgage that the processing was slow. Before he and his initial mortgage lender could complete the adjustment, the lender sold the mortgage to another creditor. Applicant then negotiated with the new creditor to adjust his mortgage payments. Eventually, the mortgage payment was adjusted to an amount that he could afford. Applicant presented his mortgage statement to show that his mortgage is now current. (Tr. 30-39; AX A, Mortgage Statement, dated October 15, 2015)

Applicant had purchased an interest in a time share in Mexico. The value of the timeshare depreciated rapidly when there was an economic downturn in 2007/2008. He asked the time share company if there was a way to sell his interest in the timeshare. He was told that for a processing fee of \$500, his interest in the property and his debt would be cancelled. He paid the fee and the company provided him with a letter stating that his interest in the property was canceled and he has no further obligation or liability for the property. (Tr. 39-48; AX B, letter, dated November 18, 2015)

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 must be considered 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.

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 in seeking 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 that the applicant may deliberately or inadvertently fail to 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.

Analysis

Personal Conduct:

Personal conduct is a security concern because conduct involving questionable judgment, untrustworthiness, unreliability, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified and sensitive information. Of special interest is any failure to provide truthful and candid answers during the process to determine eligibility for access to classified information or any other failure to cooperate with the process (AG ¶ 15) Personal conduct is always a security concern because it asks whether the person’s past conduct justifies confidence the person can be trusted to properly safeguard classified or sensitive information. Authorization for a security clearance depends on the individual providing correct and accurate information. If a person conceals relevant information or provides false information, the security clearance process cannot function properly to ensure that granting access to classified or sensitive information is in the best interest of the United States Government.

The Government has presented substantial evidence that Applicant sexually molested his two daughters between 1988 and 2005. The Government has also presented evidence that Applicant did not provide full, candid, and complete information

in an affidavit that he provided during the security clearance process in 2005. This information raises the following disqualifying conditions under AG ¶16:

(a) the 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 eligibility or trustworthiness, or award fiduciary responsibilities; and

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulation, or other characteristic indicating that the person may not properly safeguard protected information; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group.

In the personal appearance held in 2007, Applicant denied that he sexually molested his two daughters. After a full and complete hearing, an administrative judge determined that he did sexual molest his daughter as alleged, and that he did not provide full, complete, and accurate information during the security clearance process. in an affidavit he provide security investigators. The administrative judge's findings were approved by the DON PSAB, and Applicant's security clearance was revoked. Applicant submitted an application to again have access to classified information in 2013. He was issued an SOR based on the same factual circumstances that were previously raised and decided at the personal appearance. At the hearing held in this case, Applicant again denied that he sexually molested his daughters and that he provided false or inaccurate information during the security clearance process. An analysis of Applicant's testimony at the two hearings shows that he did not raise any new evidence at the latest hearing. I reach the same findings the administrative judge in the personal appearance concluded, that Applicant sexually molested his daughter and that he deliberately falsified information during the security clearance process. The findings support an assessment that Applicant has questionable judgment, is untrustworthy, unreliable, and lacks candor. The sexual molestation of one's own daughters can create a vulnerability to exploitation, manipulation, or duress, if known, and will affect Applicant's personal, professional, and community standing.

Applicant raised new information that may mitigate the personal conduct security concerns. He noted that it has been ten years since the initial allegations of improper sexual activities with his daughters was raised. There have been no other allegations of deviant sexual activities raised against Applicant in that time. He also noted that he changed his lifestyle. He no longer goes to sea and does not go to bars to drink. He has no contact with his oldest daughter; but he has a good relationship with his youngest daughter and her family. He sees them a few times a year and communicates with them almost daily.

I considered the following mitigating conditions under AG ¶ 17:

(a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts:

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgement: and

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other steps to alleviate the stressor, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

None of the mitigating conditions apply. Applicant has continued to deny that he provide false and inaccurate information. He merely states that he presented the information as he sees it. There is substantial evidence that his daughter was placed in a foster home because she was being sexually molested by Applicant, her father. Applicant knew why she was placed in the foster home because he was told that a number of times and he challenged the placement.

