



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

21 February 2006
Q235-05478-06

Dear Mr.

You were nominated for access to NSA Sensitive Compartmented Information (SCI) in order to work on NSA Programs. Based on an evaluation of information gathered during your security processing, you will not be granted access to NSA SCI. As provided for in Executive Order 12968, attached is a copy of the Clearance Decision Statement and decision by the Technical Director, Personnel Security, which reflects the Director of Central Intelligence Directive 6/4 criteria and the facts which supported the decision to deny you access. Additionally, copies of the documents, records and reports upon which the denial was based have been enclosed. Only information contained within these records has been considered in making the denial decision.

If you choose, you may request, in writing, a review of this decision by the Chief, Adjudications, William K. Zephir Jr. Include in your request any information you may have to refute or mitigate the facts presented in the Clearance Decision Statement. Your request must be postmarked within **45 calendar days** of your receipt of this letter.

You are entitled to the following rights:

To be represented by counsel or personal advocate at your own expense.

To request, in writing, a review of this decision to deny your access to Sensitive Compartmented Information by the Chief, Adjudications.

To appeal this review if it is sustained by the Chief, Adjudications, in writing or by personal appearance to the National Security Agency Access Appeals Panel.

To request the entire investigative file and to promptly receive this file before the time set for a written reply.

The entire investigative file (i.e., the Clearance Decision Statement and all supporting documentation) has been included with this correspondence. Additional records concerning you may be held by this Agency, and can be obtained through the provisions of the Freedom of Information Act and/or the Privacy Act of 1974; however, any request for additional records under these provisions are separate actions and will not affect the response time established for you to request a review of this decision.

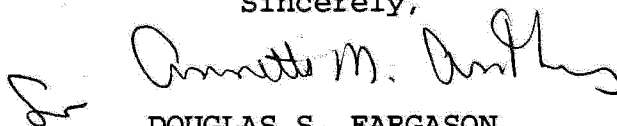
If you do not request a review of this decision, the decision of the Technical Director, Personnel Security, is final.

All correspondence must be sent via certified mail to:

Director
National Security Agency
TO BE OPENED ONLY BY:
Mr. Douglas S. Fargason, Chief, Q235
9800 Savage Road, Suite 6775
Fort George G. Meade, MD 20755-6775

Any questions you have may be addressed to a member of my staff at (410) 854-4896.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas S. Fargason", is written over a printed name.

DOUGLAS S. FARGASON
Chief, Security Information
Office of Personnel Security

Encls:

Clearance Decision Statement dated 15 February 2006
Standard Form 86 dated 10 August 2005 redated 6 October 2005
Report of Polygraph Examination dated 5 January 2006
Report of Polygraph Examination dated 1 February 2006

CLEARANCE DECISION STATEMENT

SUBJECT:

SSN:

DENIAL DATE: 15 February 2006

Eligibility for access to Sensitive Compartmented Information (SCI) is governed by the stringent personnel security criteria set forth in Director of Central Intelligence Directive (DCID) 6/4, Personnel Security Standards and Procedures Governing Eligibility for Access to SCI. These criteria state that an individual must be stable; trustworthy; reliable; and of excellent character, judgment and discretion. Annex C of DCID 6/4, Adjudicative Guidelines for Determining Eligibility for Access to SCI, identifies *Personal Conduct* as one of the key areas to consider when determining an individual's eligibility for SCI access. After weighing the available information, an adjudicative determination is rendered after consideration is given to what is referred to as the "whole person concept," specifically considering the following: the nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct; the frequency and recency of the conduct; the individual's age and maturity at the time of the conduct; the voluntariness of participation; the presence or absence of rehabilitation and other pertinent behavioral changes; the motivation for the conduct; the potential for pressure, coercion, exploitation or duress; and, the likelihood of continuation or recurrence. DCID 6/4 specifies that, "Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security."

Based on the following information, Mr. _____ does not meet the DCID 6/4 standards for access to NSA/CSS SCI.

PERSONAL CONDUCT

Mr. _____ was sponsored for access to the NSA's SCI in August 2005. A records check conducted by the NSA's Contractor Clearances branch revealed Mr. _____ was cleared with another government agency at the SCI level between 2000 and 2003, and was then again cleared at this level by a second government agency in March 2005. As part of his security processing, Mr. _____ was polygraphed by a representative of the Associate Directorate for Security and Counterintelligence (ADS&CI) on 6 October 2005. He reported no information of adjudicative significance. He was polygraphed a second time on 5 January 2006. During this exam, and when questioned regarding involvement in crime, Mr. _____ stated he knows he has a concern with the crime question, but refused to cooperate to resolve the issue. He claimed to have discussed his concern in a prior 2003 interview with another government agency, and made a promise to himself that he would never discuss it again. On 1 February 2006, Mr. _____ was polygraphed a third and final time by the ADS&CI. The following pertinent information was discussed:

- When questioned regarding what he had discussed during his previous interviews with another government agency, Mr. _____ initially refused to talk about what he told them. He eventually admitted talking about playing Internet checkers with a 13 year old female, but stated it was just fun and no sexual activity was involved.

- Additionally, he was questioned about his work as a counselor with teenagers. Mr. [redacted] stated that he has been reluctant to talk about this with the NSA because of the questions that stemmed from this area of discussion with his previous interview with another government agency. He denied being involved in any type of illegal sexual activity and will not discuss this any further with NSA Security.

SUMMARY:

DCID 6/4, Annex C, Guideline E, Personal Conduct, states that "Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information. Refusal to undergo or cooperate with required security processing,, or refusal to complete required security forms, releases, or provide full, frank and truthful answers to lawful questions of investigators, security officials or other official representatives in connection with a personnel security or trustworthiness determination, will normally result in an unfavorable clearance action." Mitigating factors within guideline E include:

- "A refusal to cooperate was based on advice from legal counsel or other officials that the individual was not required to comply with security processing requirements and, upon being made aware of the requirement, fully and truthfully provided the requested information."

Mr. [redacted] is 27 years of age, and has refused to discuss certain issues with the ADS&CI. This failure to cooperate with security processing in essence negates the possibility of a decision being made on his clearance with this agency, as he has made a decision not to complete an entire area of required processing. The polygraph examination is used in conjunction with other methods to reach an unbiased adjudication regarding the decision as to whether someone meets the standards of the DCID, and is therefore able to be entrusted with access to the NSA's SCI. Mr. [redacted] failure to answer questions of investigators fully and completely, does not allow for an adjudicative analysis of the "whole person concept," as cited above, to be achieved. As Mr. [redacted] decision occurred of his own accord, and as this decision has not allowed for the completion of his security processing, a final clearance determination cannot be made. Therefore, there is no other option but to deny Mr. [redacted] access to the NSA's SCI at this time.


K. ROSE HINEBAUGH

Chief

Contractor Clearances
Office of Personnel Security