Sexual molestation of one's own children is not a minor offense. The inappropriate sexual activities happened frequently over a period of years. There was substantial evidence from mental health professionals that Applicant was narcissistic, hedonistic, and a totally self-absorbed person who is without empathy, guilt, or remorse and labors under extreme cognitive distortions, and presented a continued risk of having sexual activities toward prepubescent children. Another psychologist opined that Applicant had adult antisocial behavior with obsessive traits, and that his mental condition and dysfunctional behavior may cause a material defect in his ability to properly safeguard classified information or perform sensitive duties. He noted that Applicant has a documented history of impaired judgment, poor insight, and inadequate internal controls, and is at an increased risk of demonstrating impaired judgment and/or reliability to properly safeguard classified information and perform sensitive duties. Applicant was advised by two courts to seek mental health counseling but he twice refused to seek counseling and treatment. The mere passage of time alone does not negate these psychological findings. Applicant did not present any information from

mental health professionals that he is now considered eligible for access to classified information. Applicant has not mitigated the security concerns based on the sexual molestation of his daughters, and the deliberate falsification during the course of a security clearance investigation.

Financial Considerations

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, thereby raising 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. (AG ¶ 18) Similarly, an individual who is financially irresponsible may also be irresponsible, unconcerned, or careless in his obligations to protect classified information. Behaving responsibly or 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 repay 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 finances in such a way as to meet financial obligations.

It is well-settled that adverse information in credit reports can normally meet the substantial evidence standard to establish financial delinquency. Applicant's history of delinquent debts is documented in his credit reports, his SOR response, and his answers to financial question from a security investigator. It shows two delinquent debts, a past-due foreclosed house mortgage, and a delinquent debt on a time share. Applicant's delinquent debts are a security concern. The evidence is sufficient to raise security concerns under Financial Considerations Disqualifying Conditions AG ¶ 19(a) (inability or unwillingness to satisfy debts), and AG ¶ 19(c) (a history of not meeting financial obligations). The information raises an inability to pay delinquent debt.

I considered the following Financial Consideration Mitigating Conditions:

- (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 problems 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;
and

(d) The individual has initiated a good-faith effort to repay the overdue creditors or otherwise resolve debts.

For AG ¶ 20(d) to apply, there must be an “ability” to repay the debts, the “desire” to repay, and “evidence” of a good-faith effort to repay. A systematic method of handling debts is needed. Good faith means acting in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation. Applicant must establish a "meaningful track record" of debt payment. A "meaningful track record" of debt payment can be established by evidence of actual debt payments or reduction of debt through payment of debts. A promise to pay delinquent debts in the future is not a substitute for a track record of paying debts in a timely manner and acting in a financially responsible manner. Applicant must establish that she has a reasonable plan to resolve her financial problems and has taken significant action to implement that plan.

Applicant incurred the mortgage debt when he was not working as a ship's engineer and could not meet his mortgage payments. As he was negotiating to modify the mortgage payments with the original mortgage holder, the mortgage was sold to another creditor. Applicant negotiated with that creditor and the mortgage was modified. He presented information to establish a meaningful track record of mortgage payments so that his mortgage is now current.

Applicant also notified the time share company that he wanted to sell his time share. The company sold the time share. Applicant presented information to establish that he has been released from his time share contract and has no further liability for the time share. Applicant mitigated financial security concerns.

Whole-Person Analysis

Under the whole-person concept, the administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all relevant circumstances. An 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 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. After a personal appearance, Applicant's security clearance was revoked because of deviant sexual behavior with his daughters. He also deliberately did not provided full and complete information on an affidavit provided in conjunction with the security investigation conducted prior to the personal appearance. Applicant has not presented sufficient information to overcome the security concerns regarding his conduct that originally led to a revocation of his security clearance. The record evidence still raises and establishes substantial questions and doubts as to Applicant's judgment, reliability, trustworthiness, and eligibility and suitability for a security clearance. Applicant has not overcome those questions and doubts. For all these reasons, I conclude that Applicant has not mitigated security concerns arising under the personal conduct, but mitigated security concerns under the financial considerations guidelines. Eligibility for access to classified information is denied.

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 E:	AGAINST APPLICANT
Subparagraph 1.a – 1.c:	Against Applicant
Paragraph 2, Guideline F:	FOR APPLICANT
Subparagraphs 2.a – 2.b:	For 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.

THOMAS M. CREAN
Administrative Judge